



Council Meeting Agenda

Monday, July 12, 2021

Regular Council Meeting

Virtual

7:00 P.M.

This meeting is open to the public and is available through an online platform. Please subscribe to the [Township of Wilmot You Tube Channel](#) to watch the live stream or view after the meeting.

Delegations must register with the [Information and Legislative Services Department](#). The only matters being discussed at this meeting will be those on the Agenda.

- 1. MOTION TO CONVENE INTO CLOSED MEETING (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN MEETING (IF NECESSARY)**
- 3. MOMENT OF SILENCE**
- 4. LAND ACKNOWLEDGEMENT – Councillor B. Fisher**
- 5. ADDITIONS TO THE AGENDA**
- 6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**
- 7. MINUTES OF PREVIOUS MEETINGS**

7.1 Council Meetings Minutes Monday June 28, 2021, and July 5, 2021

RECOMMENDATION

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting June 28, 2021, and Special Council Meeting July 5, 2021.

- 8. PUBLIC MEETINGS**
- 9. PRESENTATIONS**

9.1 Mike Schout Wetlands

Phil Holst

9.1.1 REPORT DS 2021-24

**Mike Schout Wetland Preserve
Approvals Update**

RECOMMENDATION

THAT Report DS 2021-24 be received for information.

10. DELEGATIONS

11. CONSENT AGENDA

11.1 REPORT NO. ILS 2021-28

**Noise By-law Exemptions
The Community Players (TCP)**

11.2 REPORT NO. ILS 2021-27

**Appointment of Drainage Engineer
1184 Gerber Road, N ½ Lot 10, Concession 3B
Township of Wilmot**

11.3 REPORT NO. ILS 2021-29

**Acceptance of Petition Drain and Appointment of Engineer
Derek Bruyn
2043 Bean Road, N ½ 30, Concession 3A
Township of Wilmot**

RECOMMENDATION

THAT Report Nos. ILS 2021-28, ILS 2021-27 AND ILS 2021-29 be approved.

12. REPORTS

12.1 INFORMATION AND LEGISLATIVE SERVICES

12.1.1 REPORT NO. ILS 2021-30
Proposed Procedural By-law

RECOMMENDATION

THAT Report No. ILS 2021-30 be endorsed.

12.1.2 REPORT NO. ILS 2021-12
Records Retention

RECOMMENDATION

THAT Council By-law 2021-37, a By-law to provide a schedule of retention periods for the records of the Township of Wilmot be approved and to repeal By-law No. 92-54.

12.2 CORPORATE SERVICES

12.2.1 REPORT NO. COR 2021-026
Development Charges Update Study

RECOMMENDATION

THAT the Development Charges Background Study, prepared by Watson & Associates Economists Ltd., as amended, be approved; and further,

THAT Council deems that no further public meeting is required; and

THAT the 2021 Development Charges by-law be approved, with an effective date of August 31, 2021.

12.3 PUBLIC WORKS AND ENGINEERING

12.3.1 REPORT NO. PW 2021-014
Wilmot-Waterloo Boundary Road Maintenance Agreement

RECOMMENDATION

THAT Council approve and enter into an agreement with the City of Waterloo for the maintenance, repair and capital services for Wilmot Line; and further,

THAT the Mayor and Clerk be authorized to execute the attached Boundary Road Agreement between the City of Waterloo and the Township of Wilmot.

12.4 DEVELOPMENT SERVICES

12.4.1 REPORT NO. DS 2021-023

Aggregate Zoning Status Review

RECOMMENDATION

THAT Report DS 2021-023 be received for information.

13. CORRESPONDENCE

13.1 Grand River Conservation Authority - Environmental Registry Posting 019-2986: Regulatory proposal (phase1) under the Conservation Authorities Act

13.2 Township of Wilmot – Annual Ombuds Report

RECOMMENDATION

THAT Correspondence Item No. 13.1 and 13.2 be received for information.

14. BY-LAWS

14.1 By-law No. 2021-36 Procedural By-law

14.2 By-law No. 2021-37 Schedule of Records Retention

14.3 By-law No. 2021-38 Development Charges Amending By-law

RECOMMENDATION

THAT By-law Nos. 2021-36, 2021-37 and 2021-38 be read a first, second and third time and finally passed in Open Council.

15. NOTICE OF MOTIONS

16. ANNOUNCEMENTS

17. BUSINESS ARISING FROM CLOSED SESSION

18. CONFIRMATORY BY-LAW

18.1 By-law No. 2021-39

RECOMMENDATION

THAT By-law No. 2021-39 to Confirm the Proceedings of Council at its Meeting held on July 12, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

19. ADJOURNMENT

RECOMMENDATION

THAT we do now adjourn to meet again at the call of the Mayor.



Council Meeting Minutes

Monday, June 28, 2021

Closed Council Meeting

4:30 P.M.

Regular Council Meeting

Virtual

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Interim Chief Administrative Officer / Director of Parks, Facilities and Recreation S. Jackson, Director of Information and Legislative Services D. Mittelholtz, Director of Corporate Services / Treasurer P. Kelly, Manager of Information and Legislative Services / Deputy Clerk T. Murray

1. MOTION TO CONVENE INTO CLOSED SESSION

Resolution No. 2021-130

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

THAT a Closed Meeting of Council be held on Monday, June 28, 2021 at 4:30 p.m. in accordance with Section 239 (2):

- c) proposed or pending acquisition of land;
- d) labour relations or employee negotiations; and,
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

CARRIED.

2. MOTION TO RECONVENE IN OPEN SESSION

Resolution No. 2021-131

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Council reconvenes in Open Session at 7:00 p.m.

CARRIED.

3. MOMENT OF SILENCE

4. LAND ACKNOWLEDGEMENT

4.1 Councillor A. Hallman read the Land Acknowledgement.

5. ADDITIONS TO THE AGENDA

**6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL
CONFLICT OF INTEREST ACT**

6.1 None Disclosed.

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meetings Minutes Monday June 14, 2021

Resolution No. 2021-132

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting June 14, 2021.

CARRIED.

8. PUBLIC MEETINGS

9. PRESENTATIONS

10. DELEGATIONS

11. CONSENT AGENDA

12. REPORTS**13. CORRESPONDENCE****14. BY-LAWS****15. NOTICE OF MOTIONS**

15.1 Councillor J. Pfenning brought forward the following Notice of Motion:

Resolution No. 2021-133

Moved by: Councillor J. Pfenning Seconded by: Councillor B. Fisher

WHEREAS the Prime Ministers Path Community Engagement project solicited public feedback from residents of Wilmot Township and beyond;

AND WHEREAS the Council for the Township of Wilmot wishes to hear from members of the public who register as a delegation to address Council on the findings and recommendations from the First Peoples Group;

AND WHEREAS all members of the public who register as a delegation should have an equal opportunity to address Council within a reasonable timeframe from the start of the meeting;

AND WHEREAS the purpose of delegating at a Council Meeting is to address Council, rather than entering into a debate with Council, staff, or other members of the public;

AND WHEREAS the only matter before Council at the July 5, 2021, Special Meeting of Council, is the Prime Ministers Path Community Engagement project;

THEREFORE, BE IT RESOLVED THAT for the July 5, 2021, Special Meeting of Council, members of the public registering as a delegation to address Council shall be allotted a maximum of five minutes to address Council;

AND FURTHER THAT FOR THE July 5, 2021, Special Meeting of Council, the total time allotted to delegations addressing Council, exclusive of Council questions, shall be capped at two and one-half hours (one-hundred and fifty minutes), and that the per delegation time may be lowered to ensure all registered delegations are heard;

AND FURTHER THAT for the July 5, 2021, Special Meeting of Council, each member of the public registered as a delegation shall be allowed to address Council once.

Mayor Les Armstrong advised that a Motion to suspend the rules is required to allow for discussion and consideration.

CARRIED.

Resolution No. 2021-134

Moved by: Councillor J. Pfenning

Seconded by: Councillor A. Hallman

THAT the procedural rules be suspended to allow for consideration of the Notice of Motion.

CARRIED.

Council discussed the proposed motion, and it was confirmed that this was discussed at the Working Group as a way to allow for as many potential delegations to address Council while allowing Council a reasonable amount of time to also discuss the issue.

The Director of Information and Legislative Services advised that each registered delegation would be advised in advance of the procedural change for the Special Council meeting, each delegation would receive a copy of the Notice of Motion, as well the Notice of Motion would be added to the website on the engagement page.

The Interim CAO clarified that the Notice of Motion allows for adjustments to the delegations should there be more than 30 registrants, noting that the total delegation time allotment is 2.5 hours and should there be more than 30 delegations the time would be adjusted for each delegation accordingly.

The Director of Information and Legislative Services advised that the delegations would be advised of the potential last minute time changes as delegation can register up to one hour prior to the start of the Council meeting. It was noted that the Special Council meeting is starting at 6:00 p.m.

16. ANNOUNCEMENTS

- 16.1** Councillor C. Gordijk acknowledged the 40th anniversary of the passing of Terry Fox, expressing condolences to his family and noting that his efforts have saved countless lives.
- 16.2** Councillor A. Hallman thanked the community for their contributions to the alternative acknowledgement of Canada Day with the leaf decorating project, noting that approximately 400 leaves have been displayed. It was advised that should families still want to participate, there are leaves available at the Recreation Complex.
- 16.3** Mayor L. Armstrong thanked the Optimist Clubs of Wilmot for the swag bags that were provided to the Grade 8 graduates.
- 16.4** Mayor L. Armstrong provided his quarterly update on Anti-Racism, Inclusivity, and Diversity Education, it is attached as Appendix A. Councillor A. Hallman inquired on what Mayor L. Armstrong has learned and he advised that he continues to see the obstacles to overcome with all communities to reach reconciliation, as well, that everyone needs to stop racism and accept others. He also noted that those responsible need to be held accountable.

17. BUSINESS ARISING FROM CLOSED SESSION**17.1 Land Donation****Resolution No. 2021-135****Moved by: Councillor C. Gordijk****Seconded by: Councillor A. Hallman**

THAT Confidential Report PFRS 2021-012 be received for information; and further,

THAT Council accepts the generous donation from Cabcam Inc of approximately 0.18 acres of land west of the Theodore Schuler Boulevard storm water management facility; and further,

THAT the Township assume all surveying and legal costs associated with the transfer; and,

THAT, the Township provide a tax receipt in an amount determined by an independent certified appraisal the cost of which, including any review by the Township solicitor, would be borne by the Township.

CARRIED.

17.2 Motion to Reconvene in Closed Meeting

Resolution No. 2021-136

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Gerber

THAT Council reconvenes in Closed Meeting.

CARRIED.

17.3 Motion to Reconvene in Open Meeting

Resolution No. 2021-137

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT Council reconvenes in Open Meeting.

CARRIED.

18. CONFIRMATORY BY-LAW

18.1 By-law No. 2021-34

Resolution No. 2021-138

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT By-law No. 2021-34 to Confirm the Proceedings of Council at its Meeting held on June 28, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

Resolution No. 2021-139

Moved by: Councillor J. Pfenning .Seconded by: Councillor J. Gerber

THAT Resolution No. 2021-137 repealed.

CARRIED.

Resolution No. 2021-140

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT By-law No. 2021-34 to Confirm the Proceedings of Council at its Meeting held on June 28, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

19. ADJOURNMENT

Resolution No. 2021-141

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.

The Following Excerpts are a chronology
Of Information that I have studied in relation
To my ongoing education regarding Inclusion and Diversity

Birth of A Family.

Aptn Documentary

Diverse & Converse.

Weekly TV Show

Driving While Black
Race, Space and Mobility in America.

Documentary

Hostiles.

Movie

Nations at War.

Documentary

Dear White People, Wake Up, Canada is Racist. Essay



Special Council Meeting Minutes

Monday, July 5, 2021

Council Meeting

Electronic Online Participation

6:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Acting Chief Administrative Officer / Director of Parks, Facilities and Recreation S. Jackson, Director of Information and Legislative Services D. Mittelholtz, Director of Public Works J. Molenhuis, Director of Development Services H. O'Krafka, Director of Corporate Services / Treasurer P. Kelly, Fire Chief R. Leeson, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray

1. MOMENT OF SILENCE

2. LAND ACKNOWLEDGEMENT

2.1 Councillor C. Gordijk read the Land Acknowledgement.

3. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

4. PRESENTATIONS

4.1 First Peoples Group

Guy Freedman, President and Senior Partner

Bob Watts, Senior Fellow (Reconciliation)

The Acting CAO outlined the staff report and introduced First Peoples Group, Guy Freedman and Bob Watts.

Guy Freedman provided an introductory overview of the engagement work and thanked all involved in the process.

[Online Video Presentation](#)**4.1.1 REPORT NO. CAO2021-03****Presentation of Findings and Recommendations****First Peoples Group****Prime Ministers Path Community Engagement****Resolution No. 2021-141**

Moved by: Councillor A. Hallman Seconded by: Councillor J. Pfenning

THAT the report from First Peoples Group dated June 30, 2021, be endorsed,

THAT staff arrange for the immediate removal and temporary storage of the four remaining statues on the Prime Ministers Path and discontinue any future expansion or investment in the Prime Ministers Path as it exists today;

THAT staff work with the Township solicitor to activate the termination clause in the agreement with Createscape;

AND FURTHER, THAT staff be directed to report back to Council with an implementation plan for the incorporation of the remaining recommendations from First Peoples Group, including:

- a) Creating a working group comprised of a balanced representation of the individuals and communities within Wilmot Township to discuss, develop and suggest plans for the implementation of next steps centred in community cohesion and healing.
- b) Committing to transforming community engagement and consultation processes in Wilmot Township in a way that encourages greater openness, accountability and citizen participation in decision making.

CARRIED. UNANIMOUSLY.

The following individuals appeared as delegations, if a prepared written statement was provided, it is noted.

1. David Atkinson, Appendix A.

2. Dennis Mighton, Appendix B.

3. Pat Mighton, Appendix C.

Mayor L. Armstrong advised that if the delegations have questions, they can provide them to staff.

4. Victor Selby appeared as a delegation advising Council that as a new resident of Wilmot Township he is in favour of keeping the Prime Ministers Path in some form.

5. Lynda Veitch appeared as a delegation and noted that education is primary and by removing the statues is counter productive to that.

6. Nigel Gordijk, Appendix D.

7. Nancy Birss, Appendix E.

8. Lee Fitzpatrick appeared as a delegation, thanking the First Peoples Group for the work they have done and acknowledged the participation in the engagement. He provided his comment on the recommendations noting that the path was intended as an educational environment and that the path could be a subject of guided tours, encouraging field trips to learn about the true history of Canada and include statues of other significant Canadian leaders.

Councillor A. Hallman raised a point of privilege.

The Director of Information and Legislative Services confirmed that a delegate may continue addressing Council following the raising of a point of privilege, provided that decorum is maintained.

9. Marion Opthoog, Appendix F.

10. Marily and Lynn Saraus, Appendix G.

11. John Jordan, Appendix H.

12. Susan Sutherland, Appendix I.

13. Olivia Miller appeared as a delegation and thanked First Peoples Group for their work and noted that the conflict the path has created fear in Wilmot for many residents and this can create a sense of moral isolation in the community, acknowledging the heartache the community has experienced.

14. Marie Pavey, Appendix J.

15. Lillianne Dunstall appeared as a delegation and noted that she knew very little on the history and did research to learn and expressed the concern of losing the educational opportunity the path could have.

16. Barry Wolfe, Appendix K.

17. Robyn Spicer, Appendix L.

18. Glen Mathers appeared as a delegation noting the path was in the early stages of development, referencing symposium that was planned in the spring of 2020 that included discussion on the education component. He asked that Council consider continuing to pause and reflex before deciding on recommendations.

19. Fiona Batte, Appendix M.

20. Harrison Rees appeared as a delegation and thanked the other delegations for the thoughts, noting that this was to have been the Prime Ministers Path that has turned into a format for people to not look at the prime ministers as people that lead the country through many eras and despite the tragic things that have been done, they should still be honoured.

21. Dave Caputo appeared as a delegation noting his involvement with the project since its inception and thanked members of Council for their leadership and noted that as they make their decision to think of the artists, donors and volunteers of the path. He noted that a number of the educators that formulated the educational pieces referenced the Truth and Reconciliation. He noted the path was a gift to the Township and apologized if he had a part in the difficulty Council has coming to the decision.

22. Donald Kasta appeared as a delegation and noted that if there had been background information included along the path on each prime minister it may have been educational. He acknowledged the flaws to the residential school system and advised that having the path's educational component could help reconciliation. He

asked Council consider the pause and not make a decision at this time on the removal of the statues but to proceed with the other recommendations.

23. Kris Wilkinson appeared as a delegation and acknowledged the pain the Indigenous community has suffered, noting this is the time to hear all voices and that he feels that insufficient consultation was completed, that tax dollars are not being considered and that the tearing down of the statues is censorship. He advised he felt the report was bias and that voices are not being heard.

Councillor A. Hallman expressed her appreciation to the First Peoples Group for the work on the report, noting that many comments within the report recognize the work that needs to be done in the Township. Councillor A. Hallman stated her commitment to reconciliation and the legacy of the Township has historically rallied together.

Councillor J. Pfenning provided a written statement, attached as Appendix N.

Councillor J. Gerber thanked First Peoples Group for the work they provided on the consultation process and the recommendations. He noted the different stages of this has not always brought out the best in the community; however, the next phase needs to bring out the best of the community. He noted that Canada is a work in progress toward an end goal of reconciliation. He referenced the report and the feedback that was received from the community that Wilmot is a welcoming and loving community and noted the need to live that out.

Councillor B. Fisher provided a written statement, attached as Appendix O.

Councillor C. Gordijk also thanked the First Peoples Group for their support of the community and guidance through the process. She noted that as she went through the learning of the issues, the entire path would have had other stories come out with other prime ministers and there would have seen more trauma caused as a result. She noted that as leaders in the community they need to advocate to do more. She referenced the following quote from Mohamad Ali, "A man who views the world the same at fifty as he did at twenty has wasted thirty years of his life."

Guy Freedman advised that the working group recommendation, should include youth, indigenous community and those in favour and opposed to this decision and that the process is Council lead on how those are appointed. He cautioned a referendum on this issue as it excludes youth, and many youths may be interested in the process. He noted that as they have done in Kingston, going beyond the borders of the Township, and bringing in other Nations as well.

Councillor J. Gerber asked if there was an opportunity between this recommendation of the community working group and the inclusion and diversity committee that is being developed. Mr. Freedman advised to build the committee to ensure everyone is at the table and that the Indigenous nations are in the constitution and are equal to the government.

Guy Freedman advised that the quote from Murray Sinclair that was referenced earlier to not remove status, Murray Sinclair he has since changed his thoughts on removal of statues.

The Acting CAO advised that staff will be bringing an implementation plan to Council for approval and that will include investigating committee partnerships.

Bob Watts advised that the report was designed to capture the dreams of people and not a tally and that the First Peoples Group cares to create a safe group. He acknowledged that the process was not easy but were pleased with people coming forward with ideas and suggestions.

Councillor C. Gordijk acknowledged the high number of responses to the engagement and noted that it was the highest number of participation the Township has had.

Councillor J. Gerber noted that other voices have been ignored too long and through discussions we learn.

Mayor L. Armstrong acknowledged First Peoples Group for their leadership and guidance navigating through the process.

5. CONFIRMATORY BY-LAW

5.1 By-law No. 2021-35

Resolution No. 2021-142

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT By-law No. 2021-35 To Confirm the Proceedings of Council at its Meeting held on July 5, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

6. ADJOURNMENT (9:35 pm)

Resolution No. 2021-143

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.

Truth and Reconciliation Commission Recommendation 79

Commemoration

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:

- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
- ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values and memory practices into Canada's national heritage and history.
- iii Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history

Truth and Reconciliation Commission

Recommendations 81 and 82

Commemoration


81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.

82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.

Truth and Reconciliation Commission Principles of Reconciliation

The Truth and Reconciliation Commission of Canada believes that in order for Canada to flourish in the twenty-first century, reconciliation between Aboriginal and non-Aboriginal Canada must be based on the following principles.

6. All Canadians, as Treaty peoples, share responsibility for establishing and maintaining mutually respectful relationships



“The problem I have with the overall approach to tearing down statues and buildings is that it is counterproductive to ... reconciliation because it almost smacks of revenge or smacks of acts of anger, but in reality, what we are trying to do is ... create more balance in the relationship.”

Murray Sinclair



Dennis Mighton Presentation to Council
Monday July 5, 2021

Good evening Council. We are extremely disappointed in the consultation process, and urge you not to accept this report this evening.

I will focus on the core values of collaboration, listening, openness and transparency. The process fell short of the expected standards in each of these areas.

First Peoples Group state quite clearly that their approach is guided by traditional teachings about the importance of collaboration. Their introduction refers to a *process that enables us to experience collaboration as the most natural and right way to do things*.

We had heard how successful and well-received this FPG collaborative approach had been in other communities and were looking forward to having them put it into practice here.

It became clear fairly early that COVID restrictions would prohibit the kind of face-to face gatherings that are essential for dialogue and collaboration. At that point it would have been wise to defer the consultation until the restrictions were removed. Thousands of Canadians were unable to work because of the limits imposed by the pandemic. A delay would have been disappointing, but understandable and acceptable under the circumstances. Instead FPG chose to abandon their **core value** of collaboration and proceeded to collect individual opinions.

FPG state in their introduction that their *collective goal is to practice deep listening as a way of uncovering innovative solutions*. Removing the remaining statues immediately is not an innovative solution. It will not solve the deep division that has arisen and continues over this issue.

The motion itself calls for “an open and transparent dialogue”. Did that dialogue happen? If so, we were not invited to participate despite the fact that our interest in this issue is well known to council.

We understood that FPG would facilitate a conversation. That we would be encouraged to listen to each other so that together we could make a decision and find a way forward. COVID restrictions made face-to-face dialogue impossible, but we could still have been given an opportunity to hear each other. A videotaped conversation between informed residents with differing views would have been helpful. Instead, FPG did the listening, made a decision, and presented us with their conclusion. This is neither transparent nor collaborative.

There is significant emphasis in the report on the youth perspective. There is no transparency around this part of the research. Pat will go into more depth on that.

We recognize that the methodology used by FPG is not based on majority rules. Majority rule is, however, the accepted decision-making process in a democracy. Yes, there are other factors to consider. But Wilmot residents have a right to know if the majority of survey respondents supported the FPG recommendation to remove the statues.

Given these flaws in the process and the report it would be irresponsible of Council to accept this report this evening. The people of Wilmot deserve better.

Pat Mighton Presentation to Council
Monday July 5, 2021

Good evening Council. Thank you for allowing our voices to be heard this evening.

I also encourage you not to accept this report at this time.

I am going to focus on a few specific areas that fall completely short of the expected standards – starting with the emphasis on the youth perspective, and the lack of transparency surrounding this.

The FPG rationale refers to today's youth being engaged in their communities and well-educated about current issues. This may indeed be true, but judging by the responses reported, the young people invited to participate in this consultation may have been neither. We don't know that.

We know nothing about these kids. What grade are they in? How did they prepare to participate in this exercise? Did they visit the Prime Ministers Path? Did they meet the sculptor? Or members of the Indigenous community? Had they shown any previous interest in the Prime Ministers Path? Or in Canadian history? Or indigenous issues? Were they taught how important it is to learn the facts before forming an opinion?

Most perplexing is that nine out of eleven student responses under the heading '*Support to Remove the PMP*' refer to a singular statue or to Macdonald by name. It appears that the students considered this single component rather than the project in its entirety. We have to wonder what they were asked, and what guidance they were given.

Further to that, FPG report that because the currently available educational material is inadequate, the entire project is flawed and the statues must go. A more logical conclusion would be 'Let's enhance the

educational material’ – a process that was in fact already underway. We do not know why FPG concluded that would not be possible.

There is an anecdote under the heading *The Prime Ministers Path **Fails to be Educational*** about someone who visited the statues and then went home to read about the Prime Ministers. This fits the very definition of education. Visit any tourist attraction or historic site world-wide and you will find a gift shop stocked with reference books for those who want to learn more.

The motion specified that staff were to meet with Indigenous and other marginalized groups of the community. Given the anonymity of the respondents we have no way of knowing how those meeting unfolded. Since that was to be the primary focus of the consultation it’s a shame we do not know the outcome.

Thank you.

We had previously submitted a couple of questions for Council to consider before voting on the resolution. The Mayor informed us these would be considered at a later time.

Delegation: Nigel Gordijk, Wilmot

Tanshi. Bozhoo. Mino dibikad. Good evening.

I'd like to begin by thanking First Peoples Group for their hard work in leading the community engagement and for writing this report. You've brought great clarity to a very messy dilemma that has consumed our community for several years. Especially, of course, during the last 12 months.

In the middle of this process, there were news reports from across the country of numerous discoveries of Indigenous children's remains in former residential "schools". As Indigenous people yourselves, I cannot imagine how this has impacted you personally. I am so sorry that you have had to deal with your own pain while also helping us here in Wilmot try to make sense of how we confront our own role in that legacy. I truly appreciate everything you've done for us.

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I'd like to talk about the statues we erect to celebrate people from the past. All of you on council know that my absolute hero is the man looking over my shoulder, Terry Fox. There are statues of Terry all over Canada, because communities throughout the country have chosen to honour him.

The only one I've seen in person is on Parliament Hill, in Ottawa. I visited the statue of Terry not because I wanted to be educated about his life. I've learned about him by reading articles and books, and watching videos.

I visit the statue because it lifts my spirits. The first time I stood next to it, I was moved to tears, and I'm not the only person who's felt that way.

I never met Terry, but standing next to this lifelike representation of him makes me feel as if I'm in the presence of greatness, and I feel inspired.

That's an overwhelmingly positive response when I stand next to a bronze statue of my hero. I haven't heard anyone say the same thing while in close proximity to the prime ministers' statues that are outside the Township's offices. Quite the opposite.

We've heard from Indigenous people who have said that seeing these statues, particularly the one of Sir John A. Macdonald, causes them distress because the statues celebrate leaders who harmed their communities.

The First Peoples Group's report includes comments from residents who empathize. Indeed, some of those comments may have come from people who are Indigenous themselves.

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My wife, Councillor Cheryl Gordijk, and I are the organizers of the local Terry Fox Run. In September, we'll be donating a plaque to honour Terry that will feature one of his famous quotes.

In recent years, the Fox family discovered that they have Métis ancestry, through Terry's maternal grandmother. The family is actively embracing this, so we decided that we wanted to include a translation of Terry's quote in Michif, the Métis people's language.

We contacted several Métis individuals and organizations, including the president of the Grand River Métis Council, but we couldn't find anyone who speaks Michif.

According to the 2016 Census, there are over 587,000 people identifying as Métis living in Canada. However, only 1,170 of them speak Michif. That's less than 2%.

We know that children who were forced to attend residential "schools" were punished and tortured if they made the mistake of speaking their native languages rather than English or French.

We know these stories, not because of the statues we've erected, but because we have finally started listening to Indigenous voices.

First Nations, Inuit and Métis languages are being lost. Churches and the governments that were led by the first 20 of Canada's 23 prime ministers presided over the residential "school" system that sought to erase a vital part of Indigenous cultures – their languages. Those cultures don't honour people and events from the past with effigies; they do it with stories and songs. And by removing their languages, those cultures are being cancelled.

Moving the prime ministers' statues won't stop us from learning about the past, and it won't cancel our culture. What it will do is begin the healing that our community needs and allow us to move on to the next chapter in our story.

Thank you. Chi miigwetch. Marsee.

COUNCIL PRESENTATION JULY 5, 2021
FPG REPORT AND THE DEMISE OF THE PRIME MINISTERS PATH

Nancy Birss 422 Main St. New Dundee N0B 2E0

It is with a heavy heart that I greet you all this evening. Thank you to First Peoples Group for their hard work on the issue of the Prime Ministers Path in Wilmot Township.

I am very disappointed in the consultation process and this report, which recommends the dissolution of the Prime Ministers Path. For several weeks the process was wrought with computer glitches for people trying to access the community survey; there was inadequate advertising of the whole process in the regular media (newspapers and radio) which many people depend on who do not access on-line social media; the bookmark notice advertising the consultation process was received by myself the day after the extended consultation ended and some people received it 10 days after the fact; FPG used less than impartial language and messages in their updates following the first discovery of 'unmarked graves' in Kamloops.

The whole process of fair discussion around the future of the Prime Ministers Path was hijacked by the 'perfect storm,' a 'Bermuda Triangle' if you will, – the death of George Floyd and subsequent Black Lives Matter Movement, the whole Cancel Culture movement, and the horrific discovery of the unmarked graves at now three former residential schools. All of this -- let alone the restrictions around covid-19. We did not have the opportunity for open dialogue in person as a community; we were not offered even a zoom meeting, or webinar debate or a panel discussion with questions and answers. FPG focused on the comments of youth in their report, and while yes they are our future and their voices are valuable, how much history have they absorbed and questioned compared to adults who have had the advantage of years of exposure? How much detail do they really know about confederation? . Do they even know that James Livingston was an MP here for 18 years and served under 6 prime ministers?

My degree in Sociology, which is the *study of social change, social movements and the social causes and consequences of human behavior* had taught me that when reporting on research it is valuable to provide statistics and or percentages. There were very few statistics in this report other than the total number of respondents (498)...., 98% of whom were Wilmot residents, and do we know if those were 498 different individuals or whether 50 people each made ten submissions? In the end what percentage of comments were in favour of keeping the PMP and what percentage were in favour of removing it?....those are important pieces of information that we should have been given and we deserve to know before decisions are made.

The wiping out of the Prime Ministers Path is an easy-out solution. It's like the marriage partner who readily opts for divorce without going through adequate counseling sessions to uncover and talk about the real issues in order to heal the relationship. Many of us feel short-changed in the whole PMP consultation process.

Instead of getting rid of the PMP as fast as possible, how about fencing it in, locking the gate, until all parties can really sit down and talk and be educated on all fronts. Covid restrictions are about to lift, we will soon be able to gather and talk and listen to each other. This could still be done before a final decision is made. Why not give it another

six months for dialogue, understanding, and healing to begin? Why spend more tax-payers dollars to remove and store more statues.....dollars no one wants to spend and could be better spent in proper reconciliation tactics. It will no doubt be less costly to build a fence rather than pay for removal and storage of more statues. Councillors should keep this in mind at the next election. And what has been the cost so far?

Canada's history cannot be ignored. The Prime Ministers Path tried to provide a venue for education and discussion...but you'd rather sweep it under the rug. If you don't choose to, or have to, look at something - it's not really there. You don't have to go through the process of acknowledging, thinking, understanding and healing bit by bit. Just turn away and it will all go away. There is opportunity for the Path to allow us to reflect on our history – the good, the bad and the ugly –We need to be allowed to do so, openly and without prejudice. Hiding it away and sweeping it under the rug does not undo history, it just keeps the hurt away till it smacks us in the face the next time.

A year ago I offered an olive branch to bring people together on both sides of this issue. There were no takers. How do we get to the process of discussing and healing if one party won't come to the table? The animosities and divisions will go on. I was looking forward to sharing with and learning more from our indigenous neighbours in our township. I want to sit at the table with you and I want to stand beside you. To paraphrase Cindy Blackstock's recent comments*Enacting the real patriotism values of honesty and democracy is when we embrace what hurts and honour the Residential School Survivors*. Their stories deserve to be heard and told on the Path. There is opportunity for all of us to discuss and reflect on our history, the rights we enjoy, the values we share and the responsibilities that bind us together in taking pride in being Canadian. We are **all** here to stay.

I urge council to consider not only the financial cost of the dissolution of the PMP but the lost opportunities to develop and expand all the stories of Canada's history on what could be renamed **THE CANADA PATH**.

Wilmot can further buy into 'cancel culture' or Wilmot can be an innovative example of how reconciliation can really take place.

I urge councillors to not accept the recommendations in the report of the First Peoples Group. Give reconciliation a real chance.

Respectfully submitted,
Nancy Birss

Marion Opthoog

2022 Huron Rd.
Petersburg ON
N0B 2H0
Phone: 519.497.1094

► **Tracey Murray**

Prime Ministers Path Public Engagement
Community Voices Forum

Dear Tracey Murray

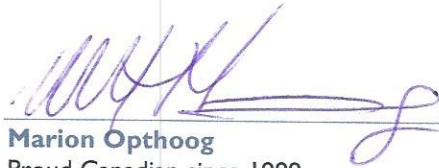
On this summer's day, the first day of July 2021 I am wondering really what this all means. What it means to be Canadian, In Ontario, In the Township of Wilmot. I haven't lived here all my life. I have only been here on and of since 1995. I am as I say fresh of the boat 1984 from Holland. And I have moved around southern Ontario. Wilmot has been my home. And even then, I've moved within. Some people call it Wilnot!!! Well..... that might be not that far of. I am in the rural part of this township and in the agricultural business. It has beautiful country side and is a friendly kind of towns in the township. I have three children and they are all born at Grand River Hospital. The go to hospital, for most of us around here.

This is the question of the day. What does the Prime Ministers Path in Wilmot mean to me? And I guess that I have been asking myself a lot. Even when the first statue went up, now a few years ago. And just as this is the July 1, 2021, Canada Day. I see that things are a changing. This country is a changing. It's no longer the 1984 Canada and I am no longer the 1984 Marion. I think it's a good thing we keep changing. In that we hope to keep growing. As the Path keeps growing with more statues. It's a living history that at any time of day or season one can see. It isn't in a building with an open and close schedule. I think that's good, not everything has to be so stuffy!

And yes, things have been stuffy, we have been in a forever changing what now 18 months more or less with all kinds of restrictions. Then on top of that all the news of graves of children that have passed on and weren't marked. And if they, were they have either been removed the markings that is or were never mentioned by a stone or any other kind of permanent sign. Somehow, they were not forgotten. It's just most of us didn't know anything about it. We couldn't see it! It is part of how we are, us humans, if we don't see something we forget. If we are not able to move about and around, we forget. We as humans are not perfect, and we will never be. What is perfect today or rather what is expected of us today cause well that is the right thing to do might not be what we thing a hundred years from now or even just 25 years from now. If we continue to lock ourselves up and if we continue to put things away, we will forget. Now don't get me wrong some of us might talk about it, however we have no signs of what this person or that person is talking about. Do I think that any of these Prime Ministers are right that are standing or were standing on the path are right? Heck no, and history will say the same about the currant Prime Minister. May we never grow and we will remain in an awful rut. If we are able to celebrate the currant and give ourselves room to grow into the future this will be a prosperous county, province, and township.

If we close the mouths of those that we think aren't saying the right thing then we are cutting of growth by not opening up to a different view or different way of doing things. If we not see what happened in the past, we will make the same mistakes just with a whole set of fresh new people. This is a country that has many influences from all over the world and in it own. We aren't able to stop and change the past, it is what it is.

I think that it would be okay to have an open to all season's alive history in our township. With full disclosure by all statues as we know their full stories.



Marion Opthoog
Proud Canadian since 1989

Date July 1, 2021

Presentation to Council re: Prime Ministers Path.

July 5, 2021

From Lynn and Marilyn Sararus,

New Dundee, ON

To Mayor Armstrong, Members of Council, First People's Group,

We appreciate all of the work of the First People's Group and Wilmot Staff to prepare this final report. We have been deeply interested in the Prime Ministers Path and have been following it with great attention.

During this COVID pandemic, it has been a difficult, virtually impossible, to meet with people face to face. And ZOOM meetings are less than ideal. I have always believed that the most important way to communicate, listen and exchange ideas is with a small group in a circle or 'at a kitchen table with a cup of coffee.' In these informal settings one exchanges information, listens, recognizes emotions and builds connections and trust. All of this, because of COVID, has not been possible over this past year.

Over a year ago, in June 2020, Angie Hallman, our councilor for Ward 1, moved that the Township of Wilmot 'pause any further investment and expansion of the Prime Ministers Path' and the statute of Sir John A. MacDonald be relocated. That has happened. We have spent a year trying to listen, learn and resolve this very complicated issue. The First People's GROUP were hired to negotiate and determine the direction for this plan, all has been virtually.

Now we have received their report..... responses have come from 475 residents. We have a Wilmot Township Population of 21,000 + Many people are just becoming aware of the issue , as a matter of fact , I have had three calls from people in New Dundee this week, asking about the Prime Ministers' Path after the little 'book mark' arrived in their mailbox.

So, after reading the recommendations in detail from First People's Group. We would like to suggest. The project has been on pause for the past year. Let us continue 'the Pause' until our election in October , 2022.

In the meantime, let us implement the recommendations of the First People's Group. but in the reverse order, within the township, in informative groups, not virtual meetings.

....1. Wilmot TOWNSHIP commits to transforming Community engagement and consultation to encourage openness, accountability and citizen participation in the decision- making.

2. Creating a working group compiled of a balanced representation of individuals and communities in Wilmot Township to discuss, develop and suggest plans for the implementation of 'next steps' for community cohesion and healing.

Then

3. At the next municipal election, October 2022..
Have the PRIME Ministers' Path as a referendum item on the ballot.
It is either supported - YES or turned down – NO

This decision should be made by the citizens of Wilmot .

A 'Pause' enables every voting citizen in Wilmot Township an opportunity to gain more information, to become more involved and have a better understanding of the issues in Wilmot and their voice can be heard, and their ballot will be counted.

In conclusion -This decision for the Prime Ministers Path should BE
MADE BY THE CITIZENS OF WILMOT TOWNSHIP.

Delegation to Council July 5, 2021 - John Jordan

Good Evening everyone, Mayor Armstrong, Wilmot Council, Staff, the members of First Peoples Group, and all residents of Wilmot and beyond who are engaged in tonight's meeting and to acknowledge that We have gathered in Wilmot Township on the traditional territory of the Neutral, Anishnaabeg (u-nish-a-nah-bey) Haudenosaunee (ho-din-a-son-ni) and Mississauga peoples and that we are on Treaty 3 Territory of 1792. Miigwech.

I would first like to acknowledge and thank the First Peoples Group with the incredible work, thought, and detail that has gone into their report for Wilmot Township and what a journey this must have been to get to an end result. The range of emotion, the depth of knowledge, and the number of submissions, opinions, personalities you have had to deal with is just incredible in how you have had to handle it all and come to the conclusion you derived. Kudos to all of you and thank you. You are incredibly strong people given the news of what has happened recently. I can't express my gratitude enough.

I would further like to thank the members of Council who had the foresight and the strength to bring the PM Path project to where we are now. You were way ahead of the curve compared to the rest of the country and now the rest of the country is following your lead. Thank you for your true leadership.

It was a comfort to read about our youth and what their opinions were and that the majority of students, who have been well educated on this topic, were in favour of dismantling the PM Path. It was surprising to learn that some local students knew nothing of the PM Path which is located 1600 metres from Waterloo-Oxford District Secondary School. So it would seem that if you need a true barometer of what people want, public consultation is paramount which is one of the recommendations in the report.

As a resident of Wilmot Township, and one who is truly engaged in the "goings on" of our Township and is fully vested, I had a real uncomfortable feeling about one issue in this report. In the report it reads as follows:

It was noted that in the transfer of the Prime Ministers Path project to the Township of Wilmot, the Township was to oversee the development and ongoing operation of an educational program that is accessible to the public with respect to the Prime Minister statues and the history of the Prime Ministers depicted in the statues, their importance to Canada and their times, that is of a quality that meets public expectations. Again, it should be noted that we were made aware that staff responsibilities that were dictated through the Createscape/Township agreement to acquire the Prime Ministers Path, including those related to the responsibility of the Township to create an educational program, were never communicated to staff.

My question is to members of the previous council as you are the councillors responsible for bringing the PM Path to Wilmot, and that I would like answers provided from each of you on the record. I would like each one of you to explain to the residents of Wilmot how this was going to be a "no cost to the taxpayer" venture with all of the information you had been provided at the time of passing this project, when it was clear that it was going to take staff time to develop the educational material which results in a significant cost to the taxpayers of Wilmot? I hope that your decisions made tonight reflect your personal education and the learning journey that has brought us to this point.

Thank you for allowing me to express this to the people of Wilmot, the Township staff, the First Peoples Group, and to Council.

John Jordan

Delegation to Wilmot Township Council Monday July 5, 2021

By Susan Sutherland

Good evening,

I am a non-indigenous Canadian of European descent. I was a Canadian air force brat, and lived in many places across Canada. Growing up I learned some history but I was pretty much ignorant about how Indigenous People felt about living here. I learned about the history of Canada as “two solitudes” – the English and the French, with little knowledge of First Nations, Metis and Inuit, other than their interactions with explorers and fur traders.

I have lived in Ward 2 of Wilmot Township for 16 years, moving here from Ottawa in 2005. I enjoy living in Wilmot Township. I remember being slightly surprised when I learned that the Prime Ministers’ statues were coming to our Township, having heard through the news media that other groups in Canada had rejected them. Even then I didn’t look into why these statues were considered offensive. I apologize for that ignorance.

In the summer of 2020 when the Township protests about the John A. MacDonald statue started heating up, I decided that it was time I learn and understand why the statues were so contentious. I spent last summer taking the University of Alberta Indigenous Peoples course, I began reading many books written by Indigenous authors including 21 things about the Indian Act that You Didn’t Know and I became more and more uncomfortable about the whole Prime Minister Statue Path issue within our Township.

I was pleased when Council looked outside of itself and contracted First Peoples Group to study the issue and come up with recommendations which were presented here tonight.

I am glad to take this public opportunity to thank First Peoples Group for their thoughtful report and recommendations. Using the comments from the young people in Wilmot

Township as representative of the overall thoughts of the findings really hits home especially with the knowledge of the more than 1000 children found in unmarked graves at the residential schools. The focus on how to go forward in a meaningful way is one that encourages me.

I want to thank our Wilmot Councilors, some who have received a lot of personal attacks and harassment over the past couple of years. They took a strong stand on the issue long before other communities in Canada did so. I am very proud of them for what they have done as it was not easy to go against something that might have been politically expedient but morally wrong.

I know that this is just a first step in the healing process with Indigenous people. I know that I cannot change what has happened in the past. I do know that I can personally work hard to be an ally and for that I want to thank those who protested because they gave me the courage to look at my own beliefs and work to changing them.

I encourage Council to vote to accept First Peoples Group recommendations.

Miigwech, thank you.

July 5, 2021 submission by Marie Pavey

Mr. Mayor and Members of Council,

Thank you for providing a forum to continue to listen to our community as you consider the matter before you.

I have now spent 29 years as a Baden resident. I grew up in a farming community, south of London, Ontario. My ancestors are mostly British, arriving in Canada in the 1800s.

My journey of deeper understanding of issues facing First Peoples began in 1976 when I was in Grade 4. At that time, a few students joined our class from the three nearby communities of Oneida Nation of the Thames, Chippewa of the Thames First Nation and Muncee-Delaware Nation. Later, in grade 7 and 8, the Indigenous students constituted about half of each class.

Their authenticity drew me into friendships with many of the Indigenous students.

I cannot recall ever discussing residential schools with these friends. I now expect that many of their parents were sent to these schools, but it was too painful to talk about at that time. They themselves may not have known the full story.

I did know that once their people lived on all of the land, and now they were limited to small communities, set apart from ours. I knew that if they chose to live off of the reserve, it was complicated. I knew that daily they had to navigate barriers, which simply did not exist for me.

After elementary school, we were sent to different high schools so we lost touch. No Facebook at that time. But their friendships have always been dear to my heart. And after thinking about it for years, I am now trying to reconnect with them.

This early formative experience gave me the impetus to look deeper into their story.

Last year, when conflict arose around the statue, issues with my health prevented me from doing much beyond listening. But I did listen and learn more. As my health is improving, I have begun to engage locally.

I completely agree that history is important. But when we learn the dark side of that history, we need to do better. When we learn that history has caused, and continues to cause, deep pain and trauma to our fellow humans, we need to do better.

My personal journey, my career as a Public Health Nurse and my faith, all tell me to stand on the side of those whose voices have been silenced by my people.

I have learned that one description is that my life was irrevocably intertwined—braided—with the lives of these friends. On reflection, I see that my elementary school experience of befriending First Peoples is exactly what our nation builders wanted to prevent. Friendship means you play and laugh together, get into mischief together, friendship means that you believe your friends' stories, you feel their pain -- even if you cannot completely understand it, you listen even when the truth is ugly and implicates you, your ancestors and the people you admire.

I might have many ideas about how to adapt the Prime Ministers Path and it's interest to me personally. In fact, I kind of liked the symbolism of leaving Sir John A MacDonald there with the red paint and wondered if things could be added to the path to tell a more complete and balanced history.

But I believe what is important is **not** what I as a settler think. What **is** important is for me to stand with Indigenous people and listen to them as they tend sacred fires of remembrance across this land. And yes, sometimes their voices and actions are loud, uncomfortable for us, and even extreme. But, as Mary-Eileen McClear so eloquently pointed out to this council last August, that is a result of their voices being oppressed, silenced and ignored for so long.

Here, we have a chance at a peaceful act of reconciliation. I ask you to take the courageous step of endorsing the report thoroughly compiled by the First Peoples Group, as well as the recommended actions before you. I also call on council to explicitly acknowledge, apologize and take accountability for what has happened here.

May the settler generations represented here tonight be the generations who wrestle with our guilt, our ignorance, our unearned advantages, and even our blaming "those responsible in the past" in an attempt to absolve ourselves today. May we set all of these things aside and commit ourselves unreservedly to right relations with Indigenous Peoples.

Respectfully submitted by
Marie Pavey

Delegation to Prime Ministers' Path Consultation:
Maintain and Expand this Community Resource - 3

My name is Barry Wolfe. My wife and I live in Baden. It is my position that the Prime Ministers' Path community resource should be maintained and expanded in ways that I will suggest here.

~~Key concepts are: Historic Context, Silence and Community Growth.~~

At different times in history, peoples acted on different values and assumptions of what was good, right, fair and just for their society. As we learn from the past, we change.

Context is critical for how we interpret historic events. History is real, It is what it was. Today, we can now say that to establish Residential Schools to acculturate Native youth by removing them from their families is a bad idea. We would not do that today. However, the values in prior times were different. My position is that we cannot change the future by trying to remove and thus **silence** the past. To cancel history's teachings, is to repeat its errors.

The Prime Ministers' Path represents a period in time from July 1st, 1867. 154 years ago, life was very different. In the 1800s, disease affected indigenous and non-indigenous people alike. There was no immunity, and few medical remedies against imported diseases such as tuberculosis, smallpox, measles, chickenpox, cholera, whooping cough and influenza. Indigenous people were disproportionately affected in their home communities. Infected children entered residential schools and infected others. By around 1900 Indigenous populations had declined by upwards of 93%, and epidemic disease was the most devastating cause.

I suggest that Joseph Thayendanegea, Chief Joseph Brant, is a historic character worthy of present and future study to add **context** to our local history. His actions, including negotiating the Haldimand Tract along the Grand River, have been recognized with his portrait placed in the National Gallery of Ottawa, and the erection of statues of his figure in Brantford and at the Valiants Memorial in Ottawa. While his positive achievements are worthy of reflective study, so are his wars.

Chief Joseph Thayendanegea was a drinker, raced horses, owned 42 African slaves, sold off sections of the land to outside settlers, and killed his own son in a knife fight.

Delegation to Prime Ministers' Path Consultation:
Maintain and Expand this Community Resource - 3

John A. Macdonald was instrumental in joining four separate colonies into a Confederation. He resisted the attempts by the Irish Fenians to capture Canada and trade it back to Britain in exchange for Ireland's freedom. He pushed through the construction of the C.P.R. that stitched British Columbia in the west to the provinces in the east and thus offset the American aspirations of Manifest Destiny (the belief that it's America's God-given right to **control** the entire continent). He also drank gin to excess, received political kick-backs ~~during construction of the CPR~~, and was the leader of the Conservative political party at the time of the creation of Residential Schools.

John A. Macdonald signed the law establishing Residential Schools. Chief Joseph Brant owned 42 African slaves and killed his own son. In our present values context Residential Schools and slave owning are reprehensible. Macdonald and Brant reflected the common values of their times. You cannot change the future by trying to eliminate or **silence** the past.

What if a figure of Chief Joseph Brant or a residential school student were placed in the chairs at the Macdonald or Mackenzie King statue scenes? What if visitors to "the Path" were invited to participate in guide-led conversations between two figures, or a question-and-answer format? What if students were invited to do classroom research of each figure on the issues of the day to prepare on-site presentations of dramas, humorous or satirical skits, songs, dances, poetry, picture art?

What if the museum staff also facilitated participation by adult groups from near and far? What if visitors were given some back ground and a sample script and then invited to role play a Prime Minister? What if one visitor, as John A. Macdonald, could debate another as Joseph Brant, or Mackenzie King or Kim Campbell using the values of their time periods. The Township could hire students seasonally as facilitation guides providing inter-active, participatory presentations to visitor tourists. Commercial bus tours, potentially coordinated with the Stratford Festival seasons, could be contracted. The simplicity or complexity of the potential activities is limited only to the imaginations of museum staff, teachers, students and adult visitors. Wilmot Council needs to take the initiative and provide positive leadership here!

Delegation to Prime Ministers' Path Consultation:
Maintain and Expand this Community Resource - 3

The Prime Ministers' Path could become a destination for tourists and an example to other world communities of what can be done to recognize the real events of all our pasts, to interpret those events in the context of the time periods displayed and also in the context of present values. Instead of **silencing** thought, Wilmot could be a megaphone to learning and **community growth**.

To remove the figures of the Prime Ministers' Path, to cease any further development, is a futile attempt to **silence** our realities. It would **silence** opportunities for education and **community growth**. That would be a pity!

My conclusion: Continue the development of the Prime Ministers' Path. Consider my suggestions for how it can become a positive example to other communities, and an economic engine in our Township as a tourist destination. It starts or ends with Wilmot Council.

I have copies of my remarks for Council and the press if requested.

Thank you for your time and consideration.

Barry Wolfe
Baden

Introduction

Shekoli, my name is Robyn Spicer, I am Haudenosaunee, Bear Clan, from Oneida Nation of the Thames, people of the Standing Stone.

I am the Indian or should I say “savage” that some of these Prime Ministers tried to erase through Genocide.

For just over a month now, the evidence of the genocide of the Original People of this land is being unearthed. Thousand of children will be discovered in unmarked graves all over Canada in the weeks, months and maybe even years to come. Our children died, our families destroyed because these powerful men thought that they were a superior race and wanted the Indian problem to be erased. They took our land, our cultures and our lives. Our history with these oppressors is not the same as your history.

There are many things that these PM's did do to make Canada what it is today but with every positive there is also a dark negative, and that is what I'm focusing on, the negative.

By erecting these PM's we are bestowing honour upon that person. Statues honour an individual's past, but these statues are rooted in injustices and we continue to honour those injustices by allowing them, the statues to hold space.

Is it right for Indigenous people and POC to be shown that this community, the Wilmot community still honours the acts of the past that are racist and incredibly harmful?

With all the secrets of the past out now you can't deny what these statues represent. You would never ask an abused person to take space where the abuse took place whether it be a church or a building with the abusers name on it. To have a statue or a likeness of that abuser being held up in reverence is insulting and traumatic. Feelings of anger and hurt come to the surface in many black, Indigenous and people of colour when they have to walk past a statue that glorifies an architect of segregation and genocide. Statues in public spaces emphasizes that the lives and histories of Black and Indigenous people are not valued in spaces that we all share. These statues keep the perpetual racism alive.

Is this that we want in our community? I hope not.

My voice, an Indigenous voice needs to be heard and should be at the forefront of this debate. By adding a plaque with the injustices of each Prime Minister is just not good

enough. You are still bestowing honour to that individual and raising them up by erecting a statue of them.

Wilmot township is not the home for these statues. Baden is the home for many wonderful, compassionate and loving individuals who are raising their families in a small, rural setting. Do the residents of Baden want the turmoil and contempt that these statues will bring to their community if this gets approved?

Justice is coming, it's not a matter of if, it's a matter of when and when it does, I hope that the town of Baden will come out unscathed.

Good evening everyone.

I would like to thank the First Peoples Group for their leadership on the Prime Minister's Path consultation process. This was important and necessary work for our community to start to move forward. I am proud of the community members that spoke up and had their voices heard. This is exactly how decisions like this that affect our community should be approached - through public consultation.

To provide a little bit of background on why this consultation project is important to me and why I am here today.... I sat on the Statue Advisory Committee for Laurier University as an Alumni representative. Prior to that time, I will admit, I was a bit naive and Uneducated in the atrocities that Indigenous people faced but through listening and learning I quickly came to my own conclusion that the statue project was more harmful to the community than any good others believed it could bring. In fact, from that day forward, I couldn't understand the motivations of the people who emphatically defended the project. Why was their need to erect these statues more important than the harm they were causing. Why were they not listening and learning? It was through that consultation process that Laurier decided the project wasn't a good fit for their community.

You can only imagine my extreme disappointed to hear that the statues had made their way to my own community. In fact, On April 4th, 2016, when I first learned about council's impending vote on the statues, I immediately emailed my Councillor and the Mayor urging them to have a public forum for residents to comment on the project before a decision was made and shared I had participated in Laurier's decision and had some information I could share. I was confident that the resident of this community would come to the same conclusion that the City of Kitchener and Laurier had, after listening and learning from their communities. It is unfortunate that so much damage has been caused in our community over the past 5 years because our

leadership wasn't willing to listen and learn back then. I am thankful that this council has opened the door to listening to the community and learning from previous errors in judgement.

I wholeheartedly support the recommendation to remove any remaining statues on the township property and to halt the creation of any new statues. I don't believe we need statues of anyone but if we must erect a statue to commemorate anyone in bronze, it should be someone who has helped advance our country in a positive way as seen by all groups of people.

I also wholeheartedly support the recommendation to ensure that township council processes are enhanced to include public engagement/consultation that encourages greater openness, accountability and citizen participation in decision making. This was something that both the City of Kitchener and Laurier University undertook and through that process they listened and learned from the community to come to their conclusions on the project.

In closing I would like to say, we are in a delicate time where our decisions and actions are so incredibly important to how we move forward to reconcile and heal from the dark parts of our Canadian history. None of us here tonight created that dark history but we have a responsibility to ensure the future is brighter through the actions we take today. The first step to creating that brighter future is to listen and learn and accept the recommendations from the First Peoples Group.

Thank you to the First Peoples Group for their grace, strength, and compassion throughout this process. From the beginning of this process, I have held myself open to any result. I kept careful guard on my expectations. I have held my mind and my heart open. I have spent time thinking about and digesting each piece of information, each comment, each perspective that has been presented.

Visual art projects can indeed inform and inspire thoughtful dialogue. Just before the pandemic shut everything down, I had the opportunity to attend the “Mandela: Struggle for Freedom” exhibit at the Ken Seiling Waterloo Region Museum. I have personal insight into the story having lived in what was then Zaire, and making extended visits to South Africa and Namibia several times, both during apartheid and after. In spite of that lived experience, I learned a great deal from visiting the exhibit.

The statues of the Prime Ministers Path certainly offer a chance to engage in similar types learning if properly contextualized.

That is the crux of the matter. The Prime Ministers Path is in an open, grassy area that residents must pass or cross to access services at our Township offices. As these statues currently exist, here is no commitment to learning or reflection required, nor any realistic opportunity for understanding the complexities of the stories of these figures who are so central to the last 154 years of history in our country.

Good intentions do not mitigate negative impacts. I believe that the Council of the day, the artists, and all others involved in imagining and creating this project had good intentions. However, it is clear that the impacts do not match those intentions. When we are faced with negative impacts that are a direct result of a decision we have taken, we must take responsibility for those impacts.

Our country is at a crucial point in its history. The use of ground penetrating radar has recently begun to illuminate the truth of the stories told by survivors of the so-called Residential “Schools”. I agree wholeheartedly with all the residents who have talked about the importance of not forgetting history.

Equity is not achieved by simple process of majority rule. While the number of responses seems small as a percentage of the population, it is the largest number of responses we have ever received on any survey in the Township. I find it disingenuous to impugn the character of the First Peoples Group.

There are many points of historical context that are missing from comments made by delegations tonight. But this is not the time to debate historical context.

Removing these statues will not erase any part of history. In fact, I see it as creating space to learn about other parts of history that have been neglected, or in some cases, actively hidden. One of the delegations tonight phrased it very well in saying that healing and reconciliation cannot

Tonight we have many points of disagreement. But we have many more that bring us together.

Everyone who has spoken tonight has expressed some level empathy with the Indigenous community in the trauma that the various policies over the generations have caused.

Everyone has acknowledged the need for learning.

Comments Regarding SJAM

The PM Path began in 2016, and I recall there being hundreds of people embracing the idea of the new path located beside our National Heritage site. Each new statue brought fanfare and crowds for the unveiling, each one bringing national attention. I felt it was warmly accepted in the community. All of that changed early last year. In a short amount of time the view of statues began to change in Canada and around the world.

I chose to vote to pause the Prime Ministers Path last summer and to hire consultants, in hopes that there might be some form of resolution that would make both sides happy – that is what I wanted to have happen here. Many ideas came forth, such as fencing in the area, adding realistic historical data to the project, statues of Indigenous leaders, and to create a healing garden or area for native art and plants. I also felt that the hiring of the First Peoples group was a wise choice that might help in healing our community which was becoming very divided.

Then came the horrific announcement of the 215 bodies that were discovered in Kamloops, followed by the discovery of the 751 at the Marieval residential school in Saskatchewan, and most recently 182 graves found near Cranbrook. There were 139 residential schools in Canada, so I am sure there will be many more discoveries. It was shocking and it displayed the hurt that many Indigenous peoples have felt for many, many, years. The graves are one thing, but there were also all the other atrocities that these children have endured including abuse, separation from their family, and the attempt to change the way Indigenous peoples lived and their beliefs. That is what the statues represent to many Native and Non-native people alike. It is certainly time for truth and reconciliation.

Removing the statues is not exclusive to Wilmot Township, this is a world-wide initiative. In the United States over 200 contentious statues have been removed, or are in the process of being removed, including 94 Confederate statues in 2020 alone. Around the world there is a movement to remove statues including 16 in Great Britain and other countries such as France, Belgium, India, Ireland, and Barbados. Here in Canada, we are also undergoing this transformation. Charlottetown, Picton, Victoria, Montreal, Regina and Ryerson in Toronto are all removing their statues, while Kingston is relocating their statue. Some of these have been removed forcibly by protesters. There are also schools and other buildings possibly being renamed.

The treatment of the Indigenous peoples is one concern regarding the statues. It dishonors Indigenous peoples to celebrate the men ultimately who were responsible for their atrocities which have been verified during the last month. The other is the hurt and division that is being created by the two sides here in Wilmot.

What value do you place on harmony in the community! Are having statues in Wilmot Township worth losing unity of its community and having a safe and welcoming place to live. There are so many amazing people that live in Wilmot and Baden and over the last year there has been so much anger and division that it is really troublesome. I know if we vote to leave the statues and continue on with the P.M. Path, then there will be more and more anger on both sides – it won't end. There will be more vandalism, and protests will resume. If they are removed, then there will be hurt for a while, but I do believe that we have a better chance of getting back to the harmony that Wilmot is capable of enjoying.

I do see that both sides have valid reasoning and both sides are very passionate about their cause, but at the end of the day, people are hurting. The Indigenous people are hurting and I do believe that many people in the community are hurting and angry. This township has been torn apart and much of it has to do with the statues. Removing the statues do not make us lesser Canadians, nor does it mean we have won or lost this contentious issue. Indigenous history will still be taught and with the discovery of more graves it will be accelerated. It means we are working together to find a more peaceful and understanding life.

I would like to thank the First Peoples Group for all of their hard work that went into this project and I know that Councillor Pfenning will agree with me, that they have been a pleasure to work with. The P.M. Path is located on public property and First Peoples Group were hired to reach out to the public for them to share their views which are in front of us tonight. This council is faced with a difficult decision. Thankyou to all the delegates that spoke tonight. At the end of the night there will be people disappointed with us and I understand that. To me it is about making the right decision on behalf of the township.



DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2021-024

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Harold O'Krafka, MCIP RPP
Director of Development Services

Sandy Jackson, Interim CAO
Director of Parks, Facilities & Recreation Services

Patrick Kelly, CPA, CMA
Director of Corporate Services

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Mike Schout Wetlands Preserve
Approvals Update

RECOMMENDATION:

THAT Report DS 2021-024 be received for information.

SUMMARY:

Council endorsed the design concept for the Mike Schout Wetlands Preserve at its meeting on April 12, 2021. Since that approval staff have worked with Mr. Schout and his design team to seek the regulatory approvals of the Grand River Conservation Authority (GRCA) for the construction of the wetlands. The most recent update from GRCA staff is that approvals are anticipated to be granted in the coming weeks and permits issued to allow construction of the wetlands to begin.

The design team has worked to secure quotations and workplans for the preparation and planting of the pollinator meadow areas of the site. This led to a partnership between Mr. Schout and Ducks Unlimited to contract Ducks Unlimited staff to use their expertise and experience to prepare and plant the pollinator meadow this fall (mid-October) at a cost of approximately \$100,000.

The process of visioning and sourcing native tall stock trees and shrubs for planting this fall has also begun. It is hoped that Covid-19 recovery will have advanced to a necessary stage by the fall to allow widespread public participation in the fall planting efforts. The design team will reach out to local volunteer groups such as the Wilmot Horticultural Society, Nith Valley EcoBoosters, Wilmot Sustainability Working Group, and Let's Tree Wilmot to seek opportunities for collaboration and participation.

In addition, through a partnership agreement between Mr. Schout and Ducks Unlimited for the preparation and planting of the pollinator meadow, Mr. Schout's financial investment in the project has been leveraged to secure a donation of \$15,000 from Ducks Unlimited towards the creation of the wetlands.

BACKGROUND:

The Township owns lands having frontage on Smith's Creek Drive in New Hamburg which have been previously rented for agricultural purposes. The lands were acquired by the Township at no cost as a condition of approval of the Smith's Creek (Sunvest Holdings) subdivision.

The lands are wholly within the flood plain of the Nith River and contain an existing stormwater management facility that discharges via a ditch system directly to the Nith River.

The Wilmot Trails Master Plan (WTMP), approved in November of 2013, identified trail development within the property as a priority within a 5-year time frame. The development of an RFP for trail design services was initiated in early 2019 but was put on hold pending the outcome of the discussions with Mr. Schout on his participation and funding of the project.

Additionally, the Township had successfully made application to the Community Environmental Fund (RMOW) in October of 2018 for funding of design activities on the subject lands as a planned Carbon Sink / Naturalization Area. Again, the progression to an RFP for that project was delayed pending the outcome of the discussions with Mr. Schout.

In addition to the potential to sequester a significant amount of CO₂, through reforestation opportunities, the original project envisioned that the naturalization of the lands would have an added benefit of improving water quality in the Nith River by eliminating a source of fertilizers, pesticides, and siltation through the removal of agricultural activities adjacent to the river.

Through the incorporation of trails, walkways, and lookouts the project was deemed to have the opportunity to provide recreational and educational opportunities for the local and regional community.

At the time of the 2019 Capital Budget staff advised of a potential partnership with a “Community Champion”. Over the next few months Township staff, GRCA staff, Ducks Unlimited staff and Mike Schout of Schout Corporation toured the subject site, as well as other Ducks Unlimited project sites in the Woodstock area to develop a concept of how a design and implementation partnership between Mike Schout and the Township of Wilmot (as landowner) could be developed to advance the project.

On September 23, 2019, Council was advised that through these discussions Mr. Schout had confirmed that he would like to contribute to the project in the amount of \$1.5 million and proceed with the engineering design, approvals, and to facilitate the construction of what promises to be a very special and unique project for our community.

Council was advised that, upon completion of the design and approvals exercise, an implementation plan would be developed to leverage and supplement the \$1.5 million investment by Mike Schout through a variety of external funding mechanisms, including government and private grants and donations.

In recognition of Mike Schout’s generous donation and investment in the future health and well- being of both the community and our natural environment, Council endorsed the project and resolved that the project would be named the Mike Schout Wetlands Preserve.

Since that time Mr. Schout worked with former Wilmot resident Phil Holst on creating and refining a conceptual design for the project. Mr. Schout advanced, and funded, several technical analyses to aid in the design work including having the site elevations mapped using a drone and having test pits dug at a number of locations to determine soil stratigraphy as well as ground water levels.

Through consultations with the Grand River Conservation Authority, who regulate the site, and various Township departments respecting their areas of expertise, a draft concept was prepared for Council’s endorsement and that endorsement was given on April 12, 2021. The endorsed concept is attached as Attachment One (1) to this report.

In addition to endorsing the concept plan Council also endorsed the implementation of Stage One of naturalization of the site which involved the planting of approximately 4,000 native species of trees and shrubs in the reforestation areas of the design this past spring. No regulatory approvals were required for the planting of trees.



Spring Tree Planting at the Mike Schout Wetlands Preserve

With Council support of the concept, the design team proceeded to prepare and submit the necessary application to the GRCA to obtain a permit for the construction of the wetlands. That application is currently under review and the design team is anticipating that a permit will be issued in summer 2021.

This report, and the Council presentation by Mr. Holst, outlines the next steps in the project.

REPORT:

This report highlights the next steps in the development of the Mike Schout Wetlands Preserve.

Preparation and Planting of the Pollinator Meadows

Mr. Schout and his design team have partnered with and contracted Ducks Unlimited to prepare and plant the approximate 30ac of pollinator meadows on the site. Ducks Unlimited has considerable experience and expertise in creating this habitat and are well positioned to complete the work.

Preparation will begin immediately through tillage and non-native weed removal in order that the meadow areas are properly prepared for planting later this fall. In addition to the grassland and pollinator meadows the contract will provide for the creation of wet meadow areas in proximity to the wetlands once those areas have been constructed.

Physical Construction of the Wetlands

Upon receiving the permit from GRCA it would be the intention of Mr. Schout and his design team to proceed to contract the physical construction of the wetlands immediately to complete the grading of those areas in advance of the planting of the pollinator meadow and planting of tall stock trees later this fall.

The construction of the wetlands will involve removing topsoil and subsoil in the wetlands area and relocating that material elsewhere on the property to create the rolling meadow topography for the pollinator meadow areas.

The excavated wetlands will be strategically lined with clay from the site to hold water in the deep areas and allow the slow percolation of water into the ground in the shallow areas. This strategy will create a wide range of micro habitats for both aquatic and terrestrial life.

Mr. Schout and his design team will contract the services of contractors directly to complete the works.

Tall Stock Plantings

Work is underway to source and secure native species for strategic tall stock plantings later this fall. It is hoped that the planting of tall stock trees will provide an opportunity for public participation depending on the status of Covid-19 recovery.

It is the intent of Mr. Schout and his design team to connect with local organizations such as Let's Tree Wilmot, Wilmot Horticultural Society, Nith Valley EcoBoosters and the Wilmot Sustainability Working Group, to discuss how those groups might engage and participate along with local residents in the planting efforts this fall.

Future Phases

Future phases of construction and development will be discussed in subsequent update reports to Council.

The most significant stage will include the timing and development of the trail and boardwalk network, the construction of the lookouts along the Nith River and the construction of the parking area that will provide enhanced public access to, and through, the completed naturalized area.

In addition, the plans for signage, promotion and management / maintenance of the project will also be discussed and envisioned in future reports.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This project protects and enhances our natural environment, supplementing our enjoyment of our quality of life, engaging our community in the implementation of the project, and promoting a prosperous economy which balances the protection of the environment with economic growth.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

GOAL 3: Good Health and Well-being – trails and recreational opportunities
GOAL 4: Quality Education – educational resource opportunity to learn and study
GOAL 6: Clean Water and Sanitation – will further clean stormwater and improve river quality
GOAL 8: Decent Work and Economic Growth – supports employment and green economy
GOAL 9: Industry, Innovation, and Infrastructure – innovative green/natural infrastructure asset
GOAL 11: Sustainable Cities and Communities – improves the sustainability of the community
GOAL 13: Climate Action – carbon sequestration, habitat restoration
GOAL 14: Life Below Water – wetlands creation
GOAL 15: Life on Land – pollinator meadow and reforestation
GOAL 17: Partnerships to achieve the Goal – private public partnership

FINANCIAL CONSIDERATIONS:

Permitting Mike Schout to proceed with engineering design, approvals and naturalization phases of construction being the reforestation, creation of wetlands, and preparation and planting of the pollinator meadows has had limited immediate fiscal impacts on the Township of Wilmot beyond the staff resources required to provide support to the exercise and the payment of the GRCA permit application fee.

Future implementation may have fiscal impacts once the trails, boardwalks, signage, and parking area have been designed, costed, and constructed which would be identified in the implementation plan that will be prepared prior to any regulatory approvals for same.

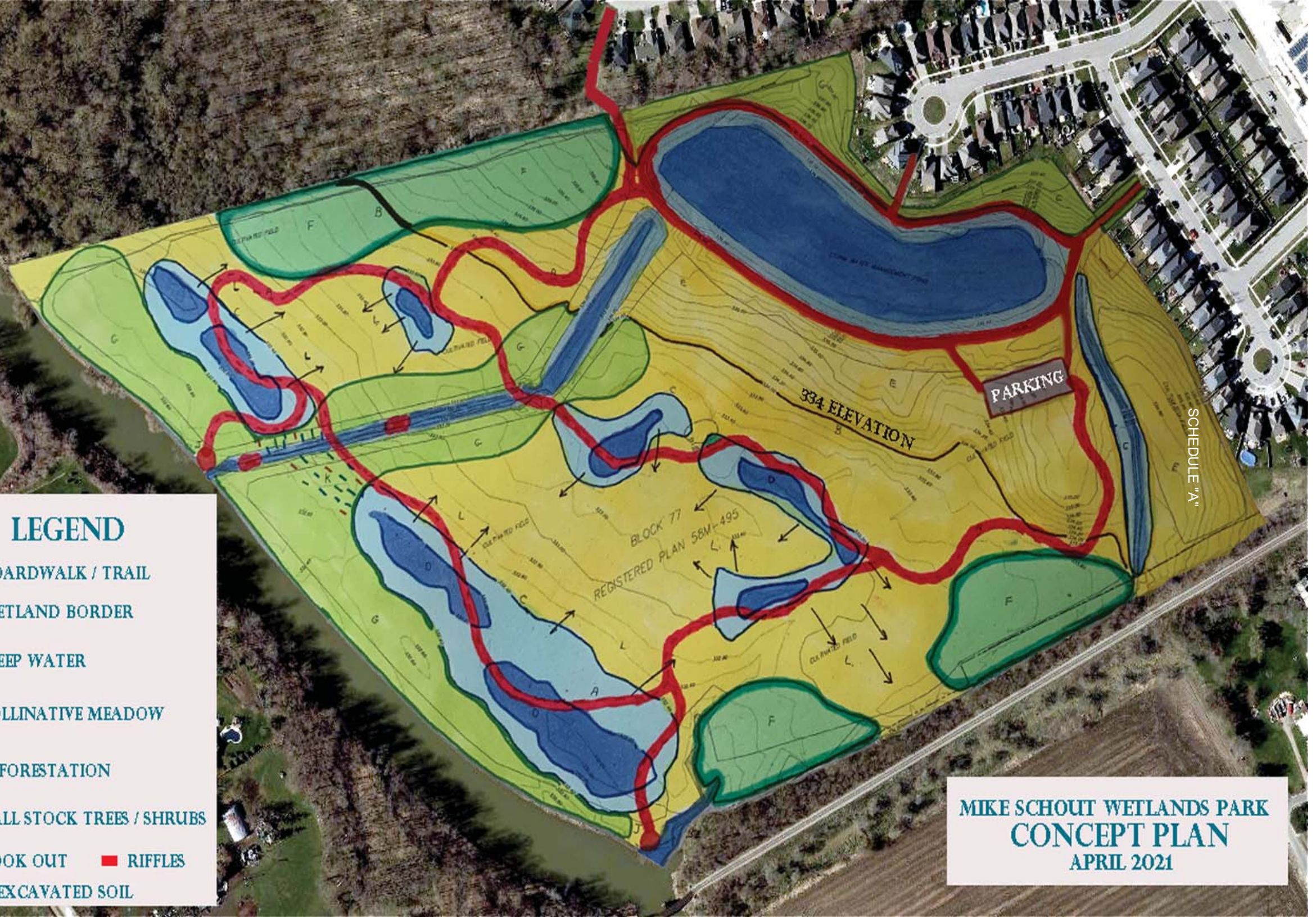
As indicated in earlier reports operational stages will have fiscal impacts which will also be identified in the implementation plan. Specific capital investments would be brought forward through normal budgetary processes.

ATTACHMENTS:

Attachment 1 Endorsed Concept Plan

LEGEND

- BOARDWALK / TRAIL
- C WETLAND BORDER
- D DEEP WATER
- E POLLINATIVE MEADOW
- F REFORESTATION
- G TALL STOCK TREES / SHRUBS
- LOOK OUT ■ RIFFLES
- EXCAVATED SOIL



MIKE SCHOUT WETLANDS PARK
CONCEPT PLAN
 APRIL 2021



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-28

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Tracey Murray, Manager of Information and Legislative Services /
Deputy Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Noise By-law Exemptions
The Community Players (TCP)

RECOMMENDATION:

THAT a Noise By-law Exemption for The Community Players (TCP) on the follow dates for Take Two: A series of 2-person production to take place at the facility formerly known as The Waterlot:

- Setup
 - July 30-August 1, 2021 (8am-11pm)
- Rehearsals
 - August 2-4, 2021 (6pm-11pm)
 - August 9-11, 2021 (6pm-11pm)
- Performances
 - August 5 - 6, 2021 (6pm-11pm)
 - August 7, 2021 (1pm-11pm)
 - August 8, 2021 (10am-6pm)
 - August 12-13, 2021 (6pm-11pm)
 - August 14, 2021 (1pm-11pm)
 - August 15, 2021 (10am-6pm)

SUMMARY:

Approval of a request for Noise By-law Exemption is being sought for outdoor productions throughout various dates in August 2021 from The Community Players.

The applicant continues to remain responsible to ensure all aspects of their event is compliant with all other applicable Township by-laws and policies and provincial legislation, which are independent of the by-law exemption.

BACKGROUND:

Township of Wilmot Noise By-law 98-21 prohibits excessive noise in the Township that is likely to disturb residents. Historically, Council has provided opportunities for exemptions to this By-law for the purpose of community events and special occasions for both private and public functions. Residents or event organizers seeking an exemption are required to circulate a notice to all neighbours within 150 feet of the property advising them of when Council will be considering the request.

REPORT:

Information and Legislative Services received a request for Noise By-law Exemption for a series of outdoor 2-person plays, including dates for setup and rehearsals from The Community Players on the following dates:

- Setup
 - July 30-August 1, 2021 (8am-11pm)
- Rehearsals
 - August 2-4, 2021 (6pm-11pm)
 - August 9-11, 2021 (6pm-11pm)
- Performances
 - August 5 - 6, 2021 (6pm-11pm)
 - August 7, 2021 (1pm-11pm)
 - August 8, 2021 (10am-6pm)
 - August 12-13, 2021 (6pm-11pm)
 - August 14, 2021 (1pm-11pm)
 - August 15, 2021 (10am-6pm)

Neighbours have been circulated a notice and no comments have been received by staff at the time of writing this report.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

By allowing exemptions to the Noise By-law and ensuring residents are notified as such, the Township is supporting community events and celebrations, strengthening customer service and communicating municipal matters.

FINANCIAL CONSIDERATIONS:

There are no fees or costs associated with the granting of a Noise By-law Exemption.



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-27

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Tracey Murray, Manager of Information and Legislative Services /
Deputy Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Appointment of Drainage Engineer
1184 Gerber Road, N ½ Lot 10, Concession 3B
Township of Wilmot

RECOMMENDATION:

THAT Headway Engineering be appointed as Drainage Engineer to prepare the Engineer's Report relative to the petition for drainage works received from Lucy Gawron, 1184 Gerber Road, N ½ Lot 10, Concession 3B, Township of Wilmot.

SUMMARY:

For the Gawron Petition Drain, the next step is to appoint a Drainage Engineer to complete the Engineer's Report. Council is being asked to appoint Headway Engineering for this drain.

BACKGROUND:

Lucy Gawron submitted and file a petition with the Clerk on April 27, 2021, to construct a new tile drain for the following lands: N ½ Lot 10, Concession 3B, 1184 Gerber Road, Township of Wilmot.

REPORT:

Following the acceptance of the petition by Council, staff forwarded the notice to the petitioner and the required agencies; the Grand River Conservation Authority and the Ministry of Natural Resources and Forestry. At the time of writing this report, no comments have been received from the agencies noted above.

If appointed, the Drainage Engineer will conduct a site meeting where all property owners within the drainage watershed area will be invited to discuss the matter, ask questions and learn about the process.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of their report. At this time, there are no financial considerations.



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-29

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Tracey Murray, Manager of Information and Legislative Services /
Deputy Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: **Acceptance of Petition Drain and Appointment of Drainage
Engineer**
Derek Bruyn
2043 Bean Road, N ½ 30, Concession 3A
Township of Wilmot

RECOMMENDATION:

THAT the Township of Wilmot accept the Petition for Drainage Works received from Derek Bruyn for 2043 Bean Road, N ½ 30, Concession 3A, Township of Wilmot; and,

THAT K. Smart and Associates be appointed as Drainage Engineer to prepare the Engineer's Report included as part of the Delton Reibling Drain.

SUMMARY:

For the Bruyn Petition Drain, the next step, as dictated by the Drainage Act, would be to provide notice within 30 days to the local conservation authority; however, the Drainage Superintendent is advising that the waiting period can be waived as this petition is in the

watershed area of a drain in progress. Council is being asked to accept the Petition Drain and appoint K. Smart and Associates for this drain.

BACKGROUND:

Derek Bruyn submitted and filed a petition with the Clerk on June 29, 2021, to construct a new tile drain for the following lands: 2043 Bean Road, N ½ 30, Concession 3A, Township of Wilmot.

REPORT:

The Drainage Superintendent is advising that with the acceptance of the petition by Council, the 30-day notice period can be waived as this is a petition within the watershed for an existing drain that the Grand River Conservation Authority is aware of.

With acceptance and approval of the petition and appointment of the engineer, the Drainage Engineer will conduct a site meeting where all property owners within the drainage watershed area will be invited to discuss the matter, ask questions and learn about the process.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The acceptance of the petition drain, appointment of the Drainage Engineer, and continued application of the Drainage Act supports the infrastructure within the municipality.

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of their report. At this time, there are no financial considerations.

ATTACHMENTS:

Petition for Drainage Works by Owners
Area Map (also include map if you have one)

**Petition for Drainage Works by Owners
Form 1**
Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Wilmot

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

West part of the N1/2 Lot 30, Concession 3 Block A

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Bruyn</u>	(First Name) <u>Derek</u>	Telephone Number <u>519 662-3707</u> ext.
--------------------------------------------	------------------------------	----------------------------------------------

Address	
Road/Street Number <u>2043</u>	Road/Street Name <u>Bean Road</u>

Location of Project			
Lot <u>N 1/2 30</u>	Concession <u>3 A</u>	Municipality <u>Wilmot</u>	Former Municipality (if applicable)

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel
☐ Construction of new tile drain
☐ Deepening or widening of existing watercourse (not currently a municipal drain)
☐ Enclosure of existing watercourse (not currently a municipal drain)
☒ Other (provide description ▼)

Incorporate existing tile drain

Name of watercourse (if known)
Delton Reibling Drain

Estimated length of project
600m

General description of soils in the area
clay loam

What is the purpose of the proposed work? (Check appropriate box)

- ☒ Tile drainage only
☐ Surface water drainage only
☐ Both

Petition filed this _____ day of June, 2021

Name of Clerk (Last, first name) <u>Mittelholtz, Dawn</u>	Signature
--------------------------------------------------------------	-----------

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description N 1/2 Lot 30, Concession 3, Block A
Ward or Geographic Township Wilmot	Parcel Roll Number 3018-010-001-05700

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

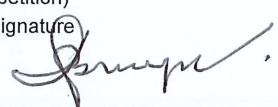
☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--------------------------------------------	-----------	-------------------

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☒ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print) Bruyn, Derek	Signature 
Name of Corporation Bruyn Farms Ltd	I have the authority to bind the Corporation.
Position Title President	Date (yyyy/mm/dd) 2021/06/25

Number	Property Description
Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--------------------------------------------	-----------	-------------------

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
Position Title	Date (yyyy/mm/dd)

☐ Check here if additional sheets are attached

	Clerk initial
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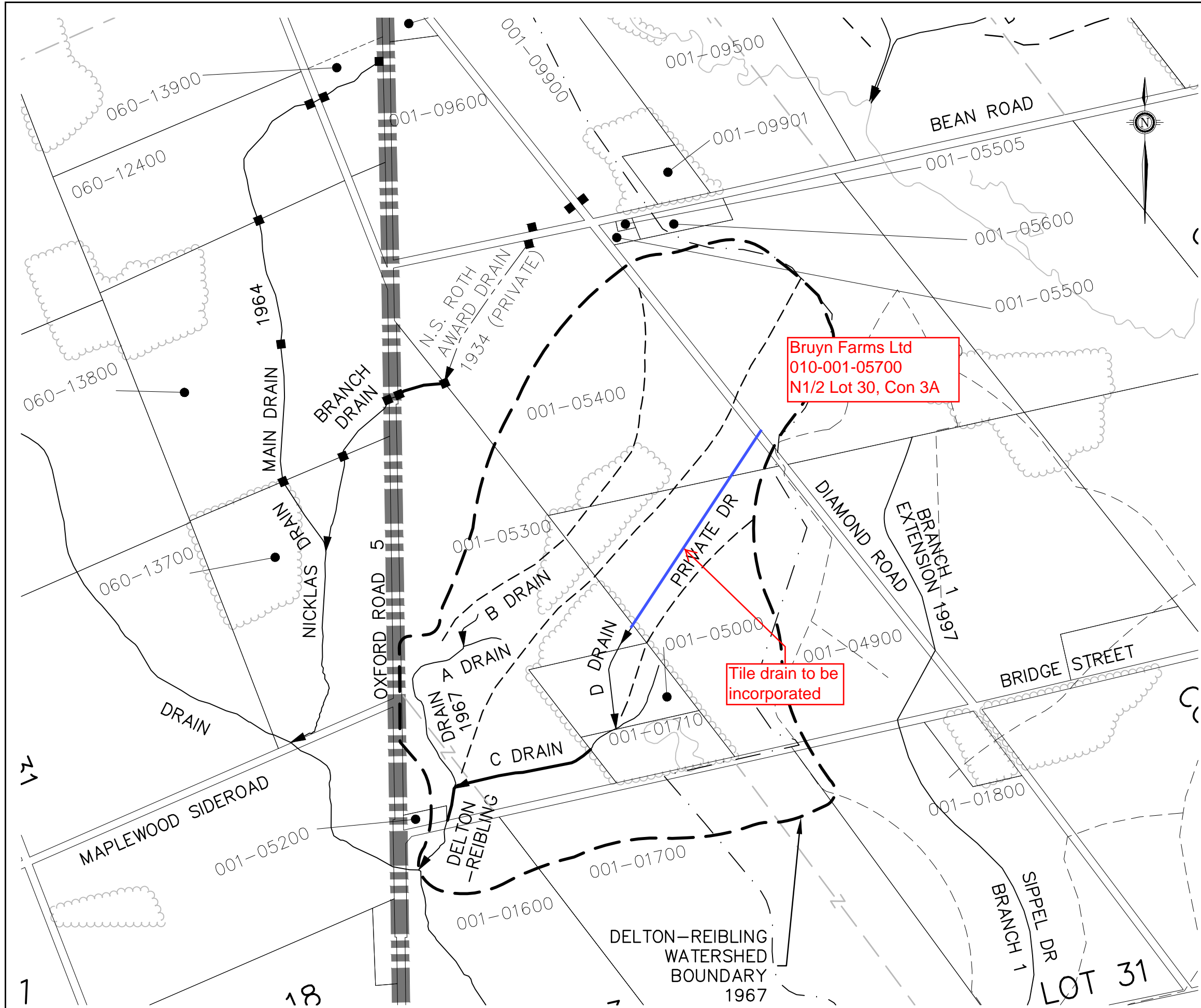
Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.



PLAN FOR BRUYN FARMS PETITION
JUNE 25, 2021

NOTES:
- ALL ROLL NUMBERS IN TOWNSHIP OF WILMOT BEGIN WITH: 30-18-010-
- ALL ROLL NUMBERS IN TOWNSHIP OF EAST ZORRA-TAVISTOCK BEIGIN WITH: 32-38-010-

PLAN LEGEND


- WATERSHED (HISTORICAL)
- - - WATERSHED (DELINEATED)
- PROPOSED WORK OR INCORPORATION
- EXISTING DRAIN
- DITCH OR WATERCOURSE
- COUNTY/TOWNSHIP BOUNDARY
- ACCESS
- Z- DENOTES PROPERTY OWNERSHIP ON BOTH SIDES OF LOT LINE
- (12.8) — APPROXIMATE HECTARES IN WATERSHED
- 5.2 ha. — HECTARES OWNED
- (50-071) — ASSESSMENT ROLL NUMBER
- BUSH

DESIGNED BY: C.J.M.
CHECKED BY: J.W.K.
DRAWN BY: A.M.P.
CHECKED BY: J.W.K.

PRELIMINARY

SCALE
0 100 200m
SCALE 1 : 10,000
(ON 11"x17")

DELTON-REIBLING AND NICKLAS DRAINS
REGION OF WATERLOO TOWNSHIP OF WILMOT
COUNTY OF OXFORD TOWNSHIP OF EAST ZORRA-TAVISTOCK

DELTON REIBLING DRAIN WATERSHED		DEC, 2020
	REVISED:	
	JOB NUMBER: 20-328	
	DRAWING	
KITCHENER SUDBURY		1 OF



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-30

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Proposed Procedural By-law

RECOMMENDATION:

THAT Report No. ILS 2021-30 be endorsed.

SUMMARY:

This report is presented to facilitate discussion and then adoption of the proposed amendments to the Procedural By-law. Members of the public and Council have provided comments on the proposed bylaw attached which have been incorporated and/or addressed below.

BACKGROUND:

The Municipal Act, 2001, requires all municipalities in the Province of Ontario to pass a Procedural By-law to govern the calling, place and proceedings of meetings of the municipality and its local boards. The current Township of Wilmot Procedural By-law was approved by Council on May 13, 2019, with updates occurring in 2020 to accommodate electronic

participation. On June 14, 2021, Council held a Public Meeting to hear from members of the public on proposed amendments to the by-law. Though no members of the public attended, two emails were received containing questions, comments, and requests.

REPORT:

The following is a breakdown of the amendments made to the Procedural By-law 2019-25, as amended, and will address comments received from Council and the public. With the exception of the items removed and the housekeeping style edits, all additions and amendments are highlighted on the proposed by-law attached as Appendix A. For ease of reference, and where possible, the relevant parts, sections or subsections of the by-law have been noted in this report.

Removals

The definitions for Head of Council and presiding Officer were removed as the terms are redundant with the more common terms Mayor and Chair. The definition for Pecuniary Interest was removed as it was more appropriate to reference any section concerning Conflicts of Interest back to the Municipal Conflict of Interest Act rather than reiterating it in this by-law. Point of Procedure was removed from the definitions list upon suggestion from the Township solicitor as there is no substantive difference with Point of Order. As the use of Quorum is spelled out completely, including its definition, in Section 4.10, a separate definition was unnecessary.

In Procedural By-law 2019-25, Section 4.10 "Absence – Head of Council" a procedure was outlined on how to address a situation where both the Mayor and Acting Mayor are absent from a Council Meeting. Whereas this procedure is adequate in handling the situation, it is a moot point as the Acting Mayor Rotational Schedule also names an Alternate Acting Mayor. This redundant procedure is removed from the proposed Procedural By-law 2021-36.

In consultation with the Township Solicitor, Section 5.4 was minimized to simply reference the Municipal Act section that lists reasons why Council may go into a Closed Meeting. This simplifies the by-law by removing the need to update the section when the Province updates this part of the Municipal Act.

Although the consultation with First Peoples Group is not inclusive of reviewing the Procedural By-law, discussions did include Land Acknowledgements as part of the overall discussion. As such, First Peoples Group noted that inclusion of asking if any Indigenous person present wished to read the Land Acknowledgement may not be in keeping with the intention of a Land Acknowledgement for a municipality. Indigenous persons in attendance at municipal meetings or events would be approaching a Land Acknowledgement in a different manner than the Township, therefore, one would not replace the other. As such, a portion of 7.4.1 from By-law 2019-25 has been removed.

During the review of the by-law with the solicitor, it was recommended that the portion of the by-law that goes into greater detail on the disclosure of pecuniary interest be removed

following Section 7.6.1. As Section 7.6.1 references the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, the remaining sections are a mere repetition of what is in the Municipal Conflict of Interest Act and therefore redundant.

Additions

1. Several additions have been made to the definitions section to provide clarity for the following words or terms: Agenda Package, Committee, Committee Member, Council Chambers, Declaration of Office, Department Head, Deputy Clerk, Delegation, Friendly Amendment, Governance Policy, Integrity Commissioner, Land Acknowledgement, Minutes, Point of Privilege and Terms of Reference.

4.7 As was detailed in Report ILS 2021-25, the Inaugural Agenda items have been listed and in the order they would be included on the Agenda.

4.13 A new procedural concept for Wilmot Township meetings has been added to the Procedural By-law by way of Reports Under Separate Cover. The intention of this addition is to ensure the circulation of the Agenda Package is not delayed as a result of a report or presentation that is not completed within the established timelines. Exemptions to this section are provided in the by-law for any matter that is subject to legislation. Statutory matters must be included in the original circulation of the Agenda Package. Meeting these deadlines for legislated matters is operational in nature and procedures to ensure these timelines are met would be established by the Senior Management Team under the leadership of the Chief Administrative Officer.

5.2 Although confidentiality in Closed Meetings is not a new item for Members of Council or staff, addition of this section to the Procedural By-law solidifies the requirement to not disclose anything read or heard as part of a Closed Meeting. This section also provides for the source of potential ramifications for those who have breached confidentiality.

5.10 In Procedural By-law 2019-25, as amended, no provisions were included for circumstances where a Closed Agenda could not be circulated to Council or staff as a hardcopy. As the pandemic has proven, such requirements were needed, and therefore have been added. Further to this, the introduction of an electronic agenda management platform allows for a secure portal for the circulation of confidential Closed Meeting Agendas that cannot be shared.

7.2.2 A new procedural action being proposed is the adoption of the Agenda. This reinforces that the Agenda is Council's Agenda for the purpose of disposing of Township business.

7.3.4 The introduction of live streaming and having recording of Council and Committee Meetings has been embraced by Council, staff and the public. This will continue when in-person meetings resume. As such, it is necessary to address them in the Procedural By-law. The Records Management Modernization project addresses the update of a Retention By-law, also being considered by Council at the July 12, 2021, Council Meeting, and provides a proposed retention schedule for video recordings of meetings.

7.11.8 A new proposal for the Procedural By-law is for the Clerk to have the ability to make non-material changes to a resolution or by-law. These changes may take place at two points in time. The first would be when the authoring department has submitted the report for inclusion on the Agenda or following adoption by Council. A recommendation contained within a staff report, presentation, or correspondence that includes an error relative to format, parliamentary language, grammar, or other aspect that does not change the intent of the recommendation should be repeated on the Agenda and would therefore be corrected as it serves as the source for Motions being made by Council. Once an item is adopted by Council and an error that does not affect the substance, meaning, or intent of what was passed is noted, the Clerk will make record of the error, the correction, and the date of the correction. This information would be reported to Council and the public.

7.14 Council Meetings always include a Confirmatory By-law yet this document may not be fully understood as to its purpose. The proposed amendments include the addition of a section to address why this is required and is a vital part of the meeting.

8.12 The Speaking Order of Members of Council has been informally in place and understood to be the order in which hands are raised. This section being added formalizes this practice and adds a time limit for Council Members to ensure they all have the same opportunity to speak on a matter and to keep discussion orderly. As was noted in Report ILS 2021-25, the consideration of the time limit where no other Members wish to speak has been addressed by waiving the 5 minute limit in those circumstances.

18.4 Although it is already the general practice, a provision has been added formalizing the requirement for the Clerk to have any amendments or subsequent Procedural By-laws reviewed by the Township solicitor.

Amendments

The section of the Authorizing Preamble to the proposed by-law characterized by beginning with WHEREAS clauses, has been expanded to include the authority under the Municipal Act of the municipality and Council for exercising of its powers and the authority for electronic participation in Council Meetings.

1.23 The definition for Meeting was amended to be consistent with the definition in the Municipal Act.

1.36 Public Hearing was amended to Public Meeting. The Township commonly uses Public Meeting and the term "hearing" may inadvertently imply a quasi-judicial role.

1.47 The definition for Treasurer was amended to be consistent with the definition for other staff roles identified in the by-law

3.1 At the June 14, 2021, Council Meeting discussion occurred relative to ensuring the expression of religious freedom of the public while ensuring the separation of church and state.

This discussion resulted in a direction for further language refinement concerning religious and spiritual expression in Township meetings and events.

4.8 Refinement to the section is reflective to the aforementioned Acting Mayor Rotation Schedule which is adopted by by-law. These proposed amendments provide clarity on the role of the Acting Mayor in the temporary absence of the Mayor or declaration of a conflict of interest and the inclusion of Alternate Acting Mayor and their role in the temporary absence of the Mayor.

4.10 Procedural By-law 2019-25 included the procedures when quorum was lost but did not contemplate what happens when quorum is lost due to the declaration of conflict of interest for more than one Member of Council or a Committee. This proposed amendment provides further clarity on the status of meetings when quorum is lost under these circumstances.

4.14 To better provide for the ability of a majority of Councillors to call a Special Meeting, amendments have been proposed to this section.

7.3.1 This proposed amendment provides greater clarity on what is required to be the Minutes of a Council or Committee Meeting. This section takes into account the ability of verbatim accounts of what was said in a meeting to be retained through video recordings and transcriptions of the meeting which are available on You Tube but will also be an operational practice with the introduction of the electronic meeting management platform.

7.7 Over the past few years, feedback has been provided that illustrates the confusion over Presentations versus Delegations. Amendments have been proposed to help correct this, including the need for those who wish to address Council to review the pertinent sections of the Procedural By-law. To further these efforts, the definition of a Presentation has been reiterated in this section and the layout of the section has been altered to be easier to read. Additionally, concerns as to what occurs when audio or visual materials are received has been clarified to refine the intention for materials presented to Council or Committee to require the same decorum expected of any person taking part in the Meeting.

7.8 This section contains several minor proposed amendments as the Township has gained greater experience with the use of Consent Agendas. An addition is also being proposed to define what may be included in a Consent Agenda.

7.9 In many ways, proposed amendments to this section mirrors the proposed amendments to the Presentation section, and for the same reasons. Further language refinements have been introduced to enhance clarity and a new subsection has been introduced to advise the public on the various means available to have their comments heard by Council. These proposed amendments provide the public with opportunities to address Council while ensuring the efficient and effective disposition of Township business in Council Meetings.

7.10 This section required refinement to ensure the validity of petitions being received and to outline what types of Correspondence are permitted to be included in the Agenda.

7.12 The Notice of Motion section required updating to ensure proper Notice is being given and to provide an opportunity for the Clerk to exercise their responsibilities for ensuring the integrity of the language and format of Motions being provided to Council for consideration. The proposed amendments further the accountability and transparency to Council and the public by ensuring clarity and adequate time for contemplation or consultation if an amendment is needed.

9. Several minor amendments are proposed for this section concerning Points of Information, Order, Privilege or Procedure to ensure clarity on the difference between these procedural questions and the roles and responsibilities of the Members.

11. The manner in which reports from the Integrity Commissioner are placed on the Agenda had not been documented. The proposed Procedural By-law is recommending a simplistic approach to addressing this dependent on the type of report or recommendations from the Integrity Commissioner.

12.8 A minor amendment to provide clarity on friendly amendments versus regular amendments is being proposed to differentiate the process for the two forms of amendment to a Motion.

17. The proposed amendments for Committees are to solidify the roles and responsibilities for Committees and their Members. These provisions include a base understanding for all Committees which would then be expanded upon through their respective Terms of Reference.

The items noted above provide a comprehensive list of all the material changes made to the proposed Procedural By-law 2021-36. As is practice with any such document, corrections were made to improve formatting, grammar, punctuation, and minor language usage. These corrections enhance the writing, clarity and strength of the document while also updating for gender neutral pronouns and any word use that may unintentionally be offensive to any person. Any such remaining language or errors are an oversight and can be reported to the Clerk for correction.

Additionally, the Township Solicitor provided several changes to improve the language of the document and ensure the intent was consistent with what was being proposed.

Public Comment

Two members of the public provided comments through email correspondence. Their input is appreciated and presented here for Council's consideration.

In Section 7.9.2 which reads, "Persons desiring to verbally present information on matters of fact, or make a request of Council, relative to matters on the Agenda, shall give notice to the Clerk in writing, not later than four (4) hours before the commencement of the meeting of Council

and may be heard on leave of the Mayor or other presiding officer of Council, but shall be limited in speaking to not more than five (5) minutes." It was my understanding that if anyone in the audience at your council meetings should put up their hand to speak on an agenda item, it would be allowed if time permitted. If so, the wording isn't clear.

This confusion was partially addressed above. The direction received by staff in consultation with the solicitor was for this to be removed while enhancing the Procedural By-law to highlight all the methods for the public to have their concerns raised to Council and/or staff. The Township website and communications to Presenters or Delegations is being enhanced to explain the avenues of engagement and requirements of the Procedural By-law.

I believe Section 7.9.3 which reads, "Delegations appearing relative to subsection 7.9.2 are required to provide materials not less than five (5) business days before the commencement of the meeting of Council so they may be included in the Council Agenda Package for Council's information." should be changed from 7.9.2 to 7.7.2. Surely the 5-day requirement must be for items not on the agenda.

Concerns regarding the section or sub-section numbering were addressed in the editing of the proposed Procedural By-law. In the above analysis of the amendments, the clarification for the five (5) day requirements for Presentations has been explained. A key component is for the understanding that the five (5) business day requirement is for audio or visual materials to be in the Council Agenda Package that is circulated in advance of the meeting. All materials received in the manner outlined in the Procedural By-law will be seen by Council and the public.

Also, I understand that you are planning to change the time a delegate will be allowed to speak from 10 minutes to 5 minutes. I implore you to keep the time limit to 10 minutes. In my experience as a delegate at many council chambers, 5 minutes would not be enough time to address most items that we have responded to before council (whether online or in person). Some issues are very complicated and require more time. Please reconsider.

Again, this request is inconsistent with direction received. As was illustrated at the July 5, 2021, Special Council Meeting, delegations were provided five (5) minutes to address Council which was deemed adequate time to allow Delegations to make their comments to Council. It is worth noting that all members of the public, including Delegations, can provide Council with supplemental materials for their information. It would be suggested for matters of such complexity as noted by this comment to make use of both avenues to adequately convey their comments.

Too Small of a Window to Register as a Delegation - 7.9.2 - appearing as a delegation has to be in writing at least four hours in advance of the Council meeting - meaning that after a frantic weekend reviewing the Council package and trying to reach people for information frequently one only has a few hours on

Monday morning learn more about an issue, reach all required people, address questions, and decide if a Council delegation is required on the issue before the cut off to register early Monday afternoon.

Many other municipalities allow people to be added to agenda right up to the start of the meeting, often even asking for people who wish to speak to an issue even during the meeting albeit often at a reduced time (half of the usual length) for these late registrants.

In general, Agenda Packages are released to the public on the Wednesday preceding Regular Council Meetings. Although there have been a few times in recent years where it has been released on a Thursday and on rare occasion on a Friday. The Wednesday circulation date has been in place for several years. With the introduction of Reports Under Separate Cover, such delays should be eliminated. When posting the Agenda Package to the website, staff make use of both the News Feed and the Calendar. Staff will update procedures to ensure this circulation occurs on Wednesdays, barring circumstances beyond our control.

While there are many municipalities who allow the public to register right up to the start of the meeting and ask during the meeting, an equal number of municipalities would have similar Procedural By-law provisions as Wilmot. The proposed Amendments are consistent with the direction staff has received, the advice of the Township solicitor, and the principles of Parliamentary Law. It is also worth reiterating that while limitations are being proposed on the time and circumstances for Delegating at Council, engagement opportunities for the public with Council and staff are provided in the Procedural By-law.

Are materials required 24 hours in-advance of the meeting or 5 days in advance of the Meeting? Section 7.9.3 - States in the first sentence of the second paragraph that delegations must provide materials 24 hours in advance of the meeting. The next sentence of Section 7.9.3 states that delegations must provide materials 5 business days in advance of the meeting. Which is it? There is clarification required here in the Procedural Bylaws. There is a clearer explanation in a note on the township website however this also needs to be reflected in the actual Procedural By-Law.

Will Wilmot be accepting materials on a Sunday? If someone only learns of an agenda item on Friday or over the weekend how can materials be submitted 24 hours in advance of the meeting - particularly if one can't even register for the meeting until Monday morning?

Worse yet, how can the public be possibly be expected to submit materials five days in advance when the meeting agenda and Council package isn't even released until only a couple of days in advance. Unless members of the public are psychic there is no way to submit a response days in advance of the report even being made publicly available. How is one even to know what is on the agenda before it is released, or what is in a Staff Report, let alone submit their response and delegation presentation on it?

I am not aware of any requirements in other municipalities requiring delegation materials 5 days in advance of a Council meeting and other municipality staff are usually available 30 minutes before the start of Council meetings to welcome the public, upload presentations from USB sticks, test audio, practice advancing slides, etc.

Please refer to the comments above which clarify the five (5) day provision. Additionally, the Delegation portion of the Procedural By-law is not strictly related to items where the general public is not aware of a report that is coming forward. There are many instances through the course of Township business where the public at large or members of the public who are directly affected by the matter are aware of a report being discussed by Council on a specific day. These are often items subject to specific legislative requirements for notice or known high profile topics that are expected to generate several Delegation requests. The five (5) day provision is intended for those matters and Delegations who want their materials in the Agenda Package. It does not limit the ability for Delegations to have their materials reviewed by Council and the public due to the reasons stated above.

Censorship or Draconian Authority? What is also very unique and concerning in Section 7.9.3 is the demands of censorship by the Clerk and CAO and the requirement to review delegation materials for approval in advance of the meeting. I am not aware of any other municipality in Ontario with this requirement that the public's materials be approved by the municipality staff prior to any delegation presentation.

In in decades of attending hundreds of Council meetings across Canada I have never seen a presentation containing profanity, graphic images, or offensive messaging. I find this troubling that there is so little trust of public that we have to submit our materials in advance for approval by authorities like some sort of communist state. I'm sure that if any delegation is inappropriate or has offensive material it could be handled by the meeting Chair at the time no different than if they were to make offensive comments or be abusive in their verbal presentation.

This section has been amended substantially to provide greater understand of the intent. As was discussed with the 2019 Procedural By-law amendment process, profanity, graphic images and offensive messaging has been included in proposed Delegation materials in the past, which, when identified, were addressed with the Delegation or redacted from the materials. While the Township is live streaming on You Tube, such caution must be exercised to ensure compliance with the policies of the platform. Additionally, while Wilmot continues to stress the need for anti-racism, inclusion, and diversity in the community, review for offensive comments that may cause trauma for members of public should continue to be observed.

Delegation Time Limit Reductions - it is unfortunate to see the time allotment for delegations being reduced from 10 minutes to 5 minutes each (7.9.2) While there are some occasions where one can address the issues in five minutes,

frequently planning issues or municipal decisions can be complex with many factors to address that simply can't be covered in just five minutes.

Most area municipalities allow 10 minutes for delegations and are far less strict that Wilmot on the timing presentations and cutting off citizens mid-sentence. There can be a big perception difference between a friendly time reminder to wrap things up and abruptly cutting off a microphone or shutting down a presentation. If Wilmot wants to be encouraging of citizen engagement Council can't be intimidating and things need to be as welcoming and friendly as possible.

Response to these comments have been provided above.

Council Video Recordings - On a more positive note it is excellent to see the efforts to record Council meetings however, accessing previous Council meeting recordings to review an outcome or discussion needs to be made easier. After much searching I eventually found recent recordings on a YouTube channel and it needs to be ensured that these recordings will be available to the public for many years to come as frequently I am trying to look up information and outcomes from years earlier.

These comments will be considered by staff to determine how the Township can improve the searchability and access for these recordings.

The members of the public who have made these comments should be acknowledged for bringing forward their concerns that highlight that some of the provisions in the By-law did not clearly convey their intention.

The review of Township governance and procedural matters will continue. Information and Legislative Services is the conduit through which most of these reviews and amendments take place and there is departmental and corporate wide desire to make constant strives forward in improving accountability, transparency, open government, and community engagement.

As was adopted by Council at the July 5, 2021, Special Council Meeting, a commitment to a robust and comprehensive community engagement program has been made. Statutory and governance documents such as the Procedural By-law are an important part of this commitment.

Members of the public who have questions or wish to comment for future amendments to the Procedural By-law are encouraged to contact the Information and Legislative Services Department.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The engagement for the proposed Procedural By-law conforms with the Strategic Plan goals for community engagement and responsible government.

ATTACHMENTS:

Appendix A: Proposed Procedural By-law

Proposed Amendments from 2019-25, as amended

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2021-36
BEING A BY-LAW TO PROVIDE FOR
THE RULES OF ORDER AND PROCEDURE
FOR THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE TOWNSHIP OF WILMOT
AND TO REPEAL BY-LAW NO. 2019-25**

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WHEREAS Section 5(1) of the *Municipal Act, 2001*, S. O. 2001 c. 25, as amended, states the powers of a municipality shall be exercised by its council;

AND WHEREAS Section 5(3) of the *Municipal Act, 2001*, S. O. 2001 c. 25, as amended, states a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 8(1) of the *Municipal Act, 2001*, S. O. 2001 c. 25, as amended, states the powers of a municipality under that or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires that every municipality and local board shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS section 238(3.1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, allows for a municipality's procedural by-law to permit a member of Council, of a local board or a committee of either of them, to participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS section 238(3.3) of the *Municipal Act, 2001*, S. O. 2001 c. 25, as amended, allows the procedural by-law to provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

AND WHEREAS the Township of Wilmot Accountability and Transparency Policy states that accountability, transparency and openness are standards of good governance that enhance public trust and are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders;

AND WHEREAS the general principles of parliamentary law should be upheld in the rules of any meeting:

The majority must be allowed to rule;
The minority have rights that must be respected;
Members have a right to information to help make decisions;
Courtesy and respect for others are required;
All members have equal rights, privileges, and obligations; and
Members have a right to an efficient meeting;

AND WHEREAS it is deemed expedient to adopt by by-law, rules governing the order and procedure of the Council of The Corporation of the Township of Wilmot.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

PART 1 DEFINITIONS

- 1.1 “**Abstain**” means a member who refuses to vote.

- 1.2 **“Acting Mayor”** means the member of Council appointed by by-law to act from time to time in the place and stead of the Mayor, pursuant to Part 4 of this by-law.
- 1.3 **“Ad hoc Committee”** means a Committee composed of Members of Council and established to review a specific matter and report its findings and recommendations to Council.
- 1.4 **“Advisory Committee”** means a Committee established by Council under specified Terms of Reference to advise on matters which Council has deemed appropriate for the Committee to consider.
- 1.5 **“Agenda”** means the order of proceedings for a meeting setting out the business to be considered at the meeting.
- 1.6 **“Agenda Package”** means the compilation of the Agenda and reports, at a minimum, for the purpose of conducting Township business by Council or Committee.
- 1.7 **“Amendment”** means a change in the form of a Motion. An amendment is designed to alter or vary the term of the main Motion without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.
- 1.8 **“Business Day”** means days of the week the Township offices are open for Township business, typically Monday to Friday, excluding holidays. The day in which a meeting is to occur shall not be included in the calculation of “business days.”
- 1.9 **“Calendar Day”** means any day of the week. The day in which a meeting is to occur shall not be included in the calculation of “calendar days.”
- 1.10 **“Chair”** means the person presiding over a Meeting and who is charged with the responsibility to decide questions and Points of Order, preserve order and maintain decorum in the proceeding. The Chair, except where disqualified, may vote on all questions.
- 1.11 **“Chief Administrative Officer”** means the person appointed by by-law as the Chief Administrative Officer (CAO) of The Corporation of the Township and whose duties are therein prescribed and to include Section 229 of the Municipal Act.
- 1.12 **“Chief Executive Officer”** shall mean the Mayor in accordance with Sections 226.1 of the Municipal Act.
- 1.13 **“Clerk”** means the person appointed by by-law as the Clerk of the Township and whose duties are therein prescribed in Section 228 of the Municipal Act.
- 1.14 **“Closed Meeting”** means a closed session of a Committee or Council Meeting which is closed to the public in accordance with the requirements of the Municipal Act.
- 1.15 **“Committee”** means an Ad hoc Committee, Advisory Committee, or Special Purpose Committee established by Council from time to time.
- 1.16 **“Committee Member”** means a person appointed by Council to serve on a Committee.
- 1.17 **“Consent Agenda”** means a practice that groups routine business and reports into a single agenda item. A consent agenda can be approved in one action, rather than filing Motions on each item separately.

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- 1.18 “Council”** is the term to refer collectively to the Mayor and ward Councillors.
- 1.19 “Council Chambers”** means the room or building identified for the holding of Council Meetings, generally the room identified as such located at 60 Snyder’s Road West, Baden, Ontario.
- 1.20 “Council Meeting”** is a collective term meaning any meeting of Council including: Regular Meetings (Section 4.8), Special Meetings (Section 4.13), Emergency Meetings (Section 4.17) and Closed Sessions (Section 5.1), as established by Resolution under Section 4.8 of the Procedural By-law or at the call of the Mayor.
- 1.21 “Councillor”** is the term consistent with the Municipal Act and is the title assigned to a Member of Council, except the Mayor, elected to represent the electors of the Township.
- 1.22 “Declaration of Office”** means an oath taken by a person prior to taking a seat on Council as per Section 232 of the Municipal Act.
- 1.23 “Declared Emergency”** means, any period where an emergency has been declared to exist in all or part of the Township under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended.
- 1.24 “Delegation”** means any person, group of persons, firm or organization, who is neither a Member of Council, Township staff or an appointed official of the Township and who has requested and are permitted to address Council, or an Ad hoc, Advisory, or Special Purpose Committee.
- 1.25 “Department Head”** means a director of a department.
- 1.26 “Deputy Clerk”** means the person appointed by by-law as the Deputy Clerk of the Township and whose duties are therein prescribed in Section 228 of the Municipal Act.
- 1.27 “Division of Question”** means a request by a Member of Council to have a Motion containing separate questions, recommendations or amendments, voted on in sections or parts.
- 1.28 “Emergency Meeting”** means a meeting of Council held to consider any business of the Council which is deemed by the Chair to be of an emergency situation.
- 1.29 “Ex Officio”** means by virtue of office or position and carries with it the right to participate fully in the Committee meeting and to vote unless prohibited by law.
- 1.30 “Friendly Amendment”** means an amendment made to the Motion under debate with the consent of the mover and seconder, and without the requirement for an amending Motion to be made.
- 1.31 “Governance Policy”** means a governance document that has or is driven by an external focus, with financial or legal implications or guide Council’s decisions, provide direction over and above identified items within the strategic or master planning documents, are based on legislative responsibilities and/or relate to service delivery, and have been approved by a Resolution or by-law.
- 1.32 “Improper Conduct”** means conduct which offers any obstruction to the deliberations of proper action of Council.
- 1.33 “Inaugural Meeting”** means the first meeting of Council held after a municipal election in a regular election year.

- 1.34 “Integrity Commissioner”** means the person appointed by by-law as the Integrity Commissioner of the Township and whose duties are therein prescribed in Section 223.3 of the Municipal Act
- 1.35 Land Acknowledgement”** means a statement made, at minimum, to insert awareness of treaty and traditional Indigenous rights at the beginning of a Meeting or event.
- 1.36 “Majority Vote”** means more than half of the votes cast by Members of Council who voted or abstained from voting at a meeting.
- 1.37 “Management Team”** means the Chief Administrative Officer and Department Heads of the Township.
- 1.38 “Mayor”** is the head of Council who is elected by general vote to represent electors in The Township and acts as Chair for Council Meetings.
- 1.39 "Meeting"** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
- a) a quorum of members is present, and
 - b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 1.40 "Member of Council"** means a person duly elected to serve on the Council of The Corporation of the Township.
- 1.41 “Minutes”** means a record, without note or comment, of all Resolutions, decisions and other proceedings at a Meeting of Council or a Committee, whether it is closed to the public or not.
- 1.42 “Motion”** means a question to be considered by the Council or Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a Motion is adopted, it becomes a resolution.
- 1.43 “Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time and any successor legislation thereto.
- 1.44 “Notice of Motion”** means an advance notice to Members of Council of a matter on which Council will be asked to take a position.
- 1.45 “Participate Electronically”** means that Members of Council are present at the Council Meeting through an online or telecommunications medium that allows for audio and/or video interactions for the purposes of participating in a Council Meeting and such participation includes voting.
- 1.46 "Point of Information"** is a request directed to the Mayor or through the Chair to another Member of Council or to staff, for information relevant to the business at hand but not related to a Point of Procedure.
- 1.47 "Point of Order"** means a statement made by a Member of Council during a meeting, drawing the attention of the Mayor or their designate to a breach of the Rules of Procedure.
- 1.48 "Point of Privilege"** means the raising of a question which concerns a Member of Council, Council as a whole, staff or the public, when a Member of Council believes that their rights or integrity, or the rights or integrity of Council as a whole, staff, or the public, have been impugned.
- 1.49 “Presentation”** means:

- a) presentations made by Council to recognize the contributions or achievements of individuals or organizations;
 - b) presentations made to Council by individuals or organizations at the invitation of Council; or,
 - c) presentations made to Council by an advisory or other Committee.
- 1.50 "Public Meeting"** means a Meeting of Council or that portion of a Meeting of Council or any Committee which has been given authority by by-law or statute to conduct a Meeting in matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision.
- 1.51 "Question"** means a Motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and "on the floor" can a Motion be debated and put to a question of the Members of Council for proper resolution ("Question On the Floor").
- 1.52 "Recorded Vote"** means the recording in the minutes, the names of each Member of Council present and the manner of their vote on a matter or Question before Council. Recorded Votes shall be taken upon request by any Member of Council. In the case of a Member of Council who has a declared conflict or pecuniary interest in the matter or question, the minutes shall reflect the Member of Council who declared the conflict and did not take part in the discussion and subsequent voting thereof.
- 1.53 "Regular Meeting"** means a scheduled meeting of Council held in accordance with the approved schedule of meetings.
- 1.54 "Resolution"** means a formal determination made by Council or a Committee on the basis of a Motion duly placed before a regularly constituted meeting of Council or a Committee for debate and decision, and duly passed.
- 1.55 "Rules of Procedure"** means the rules and regulations provided in this by-law.
- 1.56 "Special Meeting"** means a meeting of Council not scheduled in accordance with the approved calendar of meetings.
- 1.57 "Special Purpose Committee"** means a Committee comprised of such Members of Council and other persons as appointed by Council to address matters which Council has deemed necessary within the jurisdiction of Council.
- 1.58 "Terms of Reference"** means a Governance Policy adopted by Council to establish, but is not limited to, the mandate, purpose, standards, practices, and responsibilities for a Committee.
- 1.59 "Tie Vote"** means an equality of votes .
- 1.60 "Township"** means The Corporation of the Township of Wilmot.
- 1.61 "Treasurer"** means the person appointed by by-law as the Treasurer of the Township and whose duties are therein prescribed in Section 286 of the Municipal Act.

2. GENERAL PROVISIONS

2.1 Rules and Procedures

The rules and procedures contained in this by-law shall be observed in all proceedings of Council as defined in the Municipal Act, and shall be the rules

and procedures for the order and dispatch of business of the Council and its Committees thereof.

2.2 Parliamentary Procedure

Points of Order or Points of Procedure not specifically governed by this By-law shall be decided by the Chair in accordance with, as far as reasonably practical, the most current edition of *Robert's Rules of Order*.

2.3 Meeting Decorum – All Persons Present

At no time shall any Member of Council, staff, delegations, member of the public or media:

- a) speak disrespectfully of or to any person;
- b) use offensive words or unparliamentary language;
- c) speak on any subject other than the subject for which they have received approval to address Council;
- d) disobey the Rules of Procedure or a decision of the Mayor or Council; or,
- e) interrupt, speak-over, or continue to speak when advised by the Mayor not to, or otherwise disrupt the proceedings of the Meeting or the ability of Council or staff to conduct business.

2.3 Mayor - Ex Officio Member – All Committees

The Mayor shall be an ex officio member of all Committees established or appointed by Council. Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, except where prohibited by law, being the Mayor, as provided under this Section. The Mayor may vote and otherwise participate, unless prohibited by law, in the business of the Committee or other body on the same basis as any other Committee member.

2.4 Meetings Open to Public

Except as provided in Section 239 of the Municipal Act, all Meetings of Council and its Committees shall be open to the public,.

3. ROLES AND DUTIES

3.1 General

It is the role and duty of all elected representatives, appointed Committee members, and all staff to serve the residents of the Township. Business of the Township shall be conducted in the best interest of the residents as a whole and not to serve the interests of any one individual or group of individuals above the common good with transparency and openness, conducting business that considers open and accessible communication to members of the public.

3.2 All Meetings and ceremonies organized by the Township shall be devoid of all Township-initiated or Township-led religious or spiritual readings, texts, references, prayers, or invocations so as to ensure a neutral space, while allowing for the freedom of religious expression for members of the public.

Committee Members appointed to any Committee whose mandate, as defined within the Committee's Terms of Reference, includes advisory

responsibilities for inclusion and diversity are exempt from subsection 3.1 a) of this by-law.

3.2 Role of the Mayor

It is the role of the Mayor:

- a) to act as chief executive officer of the Township;
- b) to preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- c.1) without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council described in clauses 224 (d) and (d.1) of the Municipal Act;
- d) to represent the Township at official functions;
- e) to act as Council's representative when dealing with other levels of government, their agencies and the private sector;
- f) to act as the Township's representative on Council for the Regional Municipality of Waterloo;
- f) to carry out the duties of the Head of Council under the Municipal Act or any other Act;
- g) as Chief Executive Officer of the Township, the Mayor shall:
 - i) uphold and promote the purposes of the Township;
 - ii) promote public involvement in the Township's activities;
 - iii) act as the representative of the Township both within and outside the Township, and promote the Township locally, nationally and internationally; and,
 - iv) participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

3.3 Role of Council

It is the role of Council:

- a) to represent the public and to consider the well being and interests of the Township;
- b) to develop and evaluate policies and programs of the Township;
- c) subject to legislative restrictions, develop regulations to be adopted in by-laws and resolutions for the overall benefit of the community;
- d) to determine which services the Township provides in accordance with applicable legislation;
- e) to ensure that administrative policies, practices and procedures are in place and controllership policies, practices and procedures are in place to implement the decisions of Council;

- f) to ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- g) to maintain the financial integrity of the Township; and
- h) to carry out the duties of Council under the Municipal Act or any other Act.

3.4 Duty of the Mayor

It is the duty of the Mayor to preside over all Meetings of Council and:

- a) to open Meetings of Council by taking the Chair and calling the Meeting to order;
- b) to receive and submit, in the proper manner, all Motions;
- c) to put to a vote all Motions and to announce the result;
- d) to serve as an ex-officio member of all Committees and be entitled to vote at such Meetings;
- e) to decline to put Motions to a vote which infringe upon the Rules of Procedure;
- f) to inform the Members of Council of the proper procedure to be followed and to enforce the Rules of Procedure;
- g) to enforce on all occasions, the observance of order and decorum among the Members of Council;
- h) to call by name any Member of Council persisting in a breach of the Rules of Procedure and to order the Member of Council to vacate the Council Chambers;
- i) to permit questions to be asked through the Mayor, of any officer of the Township for information, to assist in any debate when the Mayor deems it proper;
- j) to provide information to Members of Council on any matter relating to the business of the Township;
- k) to authenticate by signature all by-laws and minutes of Council;
- l) to rule on any Points of Order raised by Members of Council;
- m) to maintain order and, where it is not possible to maintain order, the Mayor may, without any resolution being put, adjourn the Meeting to a time to be named by the Mayor;
- n) to adjourn the Meeting when the business is concluded;
- o) to carry out the duties of the Head of Council under the Municipal Act, or any other Act;
- p) to act in accordance with their Declaration of Office.

3.5 Duty of a Councillor

It is the duty of Councillors to attend all Meetings of Council and:

- a) to prepare for Meetings, including reviewing the Agenda and background information prior to the Meeting;

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- b) to speak only to the subject under debate at Council Meetings;
- c) to vote on all Motions before the Council unless prohibited from voting by law;
- d) to observe proper procedure and decorum at all Meetings;
- e) to state questions to be asked through the Mayor;
- f) to attend Council Meetings, Committee Meetings, or any other Meetings to which the Councillor has been appointed by Council;
- g) to carry out the duties of Council under the Municipal Act, or any other Act; and,
- h) to act in accordance with their Declaration of Office.

3.6 Duty of the Chief Administrative Officer

It is the duty of the Chief Administrative Officer:

- a) to exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township;
- b) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- c) to undertake or direct the undertaking of research and provide advice to Council on the policies and programs of the Township;
- d) perform such other duties required under this or any Act and other duties as assigned by the Township; and,
- e) provide leadership and direction to staff as the most senior member of staff.

3.7 Duty of the Clerk

It is the duty of the Clerk to attend all Council Meetings and:

- a) to prepare and distribute Agendas for all Meetings of Council in accordance with this by-law;
- b) to record, without note or comment, all resolutions, decisions, minutes and other proceedings of Council;
- c) if requested by any Member of Council present at a vote, to record the name and vote of every Member of Council voting on any matter or Question;
- d) to keep the originals or copies of all by-laws and of all minutes of proceedings of the Council;
- e) to make such minor clerical, typographical or grammatical corrections in form to any by-law, Motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- f) to perform the other duties required under the Municipal Act or any other Act;
- g) to advise Council on parliamentary procedure;

- h) to perform such other duties as are assigned by the Township;
- i) the Deputy Clerk shall have all the Powers and duties of the Clerk in their absence, under the Municipal Act and any other Act;
- i) the Clerk may delegate in writing to any person, other than a Member of Council, any of the Clerk's powers and duties under the Municipal Act and any other Act; and,
- j) the Clerk, or Deputy Clerk, may continue to exercise the delegated powers and duties, despite the delegation.

3.8 Duty of the Treasurer

It is the duty of the Treasurer:

- a) to collect money payable to the Township and issue receipts for those payments;
- b) to deposit all money received on behalf of the Township in a financial institution designated by the Township;
- c) to pay all debts of the Township on behalf of the Township and other expenditures authorized by the Township;
- d) to maintain accurate records and accounts of the financial affairs of the Township;
- e) to provide Council with such information with respect to the financial affairs of the Township as it requires or requests;
- f) to ensure investments of the Township are made in compliance with the regulations made under Section 418 of the Municipal Act; and,
- g) to perform such other duties as are assigned by the Township.

3.9 Municipal Administration

It is the role of the officers and employees of the Township:

- a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) to undertake research and provide advice to Council on the policies and programs of the Township; and,
- c) to carry out other duties required under this or any Act and other duties assigned by the Township.

4. COUNCIL MEETINGS

4.1 Place

The Regular Meetings of the Council of the Township shall be held in the Council Chambers pursuant to Section 236 of the Municipal Act. In the case of an emergency, or other circumstances, Council may hold its Meetings at any convenient location within or outside the Township, as approved by resolution of Council.

4.2 Participating Electronically

In accordance with Section 238 (3), (3.1) and (3.3) of the Municipal Act:

4.2.1 Notwithstanding any other provision of this By-law, a Member of Council may Participate Electronically in any Council Meeting, which is either open or closed to the public, and may be counted in determining whether or not a quorum of Members of Council is present at any point in time, subject to Sections 4.2.2 and 4.2.3 of this By-law.

4.2.2 The Chair of a Council Meeting shall not be permitted to Participate Electronically in a Council Meeting, except during a Declared Emergency.

4.2.3 In the absence of a Declared Emergency, where a Member of Council wishes to Participate Electronically at any Council Meeting, such Member of Council shall provide the Clerk with notice, in writing, at their earliest opportunity.

4.3 Seating Arrangement of Council

Councillors shall be seated to the right of the Mayor in Council Chambers in Ward order. For wards with more than one Councillor, those Members of Council shall be seated in alphabetical order by last name.

4.4 Councillor – addressed

Members of Council are to be addressed as: “Councillor (surname inserted).”

4.5 Mayor - addressed

The Mayor shall be addressed as “Mayor” (surname inserted)” or as “Your Worship.”

4.6 Staff and Members of the Public – addressed

Staff and members of the public are to be addressed as “Dr.,” “Mr.,” “Mrs.,” “Ms.,” “Miss.,” “Mx.,” or “Ind.” (surname inserted) as preferred. Members of staff may also be addressed by title within the corporate structure.

4.7 Inaugural Meeting

The Inaugural Meeting of Council following a regular municipal election shall be held in accordance with the Municipal Act at 7:00 p.m., in the Council Chambers

The Agenda for the Inaugural Meeting shall be established by the incoming Members of Council and the Clerk and will reflect the values of the community with respect for diversity and inclusion of all members of the community.

No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Office have been made by the Members of Council.

The order of proceedings at the Inaugural Meeting of Council after the regular election shall be as follows: Processional, National Anthem, Land Acknowledgment, Moment of Silence, Declarations of office, (i) Mayor, (ii) Members of Council in order of wards, Inaugural Address by the Mayor, and passing of confirming By-Law.

4.8 Rotational Schedule – Acting Mayor

Each term, as soon after the commencement of its term as reasonably possible, Council shall appoint by by-law, in alphabetical order, each Member of Council to serve for one calendar month as Acting Mayor and Alternate Acting Mayor for that time in the place and stead of the Mayor when the Mayor is absent from the Township area, absent through illness, or refuses to

act, and the Acting Mayor shall have, and may exercise, all rights, powers and authority of the Mayor in their absence.

Where the Mayor declares a conflict of interest for an item on the Agenda, the Acting Mayor shall assume the role of Chair for the duration of discussion and voting for said item. Upon conclusion of the item, the Acting Mayor shall relinquish the Chair back to the Mayor.

Where the Mayor and Acting Mayor are absent from the Township area due to illness, or a refusal to act, the Alternate Acting Mayor shall have and may exercise all rights, powers and authority of the Mayor in the Mayor and Acting Mayor's absence.

4.9 Regular Meetings

Following the Inaugural Meeting, Regular Meetings shall be held in the Council Chambers, at 7:00 p.m., local time, twice per month on Mondays as per the schedule approved by Council Resolution.

Regular Meetings – July, August and December

During the months of July, August and December in each year, there shall be one Regular Meeting of Council per month to be held at a time designated by Council to accommodate the Ad hoc Budget Committee Meeting schedule and the summer holiday season.

Council may, by resolution or by-law, alter the time, day or place of any Council or Committee Meeting.

4.10 Quorum

A majority of Members of Council or Committee Members shall be necessary to constitute a quorum, unless otherwise permitted by the Municipal Act or any other Act.

If no quorum is present one-half hour after the time appointed for a Council Meeting, the Clerk shall record the names of the Members of Council present and the Meeting shall stand adjourned until the date of the next Meeting.

If during the course of a Meeting a quorum is lost, then the Meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as the Mayor or Acting Mayor will then announce.

If in the Mayor or Acting Mayor's opinion it is not essential that the balance of the Agenda be dealt with before the next Regular Meeting, the Mayor or Acting Mayor will announce that the unfinished business of Council will be taken up at the next Regular Meeting.

Where the number of Members of Council who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a Meeting is such that at that Meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2 (two).

4.11 Notice of Regular Meetings (Agenda) – Delivered in Advance to Council, CAO, Management Team

The Agenda shall be considered the notice of a Meeting.

The Clerk shall cause to be delivered to each Member of Council, an Agenda for each Regular Meeting of Council, electronically and/or hard copy to the address provided by the Member of Council to the Clerk for delivery of such

Agendas. The Agenda shall be provided not later than three (3) Business Days before the holding of such Regular Meeting. At the same time, the Clerk shall make available a copy of the Agenda to the CAO and to the members of the Management Team in electronic and/or hard copy format.

4.12 Agendas – Available to the Public/Media

Agendas for Meetings of Council shall be made available to the public and media on the Township website within twenty-four (24) hours of delivery to the Members of Council.

4.13 Reports Under Separate Cover

Where the completion of the Agenda is delayed due to an overdue report, by-law, or Presentation that is expected to be included on the Agenda and is time sensitive or deemed necessary to be included on the Agenda, the Clerk will complete the Agenda within the timeframe provided in this By-law and provide a notation on the Agenda that the overdue report or Presentation will be provided under separate cover.

When the report, by-law or Presentation is completed, the Report under separate cover will be sent electronically to Members of Council, the CAO and the Management Team, if hardcopies have been requested by Members of Council or staff, they will be made available for pick-up.

The Report under separate cover will be integrated into the online version of the Agenda for the public and media. Staff will notify the public and media of the Agenda being update through the website and Township social media channels.

A Report under separate cover shall not include any Public Meeting held or other report, by-law, or Presentation being proposed for adoption in accordance with any Act.

4.14 Special Meetings

4.14.1 In addition to Regular Meetings, Special Meetings of Council shall be held upon written direction signed by the Mayor and delivered to the Clerk stating the date, time and purpose of such Meeting.

4.14.2 The Mayor may, at any time, call a Special Meeting of Council on twenty-four (24) hours' notice to Members of Council. The Clerk shall summon Members of Council to a Special Meeting of Council by stating the date, time, place, and purpose of the Special Meeting of Council, as provided by the Mayor.

4.14.3 Where the Mayor has not called a Special Meeting, but upon receiving a petition from the majority of the remaining Members of Council, the Clerk shall summon Members of Council to a Special Meeting by stating the date, time, place, and purpose of the Special Meeting of Council, as stated in the petition.

4.14.4 If time is of the essence, notice may be given to Council by telephone call.

4.14.5 No other business other than that stated in the notice shall be considered at a Special Meeting.

4.15 Agendas – Special Meetings – Delivered in Advance to Council, CAO, Management Team

Notice or an Agenda of a Special Meeting called in accordance with this by-law shall be delivered to the Members of Council, CAO and Management

Team by means of personal delivery, telephone, or electronic mail. The notice or an Agenda of the Special Meeting shall be provided not less than 24 hours before the hour set for such Special Meeting.

4.16 Agendas – Special Meetings – Available to the Public/Media

Agendas for Special Meetings shall be made available to the public and media as soon as possible after they have been delivered to Members of Council.

If time is of the essence, notice or an Agenda may be given to the press/media by telephone call.

4.17 Special Meetings – Agenda – provided at the meeting

The Clerk may provide the Agenda of the Special Meeting at the Special Meeting where time constraints do not allow the Agenda to be delivered to the Members of Council or the press at least 24 hours before the hour appointed for the holding of the Special Meeting.

4.18 Emergency Meetings

Notwithstanding any other provision of this by-law, an Emergency Meeting may be held without notice, to deal with an emergency or extraordinary situation provided that an attempt has been made by the Clerk to notify Members of Council about the Emergency Meeting as soon as possible and in the most expedient manner available.

4.19 Emergency – business specified – transacted

No business except business dealing with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

4.20 Emergency – lack of receipt of notice or Agenda

Lack of receipt of notice or an Agenda by Members of Council shall not affect the validity of the Emergency Meeting or any action lawfully taken thereat.

4.21 Rescheduling or Cancellation of Council Meetings

When it is deemed to be advisable, the Mayor is authorized to change the date and/or time of, or to cancel, a Council Meeting, subject to the agreement of the majority of the Members of Council, having been polled by the Clerk, provided that a minimum of seven (7) days' notice is given of the change of date of the Regular Meeting. The Township website shall be updated if the date and/or time of the Council Meeting is changed or if the Council Meeting is cancelled.

5. CLOSED MEETINGS

5.1 Closed Meetings may be held as deemed necessary by the Mayor or Chair in consultation with the Clerk. Such Closed Meetings may be closed to the public in accordance with the requirements of the Municipal Act. All reasonable efforts on the part of Council and staff will be made to keep Meetings open to the public unless closure is specifically authorized under the Municipal Act and it is deemed necessary.

5.2 Any reports, presentations, correspondence, discussion, or other communications included as part of a Closed Meeting or Closed Session shall not be disclosed to any person who is not in attendance at the Closed Meeting or Closed Session.

- 5.3** Any Member of Council who breaches confidentiality of a Closed Meeting or Closed Session may be subject to an investigation under the Code of Conduct for Members of Council.

Any member of staff who breaches confidentiality of a Closed Meeting or Closed Session may be subject to disciplinary action consistent with Township Human Resources Guidelines.

5.4 Matters that may be considered – closed

The only matters that may be considered in a Closed Meeting shall be in accordance with Section 239(2) of the Municipal Act.

5.5 Matters to be considered – Closed – mandatory

A Meeting shall be closed to the public if the subject matter relates to:

- a) the consideration of a request under the *Municipal Freedom of Information and Protection to Privacy Act*, when the Council, board, commission or other body is acting as head of the institution for the purposes of the Act; or,
- b) an ongoing investigation respecting the Township, a local board or a Township-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman appointed by Township in accordance with subsection 223.13 (1) of the Municipal Act, or the Closed Meeting Investigator referred to in subsection 239.2 (1) of the Municipal Act.

5.6 Procedure – convening into closed session

Before holding a Meeting or part of a Meeting that is to be closed to the public, a Council, or Committee of Council, or local board, shall state by resolution:

- a) the fact of the holding of the Closed Meeting or Closed Session; and,
- b) the general nature of the matter to be considered at the Closed Meeting or Closed Session.

5.7 Procedure – modifications

The rules governing the procedure of the Council and its Committees and the conduct of its members shall be observed in Closed Meetings or Closed Sessions, with the necessary modifications, except that:

- a) a member shall not speak more than once to a Motion until every member who desires to speak has spoken once;
- b) the number of times of speaking on any question shall not be limited; and,
- c) recorded votes are not permitted at Closed Meetings or Closed Sessions.

5.8 Meeting not closed – during vote

Subject to Section 5.3, a Meeting shall not be closed to the public during the taking of a vote.

5.9 Meeting closed during vote – exception

A Meeting or part of a Meeting may be closed to the public during a vote, if:

- a) section 5.3. applies; and,
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or local board or persons retained by or under contract with the Township or local board.

5.9 Minutes of Closed Meeting/Sessions

Minutes of all or part of a Council Meeting that is closed shall be recorded by the Clerk, **approved by Council at the following Closed Meeting of Council**, and will be retained in confidence by the Clerk and such minutes will not be open to inspection by any member of the public.

The Clerk, in making the minutes shall not record any personal information as defined in the *Municipal Freedom of Information and Protection to Privacy Act*.

5.10 Agenda of Closed Meeting/Session

Agendas for Closed Meetings or Closed Sessions will be circulated to Members of Council not later than 3 (three) Business Days before the holding of such a Closed Meeting or Closed Session. Closed Meeting or Closed Session Agendas and reports **may be** circulated by hardcopy and collected by the Clerk at the close of Closed Meeting or Closed Session for destruction.

Electronic distribution of a Closed Meeting or Closed Session Agenda may be permitted through a secure electronic agenda platform designed to maintain the confidentiality of Closed Meeting or Closed Session documents or in the case of a Declared Emergency.

In preparing the Agenda, the Clerk shall identify the most amount of detail possible to allow for Council to consult with the Integrity Commissioner in regard to potential conflict of interest.

6. NOTICE OF MEETINGS OF COUNCIL & COMMITTEES TO THE PUBLIC

6.1 Notice of Regularly Scheduled Meetings

Notice of Regular Meetings of Council or a Committee for the Township shall be provided to the public by posting the schedule of Council Meetings as approved by Council resolution on the Township's official website, and the meeting schedule of Committees as approved by the Committee members, on the Township's official website at the beginning of each calendar year or upon scheduling. The meeting schedule shall include the date, time and location of meetings.

6.2 Notice of Special Meetings

Notice of a Special Meeting of Council or a Committee shall be provided to the public by posting to the schedule of Meetings on the Township's official website not less than one (1) day in advance of the date of the Special Meeting.

6.3 Notice of Emergency Meetings – Not Required

An Emergency Meeting of Council or a Committee may be held without public notice being given, to deal with an emergency or extraordinary situation.

6.4 Notice – Closed Meetings For the Purpose of Education and Training of Members

Notice of a Council Meeting or a Committee Meeting that is closed to the public and is held for the purpose of educating or training the Members of Council or a Committee, as the case may be, shall be provided to the public by the posting of the Agenda on the Township official website stating:

- a) the fact of the holding of the Closed Meeting or Closed Session;
- b) the general nature of its subject matter; and,
- c) the legislative provision allowing for the holding of the Closed Meeting or Closed Session.

6.5 Notice – Other Closed Meetings

Notice of a Council Meeting or a Committee that is closed to the public, except a Meeting held for the purpose of educating or training the Members of Council or a Committee, as the case may be, shall be provided to the public by the posting of the Agenda on the Township official website stating:

- a) the fact of the holding of the Closed Meeting or Closed Session;
- b) the general nature of the matter to be considered at the Closed Meeting or Closed Session; and,
- c) the legislative provision allowing for the holding of the Closed Meeting or Closed Session.

6.6 Agendas – Meetings

Prior to the Meeting, where possible and pending the distribution to the Members of Council, the Agenda for Council and Committee Meetings shall be posted on the Township's official website within twenty-four (24) hours of delivery to the Members of Council or the Committee. Notice of the posting of the Agenda shall be made public through the Township's social media account(s) and/or email list(s).

6.7 Posting of Agendas – Failure to Post

Notwithstanding section 6.6 above, failure to post the Agenda to the Township's official website, social media or email list shall not affect the validity of the Meeting or any action lawfully taken thereat.

6.8 Emergency Meeting – Notice Not Required

Notwithstanding any other provision of this by-law, an Emergency Meeting may be held without public notice being given, to deal with an emergency or extraordinary situation.

6.9 Notice – Agenda – Not Received – Validity

Lack of receipt of notice or an Agenda shall not affect the validity of the Meeting, or any action lawfully taken thereat.

7 ORDER OF BUSINESS - COUNCIL

7.1 General Provisions

7.1.1 The Clerk shall have prepared and printed a list of the items in the order of topics set out as the routine of business for the use of each Member of Council at a Council Meeting.

7.1.2 Any Member of Council may file in writing not later than 5 (five) Business Days before the holding of such Regular Meeting with the

Clerk an item for inclusion on the Council Agenda to allow for a staff response if necessary.

7.2 Order of Business

- 7.2.1 As soon after the hour fixed for the holding of the Council Meeting as a quorum is present, the Mayor shall take the Chair and call the Council Meeting to order.
- 7.2.2 Immediately after the Mayor has called the Council Meeting to order the following order or procedure shall be observed :

Call to Order
Closed Session
Reconvene Into Open Session
Moment of Silent Reflection
Land Acknowledgement
Additions to the Agenda
Adoption of Agenda
Disclosure of Pecuniary Interest Under the Municipal
Conflict of Interest Act
Minutes of Previous Meeting
Public Meetings
Presentations
Consent Agenda
Reports
Correspondence
By-laws
Notice of Motions
Announcements
Business Arising from Closed Session
Confirmatory By-law
Adjournment

7.3 Minutes

- 7.3.1 The Clerk shall be the secretary of all Council and Committee Meetings. It shall be the duty of the Clerk to record the proceedings of Council in the form of minutes that shall contain the following:
- a) the place, date, and beginning and ending time of Council Meetings;
 - b) the names of Members of Council present;
 - c) the time Members of Council arrive and leave the Council Meeting;
 - d) any declaration of pecuniary interest;
 - e) a record of the decision of each item for consideration;
 - f) recommendations to Council on each item; and,
 - g) the names of Delegations appearing before Council or the Committee.
- 7.3.2 Such Minutes, as referred to in Section 7.3.1, may be adopted by Council without having been read at the Council Meeting considering the question of their adoption.
- 7.3.3 The Minutes shall be posted to the Township website within 48 (forty-eight) hours of the Minutes' adoption.

7.3.4 Video recordings of a Council Meeting shall be retained in accordance with the Township's Records Retention By-law.

7.4 Land Acknowledgement

7.4.1 The Land Acknowledgement, as approved by Resolution of Council, shall be read at the beginning of every Council Meeting and Committee Meeting. The Members of Council or the Committee, as the case may be, shall read the Land Acknowledgement on a rotating basis starting with the Mayor or Chair. Any Member of Council or Committee Member can decline to read the Land Acknowledgement and may do so without explanation.

7.4.2 The Land Acknowledgement may be read at official functions of the Township or other community events at the discretion of the organizer.

7.4.3 Any Council Member or Committee Member reading the Council approved Land Acknowledgement, may elect to make additions to the Land Acknowledgement as part of their personal reflection on reconciliation, inclusion and diversity,

7.5 Additions to the Agenda

7.5.1 Additions to the Agenda may be submitted by members of staff to the Clerk in writing for emergency items of a time-sensitive nature. The addition to the Agenda must be submitted not later than 4 (four) hours in advance of the Council Meeting and must be distributed to Council electronically and posted on the Township website immediately upon receipt.

7.6 Disclosure of Pecuniary Interest

7.6.1 It shall be the responsibility of each individual Member of Council to determine if a conflict exists and disclose any conflict of interest and the nature thereof in accordance with the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, in any Council Meeting or Committee Meeting.

7.7 Presentations

7.7.1 Any person making a Presentation to Council, shall be permitted to address Council and shall be limited in speaking not more than ten (10) minutes.

7.7.2 Audio and visual materials as part of a Presentation may include, but are not limited to, audio recordings, slideshows, photos, videos and handouts but does not include the presenter's speaking notes.

7.7.3 All audio and visual materials presented to Council shall be submitted to the Clerk, subject to the following:

a) presenters must provide materials not less than five (5) Business Days prior to the commencement of the Council Meeting;

b) audio or visual materials containing negative allegations or comments towards members of the public or profanity shall be returned to the presenter to remove the inappropriate allegations, comments, or language and returned not less than four (4) Business Days prior to the commencement of the Council Meeting;

- c) audio or visual materials containing hate speech will be rejected; and,
- d) audio or visual materials containing criticisms of a personal nature against Members of Council or staff shall be returned to the presenter to remove the criticisms of a personal nature.

7.8 Consent Agenda

- 7.8.1 In preparing the Agenda for Council and Committee Meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading “Consent Agenda,” which matters may be considered by Council as a summary matter in one Motion rather than as separate items, unless a Member of Council otherwise requests.
- 7.8.2 Any Member of Council, before the consent Motion is voted on, may add or remove any number of items of business from the consent Motion. Members of staff may request, before the consent Motion is voted on, to remove any number of items of business from the consent Motion. Any report removed from the Consent Agenda will be disposed of immediately following the Consent Agenda.
- 7.8.3 In the event that a Member of Council declares a conflict of interest on an item that is included in the consent Motion, that item shall be removed from the consent Motion and dealt with separately.
- 7.8.4 Members of Council may ask clarifying questions only with regards to matters on the Consent Agenda. Questions of a more substantive nature require the report to be removed from the Consent Agenda. The Chair may interrupt the questions and declare that the report will be removed from the Consent Agenda.
- 7.8.4 The Consent Agenda may include, but is not limited to the following items:
 - a) staff appointments;
 - b) Committee appointments;
 - c) reports provided for information only; and
 - d) award of tenders.

7.9 Delegations for Matters on the Agenda

- 7.9.1 During in-person Council Meetings, no member of the public shall be allowed to approach Members of Council, Township staff, or the podium once a Meeting has been called to order, without the permission of the Mayor or Chair.
- 7.9.2 Persons desiring to verbally present information on matters of fact, or make a request of Council, relative to matters on the Agenda:
 - a) shall give notice to the Clerk in writing, not later than four (4) hours before the commencement of the Council Meeting and may be heard with leave of the Mayor or Chair;
 - b) shall be limited in speaking to not more than five (5) minutes;
 - c) Delegations consisting of five (5) or more persons may be permitted to have two (2) spokespersons address Council, in which case each such spokesperson shall be limited to speaking for not more than five (5) minutes combined; and,

- d) Delegations shall be permitted to speak only once on an Agenda item.

7.9.3 Audio and visual materials as part of a Delegation may include, but are not limited to, audio recordings, slideshows, photos, videos and handouts but does not include the presenter's speaking notes.

7.9.4 All audio and visual materials presented to Council shall be submitted to the Clerk, subject to the following:

- a) for Delegation's audio or visual materials to appear in the Council Agenda Package that is circulated in advance of the Council Meeting and heard or shown as part of the Delegation, members of the public are required to provide their materials not less than five (5) Business Days before the commencement of the Council Meeting;
- b) audio and visual materials for Delegations received less than five (5) but not less than one (1) Business Day prior to the commencement of the Council Meeting shall be circulated to Council in advance of the Council Meeting, heard or shown as part of the Delegation, and shall be included as an attachment to the Council Minutes;
- c) audio and visual materials received less than one (1) Business Day in advance of Council Meeting shall not be heard or shown in the Council Meeting but, shall be included as an attachment to the Council Minutes;
- d) audio or visual materials containing negative allegations or comments towards members of the public or profanity shall be returned to the Delegation to remove the inappropriate allegations, comments, or language and must be returned to the Township not less than one (1) Business Day prior to the commencement of the Council Meeting;
- e) audio or visual materials containing hate speech will be rejected; and,
- f) audio or visual materials containing negative allegations or comments of personal nature against Members of Council or staff shall be returned to the presenter to remove the allegations or comments and must be returned to the Township not less than one (1) Business Day prior to the commencement of the Council Meeting.

7.9.4 No Delegation may address Council on the same matter at successive Council Meetings unless in accordance with any Public Meeting held or other report, by-law, or Presentation being proposed for adoption in accordance with any Act.

7.9.5 Members of the public may submit written comments regarding any item on the Agenda, subject to the following:

- a) for written comments to be included in the Council Agenda Package that is circulated in advance of the Council Meeting, members of the public are required to provide their comments not less than five (5) Business Days before the commencement of the Council Meeting;
- b) written comments received less than five (5), but not less than four (4) hours prior to the commencement of the Council

Meeting shall be circulated to Council in advance of the Council Meeting and shall be included as an attachment to the Council Minutes;

- d) written comments containing negative allegations or comments towards members of the public or profanity shall be redacted to remove the inappropriate allegations, comments, or language;
- e) written comments containing hate speech will be rejected; and,
- f) written comments containing criticisms of a personal nature against Members of Council or staff shall be redacted to remove the criticisms of a personal nature.

7.9.6 Where any provisions or regulations of or under any Act in relation to Presentations, Delegations or written submissions which apply to municipal Councils contradict any of the provisions of this by-law, the provisions of the Act shall prevail.

7.9.7 Requests for Delegations for matters not on the Agenda will be directed to speak with staff on the matter or may submit their comments or questions as correspondence for inclusion as correspondence as noted in section 7.10. Members of the public may also direct their comments or questions to a Member of Council for a response from staff or for proposed direction by way of a Notice of Motion.

7.10 Communications and Petitions

7.10.1 Every communication, including petitions and correspondence, designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk. It is recommended the petitions conform the Township's petition template, which can be obtained on the Township's website or by contacting the Clerk or Deputy Clerk.

7.10.2 Any person who files a petition must leave their name and contact information with the Clerk.

7.10.3 Any person who signs a petition must be made aware by the person filing the petition that their names, signatures, and contact information, as included on the petition, may be included in the Council Agenda and made available to the public including publication on the Township's website.

7.10.4 Every petition or correspondence shall be delivered to the Clerk not less than five (5) Business Days before the commencement of the Council Meeting for inclusion in the Agenda of a Council Meeting, subject to the following:

- a) Correspondence or petitions containing negative allegations or comments towards members of the public or profanity shall be redacted to remove the inappropriate allegations, comments, or language;
- b) Correspondence or petitions containing hate speech will be rejected; and,
- c) Correspondence or petitions containing criticisms of a personal nature against Members of Council or staff shall be redacted.

7.10.5 Every petition received shall be circulated to the Department Head responsible for the general service area the petition pertains to, or their designate. The Department Head, their designate, or the CAO may contact the person who filed the petition to discuss the matter contained within the petition before the petition is added to the Agenda. After discussions with the Department Head, their designate, or the CAO have concluded, the person who filed the petition may contact the Clerk to withdraw the petition.

7.10.6 Correspondence or petitions addressed to Council shall be listed by the Clerk on the Agenda and the Clerk shall briefly indicate therein the content of each such petition or communication.

7.10.7 Resolutions from other municipalities and addressed to Council shall be listed by the Clerk on the Agenda for the next Regular Meeting and shall be listed under “Correspondence”.

7.11 By-laws

7.11.1 All by-laws shall be considered by Council and shall be introduced and receive first, second and third reading by a Motion.

7.11.2 Copies of all by-laws to be considered by Council shall be provided to each Member of Council with the Agenda Package.

7.11.3 All by-laws when introduced shall be in type-written form, shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act, and shall be complete with the exception of the date.

7.11.4 By-laws which received first and second reading at a previous Council Meeting and have now been cleared for final reading shall be read a final time and approved or defeated in open Council.

7.11.5 Every by-law shall have three readings previous to it being passed.

7.11.6 The Clerk shall record on all by-laws enacted by Council, the date of the first, second and third readings.

7.11.7 Every by-law which has been enacted by Council shall be numbered and dated and shall be sealed with the seal of the Township and signed by the Mayor and the Clerk and shall be securely kept by the Clerk in compliance with the Municipal Act and the Township's Records Retention By-law.

7.11.8 Errors, Corrections, and Other Changes

a) The Clerk may modify By-laws or Resolutions to:

i. Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

ii. Alter the style or presentation of text or graphics to improve electronic or print presentation.

iii. Correct an erroneous description of a date or time with the actual date or time.

iv. When the title, location or address of a body, office, place or thing has been altered, change any reference to the title, location or address to reflect any alteration in title, location or address.

- v. Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.
- vi. Make a correction, if it is patent both that an error has been made and what the correction should be.

b) The Clerk:

- i. may provide notice of the changes made under subsections 7.11.8(a)(i) to 7.11.8(a)(iii) inclusive in the manner that they consider appropriate.
- ii. shall provide notice of the changes made under subsections 7.11.8(a)(iv) to 7.11.8(a)(vi) inclusive in the manner that they consider appropriate.
- iii. in determining whether to provide notice under subsection 7.11.8(b)(i), shall consider:
 - 1. the nature of the change; and
 - 2. the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
- iv. in providing notice under subsection 7.11.8(b)(i) or 7.11.8(b)(ii), shall state the change or the nature of the change.

- c) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- d) Regardless of when a modification is made to a By-law under this section, the modification may be read into the By-law as of the date it was enacted if it is appropriate to do so.

7.12 Notice of Motion

7.12.1 A Notice of Motion shall:

- a) be in writing, which may include email; and
- b) shall be directed by the Clerk to the next Regular Meeting and shall be printed in full on the Agenda.

7.12.2 Notice of all new Motions, except Motions listed in Sections 12.8 and 12.9 shall be given in writing and delivered to the Clerk at least five (5) Business Days preceding the date of the Regular Meeting at which a Motion is to be introduced and the Motion shall be printed in full and unaltered on the Agenda for that Regular Meeting, as a means of introduction, and each succeeding Regular Meeting until the Motion is considered or otherwise disposed of.

7.12.3 The right to move a Notice of Motion shall be deemed to be that of the Councillor who introduced the Notice of Motion.

7.12.4 Any amendments, except those of a typographical nature, to a Notice of Motion shall be deemed to have created a new Notice of Motion and shall be treated as such in accordance with this by-law. Amendments of a substantive manner cannot be made during a Meeting without being re-introduced as though it is a new Notice of Motion.

7.12.5 When a Member of Council's Notice of Motion has been called from the Chair in two (2) successive Meetings and not proceeded on, it shall be removed from the Agenda unless Council otherwise directs staff.

7.12.6 If Council determines that the Notice of Motion shall appear on the Agenda at a third Meeting, such Notice of Motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

7.12.7 Any Motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members of Council present and voting.

7.12.8 Members of Council are expected to prepare their Notice of Motion in accordance with traditional parliamentary formatting and use traditional parliamentary language. Assistance with formatting or language may be sought from the Clerk or Deputy Clerk.

7.12.9 Members of Council considering the submission of a Notice of Motion are encouraged to speak with the appropriate Department Head or CAO to ensure a Notice of Motion is the most efficient means of dealing with a matter.

7.12.10 Assistance with the substance of a Notice of Motion may be sought from the Department Head relative to the subject matter or the CAO.

7.12.11 Review of the Notice of Motion by staff shall not constitute support from staff on the content of the Motion.

7.13 Announcements

7.13.1 Members of Council may make any special event announcements or report on community activities.

7.14 Confirmatory By-law

7.14.1 The Clerk shall include a by-law at the end of each Council Meeting for a first, second and third and final reading to confirm all decisions made up to the point at which the by-law is introduced and to confirm that Council complied with the legal requirement that it acted by by-law.

7.15 Adjournment

7.15.1 A Motion may be made at any time by a Member of Council who has the floor, requires no seconder and need not be in writing provided that no Motion to adjourn may be made during the taking of a vote on any Question.

7.15.2 Where a Motion to adjourn is duly moved and carried and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law may be considered at the appropriate place in the order of procedure at any subsequent Regular Meeting of Council.

7.15.3 Where a Motion to adjourn is lost, no second Motion to the same effect may be made until after some intermediate proceeding has occurred.

7.15.4 On a Motion to adjourn, no Member of Council shall leave their seat until the Chair has declared the Meeting adjourned.

7.15.5 A Regular or Special Meeting of Council or Committee shall adjourn at the hour of 11:00 pm if in session at that time and shall reconvene at such other day and time as the Members of Council may direct by resolution.

8. RULES OF DEBATE

- 8.1 Any Member of Council desiring to speak shall so indicate by raising their hand and, upon being recognized by the Mayor or other Presiding Officer, shall address the Chair by stating “through you, Mayor (surname)...” or “through you, Your Worship...”
- 8.2 When two (2) or more Members of Council raise their hands to speak the Mayor or other Presiding Officer shall recognize the Member of Council who raised their hand first.
- 8.3 The Mayor or other Presiding Officer may state their position on any matter before Council without leaving the Chair, but it shall not be permissible to debate the Question without first leaving the Chair and for another Member of Council to assume Chairing duties during such remarks.
- 8.4 The Mayor or other Presiding Officer shall resume the Chair for the taking of the vote.
- 8.5 The Mayor or other Presiding Officer may, without leaving the Chair, address Council between proceedings on any matter pertinent to the business of the Township.
- 8.6 When a Member of Council is speaking no other Member of Council shall pass between them and the Chair a note or interrupt the Member of Council who is speaking except to raise a Point of Order.
- 8.7 Any Member of Council may require the Question or Motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council while speaking.
- 8.8 No Member of Council, without leave of Council, shall speak to the same Question, or in reply, for longer than ten (10) minutes.
- 8.9 A Member of Council may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only of the Chair.
- 8.10 Notwithstanding Section 8.9, when a Member of Council has been recognized as the next speaker, then immediately before speaking such Member of Council may ask a question of the Mayor or other Presiding Officer on the matter under discussion only for the purpose of obtaining information, following which the Member of Council shall speak again.
- 8.11 The following matters, and Motions with respect thereto, may be introduced orally without written notice and without leave, except as otherwise provided by this By-law:
 - a) a Point of Order or Point of Personal Privilege;
 - b) presentations of petitions;
 - c) to move the Question be put;
 - d) to adjourn;
 - e) to refer;
 - f) to table or to postpone, defer to a day certain;

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- g) to amend;
- h) to suspend this Procedural By-law; or,
- i) any other procedural Motion.

8.12 Speaking Order and Time Limit

- a) The Chair shall determine and administer the speaking order for Members of Council;
- b) each Member of Council may only speak for a maximum of five (5) minutes at a time during debate, however, they may speak as often as they wish. This time restriction does not apply to Members of Council when they are asking questions and seeking clarification from Delegations or Township staff;
- c) where no other Member of Council wishes to speak to the matter, the five (5) minute time limit shall be waived;
- d) if requested, the mover or seconder of a Motion, has the right to be the last Member of Council to speak on a Motion; and,
- e) when a Member of Council is speaking to a Motion, they shall confine their remarks to the Motion.

9. POINTS OF INFORMATION, ORDER, OR PRIVILEGE

- 9.1 The Mayor or Chair shall preserve order and decide on Points of Information, Points of Order, or Points of Privilege.
- 9.2 When a Point of Information, Point of Order, or Point of Privilege is raised or when a person present is called to order by the Mayor or Chair, the person speaking shall immediately cease until the Mayor or Chair has decided on the Point of Information, Point of Order, or Point of Privilege and may further address Council only for the purpose of appealing to the Council from such decision.
- 9.3 The Mayor or Chair, in giving their decision, should cite the rule or law governing the case. The Mayor or Chair may ask for the assistance of the Clerk or Council in deciding the matter but the Mayor or Chair's decision shall be final if there is no appeal.
- 9.4 If the decision of the Mayor or other Presiding Officer is appealed to Council, the Mayor shall restate the point in issue and ruling thereon and, without further debate, shall put the Question "shall the ruling of the Chair be sustained". The Mayor or Chair may vote on this Question and in the event of an equality of votes, the decision of the Mayor or Chair shall be deemed to be sustained.
- 9.5 When a Member of Council considers that their integrity, or the integrity of Council as a whole, the integrity of staff, or the public, has been impugned, they may, as a matter of personal privilege, at any time, with the consent of the Mayor or Chair, draw the matter to Council's attention.

10. CONDUCT OF MEMBERS IN COUNCIL

- 10.1 No Member of Council shall:
 - a) speak disrespectfully of the Reigning Sovereign, the Governor General, the Lieutenant Governor of any province, or any person administering the Government of Canada or this Province;

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- b) use offensive words or unparliamentary language in or against the Council or against any Member of Council or against any Township staff;
 - c) speak on any subject other than the subject in debate;
 - d) criticize any decision of Council except for the purpose of moving in accordance with the provisions of Section 12 that the Question be reconsidered; or,
 - e) disobey the rules of Council, or a decision of the Mayor or other Presiding Officer, or of Council on questions of order or practice, and upon the interpretation of the rules of Council, and in the case where a Member of Council persists in any such disobedience after having been called to order by the Mayor or other Presiding Officer, the Mayor or other Presiding Officer may forthwith put the Question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave their seat for the duration of the Council Meeting", but if the Member of Council apologizes they may, by vote of Council, be permitted to retake their seat.
- 10.2 No charge or allegation shall be made which involves the character, conduct or language of a Member of Council unless such Member of Council is present to reply or unless due notice has been given to such Member of Council to be present to offer a defence.
- 10.3 A question put to a Member of Council may not contain imputations, epithets, ironical expressions or hypothetical cases, nor may a question refer to debates or answers to questions in the same Council Meeting. A question may not be put which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the Member of Council who asks the question is not prepared to substantiate. The solution of an abstract legal case may not be sought by a question. A question cannot be made a pretext for a debate, and when a question has been fully answered it cannot be renewed.
- 10.4 When a Member of Council has been called to order by the Mayor or other Presiding Officer for breach of parliamentary decorum, it is the Member of Council's duty to defer at once to the decision of the Mayor or other Presiding Officer and to make apology by explaining that there was no intent to infringe on any rule of debate, or by immediately withdrawing the offensive or unparliamentary language which may have been used. However, if a Member of Council persists in unparliamentary conduct, the Mayor or other Presiding Officer shall be compelled to name such Member of Council and submit such conduct to the decision of Council. In such a case, the Member of Council whose conduct is in question should explain and withdraw or it shall be for Council to decide what action to take.

11. INTEGRITY COMMISSIONER

- 11.1 Inquiries or requests for investigations under the Code of Conduct for Members of Council or local boards shall be received by the Integrity Commissioner in compliance with the respective Codes of Conduct.
- 11.2 Annual reports from the Integrity Commissioner shall be added to the Agenda under "Correspondence" at the Regular Council immediately following the submission of the report to the Clerk.
- 11.3 Reports from the Integrity Commissioner as the result of a request for investigation shall be submitted to the Clerk. The reports shall be added to the Agenda as follows:

- a) where the Integrity Commission recommends a penalty, the Clerk shall prepare a cover report for Council to consider the recommendation from the Integrity Commissioner; or,
- b) where the Integrity Commissioner does not recommend a penalty, the Clerk shall add the Integrity Commissioners report under “Correspondence” to be received for information.

12. MOTIONS

- 12.1 A Motion must be formally seconded before the Mayor or Chair can put the Question or the Motion can be recorded in the Minutes.
- 12.2 When a Motion is presented in Council in writing, it shall be read, or if it is a Motion which may be presented orally, it shall be stated by the Mayor or Chair before debate.
- 12.3 A Motion in respect of a matter which is *ultra vires* the jurisdiction of Council shall not be in order.
- 12.4 After a Motion is read or stated by the Mayor or Chair, it shall be deemed to be in possession of Council but may, with the permission of Council, be withdrawn at any time before decision or amendment.
- 12.5 A Motion properly before Council for decision must receive disposition before any other Motion can be received except Motions in respect of matters listed in Sections 12.8 and 12.9 of this by-law.
- 12.6 A Motion called in the order in which it stands on the Agenda of the routine of business of a Meeting and which is not decided by Council, shall be allowed to stand retaining its precedence on the Agenda of the routine of business of the next ordinary Council Meeting.
- 12.7 A Motion to refer a matter under discussion by Council to Township staff or a Committee shall preclude all amendments of the main Question until it is decided.
- 12.8 If the amendment is not considered a “Friendly Amendment”, then the Motion to amend:
 - a) shall be presented in writing;
 - b) shall receive disposition of Council before a previous amendment of the Question;
 - c) shall be relevant to the Question to be received;
 - d) shall not be received proposing a direct negative to the Question;
 - e) may propose a separate and distinct disposition of a Question;
 - f) shall be put in the reverse order to that in which it was moved; and
 - g) shall contain only one Motion to amend an amendment to the Question and any further amendment must be to the main Question.
- 12.9 A Motion for the previous Question:
 - a) cannot be amended;
 - b) cannot be proposed when there is an amendment under consideration;
 - c) shall preclude all amendments of the main Question;

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- d) when resolved in the affirmative, shall to be put forward without debate or amendment;
 - e) can only be moved in the following words "that the question be now put"; and,
 - f) may be voted against by the mover and seconder.
- 12.10 A Motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled, the Question so interrupted shall be removed to the point where it was suspended.
- 12.11 A Motion for reference to a Committee or staff until it is decided, will preclude all amendments of the main Question and any Motion to postpone or defer, or to lay on the table.
- 12.12 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member of Council, a vote upon each recommendation or proposition will be taken separately.

13. RECONSIDERATION

- 13.1 After any Question, except one of indefinite postponement, has been decided, any Member of Council may, at the same Council Meeting or at a subsequent Council Meeting, move for a reconsideration thereof. Such Motion must be made in writing, but no discussion of the main Question shall be allowed unless the Motion for reconsideration is passed by a two-thirds majority of all the Members of Council present and voting, nor shall any Question be reconsidered more than once.
- 13.2 A Motion to reconsider an amendment may not be submitted until after the original Motion to which the amendment was proposed has been considered and disposed of.
- 13.3 If a Motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the Motion calls for a future definite date, and debate on the Question to be reconsidered may proceed as though it had never previously been voted on.
- 13.4 Debate on a Motion for reconsideration must be confined to the reasons for or against reconsideration.
- 13.5 When a by-law has been defeated at any stage of the order of procedure, it shall be subject to a Motion to reconsider and the foregoing rules shall apply thereto, except that, when a Motion to reconsider a by-law is carried by the required majority, a Motion that leave be given to introduce the said by-law shall become the next order of business and, if this Motion is carried, the by-law shall be dealt with in accordance with the usual order of procedure as if it had been first introduced at the Meeting during which the Motion to reconsider was voted on.

14. VOTING ON MOTIONS

- 14.1 Immediately preceding the taking of the vote, the Mayor or other Presiding Officer may state the Question in the form introduced and shall do so if required by a Member of Council except when a Motion for the previous Question has been resolved in the affirmative. They shall state the Question in the precise form in which it will be recorded in the minutes.
- 14.2 After a Question is finally put by the Mayor or other Presiding Officer, no Member of Council shall speak to the Question or shall any other Motion be made until after the vote is taken and the result has been declared.

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- 14.3 Every Member of Council present at a Council Meeting when a Question is put shall vote thereon unless prohibited by statute, by reason of conflict of interest or for any reason.
- 14.4 No vote will be taken in Council or Committee by ballot or by any other method of secret voting.
- 14.5 Upon the request of a Member of Council, immediately after a vote is taken, the Clerk shall record the negative vote of such Member of Council on any Question.
- 14.6 If any Member of Council present at a Council Meeting when a Question is put does not vote, they shall be deemed as voting in the negative except where they are prohibited from voting by law.
- 14.7 If a Member of Council disagrees with the announcement of the Mayor that a Question is carried or lost they may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.
- 14.8 When the Mayor calls for the vote on a Question each Member of Council shall remain in their seat until the result of the vote has been declared by the Mayor, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.
- 14.9 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member of Council, a vote upon each recommendation or proposition will be taken separately.
- 14.10 A Member of Council not present before the result of the division on a Question is declared, shall not be entitled to vote on that Question.
- 14.11 The manner of determining the decision of Council on a Motion shall be at the discretion of the Mayor or other Presiding Officer and may be by voice, show of hands or otherwise.
- 14.12 Upon the taking of any vote if all the Members of Council present when the vote is taken vote unanimously, the Mayor or other Presiding Officer may direct the Clerk to record the vote accordingly.
- 14.13 Any Question on which there is an equality of votes shall be deemed to be in the negative.

15. RECORDED VOTE

- 15.1 When a recorded vote is requested by a Member of Council, or is otherwise required, the Clerk shall record the name and vote of every Member of Council by ward, on any matter or Question.
- 15.2 Where a vote is taken for any purpose and a Member of Council requests immediately prior to or immediately subsequent to the taking of the vote, that the vote be recorded, each Member of Council present, except a Member of Council who is disqualified from voting by any Act, shall announce their vote openly, and any failure to vote by a Member of Council who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote accordingly.
- 15.3 When a recorded vote is requested by any Member of Council the Clerk will call of the vote, announce the division and will record them in the minutes of the Meeting.

16. RECESS

- 16.1 A majority vote of Members of Council present is required to recess a Council Meeting, and the time of return shall be announced by the Mayor or other Presiding Officer.

17. COMMITTEES (Ad hoc/Advisory/Special Purpose)

- 17.1 Ad hoc, Advisory or Special Purpose Committees may be established by Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of Council, pursuant to Section 11 of the Municipal Act or as required by any Act or Statute of the Province of Ontario.

17.2 Establishment/Appointment

The names of the persons to be appointed to any Ad hoc, Special Purpose or Advisory Committee to which Council is required or empowered to appoint persons, shall be determined by Council by resolution or by by-law or as required by any Act or statute of the Province of Ontario at the first Regular Meeting of a new Council, or as soon thereafter as is reasonable.

17.3 General Role of Committees

The role of Committees shall generally be to:

- a) make recommendations to Council on matters which are in their jurisdictions;
- b) guide and request staff through the CAO, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required; and,
- c) receive public Delegations and establish mechanism to receive further public input within their jurisdiction.

17.4 General Role of Committee Members

The role of a Committee member shall generally be to:

- a) attend Committee Meetings being prepared to discuss items on the Agenda;
- b) discuss items on the Agenda in a respectful manner, and, when called, vote on the matter with the public interest in mind; and
- c) to uphold the decision and actions of the Committee.

17.5 Election of Committee Chair

The Clerk, or their designate, shall preside at the first Meeting of each Committee at the start of its term for the purpose of electing a Chair of the Committee.

17.6 Terms of Reference – Advisory Committees

Subject to the provision of any general or special Act, the Council, in establishing any Advisory Committee, will set forth Terms of Reference of the Committee, and such other provisions as the Council deems proper.

17.7 Procedures – Committees

The procedures of the Committees shall be the same as those set out for Council insofar as they are applicable, with the following exceptions:

- a) in Committees, the vote on any particular item shall not be recorded however a member on request may be recorded as being opposed;

- b) at the request of any member of the Committee present, any item on the Agenda may be re-opened by a majority vote of the members present;
- c) a quorum in any Committee is the majority of the members of the Committee as appointed by Council, and the Mayor, if present, is a member to be included in determining the quorum;
- d) if any Committee neglects to attend to its duties, the Council may intervene and order it to meet and report;
- e) the Chair of a Committee may vote on any Question before the Committee;
- f) any Question on which there is an equality of votes shall be deemed to be in the negative;
- g) in Committee, members may speak more than once on the same Question;
- h) should any member of a Committee refuse or neglect to attend the regular or special Meetings thereof, the Chair may report such neglect or refusal to Council who may remove such member from the Committee and appoint another member; and,
- i) Advisory Committees shall prepare minutes and submit them to Council.

17.8 Committee Reports to Council

All Committees are required to provide annual informational reports to Council to update on their activities.

18. REVIEW AND AMENDMENT TO THIS BY-LAW

- 18.1 Within six (6) months of the new term of Council, the Clerk shall review this by-law. If amendments are required, the Clerk shall follow the requirements of subsection 18.3. If no amendments are deemed necessary, the Clerk shall report same to Council.
- 18.2 If deemed necessary by Council, the CAO or the Clerk, the Clerk may review this by-law and propose amendments in accordance with section with subsection 18.3.
- 18.3 No amendment or rescission of this by-law or any part of thereof shall be considered at any Council Meeting unless notice of the proposed amendment or rescission has been given at a previous Regular Meeting of Council and the waiving of this notice by Council is prohibited.

18.4 Amendments to and subsequent Procedural By-laws shall be reviewed by the Township Solicitor prior to being considered by Council.

19. SUSPENSION OF THE RULES

- 19.1 Any rules or procedures established by this by-law, other than a quorum requirement, may be suspended at or for a particular Council Meeting, by resolution, provided two-thirds of Members of Council present vote in favour thereof, unless prohibited by law.

20. SEVERABILITY

- 20.1 Should any section, sub-section, clause or paragraph or provision of this by-law be declared by a Court or competent jurisdiction to be invalid, the same

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shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

21. REMARKS

21.1 In this by-law, words of the singular include the plural, words in the plural include the singular and words importing the masculine gender include the feminine gender where the context so requires.

22. ROBERT'S RULES

22.1 In all unprovided for cases in the proceedings of Council or Committee, resort shall be had to *Robert's Rules of Order* as a rule for guidance on the question, and in such cases the decision of the Mayor or other Presiding Officer shall be final and acquiesced in without debate.

23. SHORT TITLE

23.1 This by-law may be referred to as either the "Procedural By-law" or the "Rules of Procedure."

24. EFFECTIVE DATE

24.1 By-law No. 2019-25, its amendments, and any other by-laws inconsistent with the provisions of this by-law are hereby rescinded and of no force or effect.

24.2 This by-law shall come into force and effect on the date of passage.

READ a first and second time on the 12th day of July, 2021.

READ a third time and passed in open Council on the 12th day of July, 2021.

Mayor

Clerk



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-12

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Tracey Murray, Manager of Information and Legislative Services /
Deputy Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: **Records Retention**

RECOMMENDATION:

THAT Council By-law 2021-37, a By-law to provide a schedule of retention periods for the records of the Township of Wilmot be approved and to repeal By-law No. 92-54.

SUMMARY:

The Township of Wilmot continues to be dedicated to continuing to provide responsible, transparent governance. The implementation and update of the Records Management Program will continue to support the efficient management of, and cost-effective records retention as the Township continues to grow.

BACKGROUND:

The Municipal Act, 2001 (the Act), provides that a municipality shall retain and reserve the records of the municipality in a secure and accessible manner. The Act also includes provisions that allow for destruction of records in accordance with an established retention period.

Proper municipal record keeping is not only essential for effective day-to-day municipal operations, but it is also a statutory requirement as defined in the Municipal Act, 2001:

- Section 254 (1) A municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner;
- Section 255 (1) Except as otherwise provided, a record of a municipality may only be destroyed in accordance with this section; and,
- Section 255 (2) Despite section 254, a record of a municipality may be destroyed if a retention period for the record has been established under this section and,
 - The retention period has expired; or
 - The record is a copy of the original.

REPORT:

As identified by several municipalities in Ontario and across Canada, Records Management can be viewed as simply filing; however, that undervalued, and misunderstood concept provides an opportunity to education and increase awareness of this vital administrative function.

The Township of Wilmot is currently under the direction of an outdated and inefficient By-law in relation to records retention. With the direction from the Province to maintain an open and transparent governance structure, staff have begun to undertake the vast project of modernizing how the Township handles all records.

Effective Records Management can also protect the Township in litigation, whereas a failure to provide effective Records Management could result in significant costs as well as lack of trust from constituents, other levels of government and potential partnerships. Other risk factors of non-effective Records Management could include breaches of privacy or confidentiality. Records Management Policies are not only about efficiency, but also risk management and legislative compliance.

The Act also requires that municipalities adhere to the provisions in the Municipal Freedom of Information and Protection of Privacy Act, stating that any person may, at all reasonable times, inspect any of the records under the control of the Clerk. The implementation of a more robust modernized Records Management program will assist in processing such requests and allow for secure handling of personal information.

The Township of Wilmot, much like numerous other municipalities in Ontario, is currently implementing a records classification process based on The Ontario Municipal Records Management System (TOMRMS). TOMRMS defines a broad set of criteria for which the various types of municipal records are to be classified under. Each classification has a defined retention schedule associated based upon Federal, Provincial, and other legislative requirements.

The Manager of Information and Legislative Services has been working with the Senior Management Team and other key staff in each department to ensure that records from each functional area of the organization are properly classified and the appropriate retention length has been identified.

The implementation of the TOMRMS system across the organization is anticipated to take approximately 2 to 3 years.

In 1992, Council approved By-law 92-54, authorizing the destruction of certain records. Although effective at the time, by way of approval of the proposed Policies and By-law #2021-37, By-law 92-54 will be rescinded.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:


The adoption of a modern Records Management Program and updated By-law support the Strategic Goal of Responsible Governance through active communications by maintaining accountability and transparency.

FINANCIAL CONSIDERATIONS:

Annual updates to the Records Retention By-Law from The Information Professionals is included in the Council approved 2020 Operating Budget. At this time, no costs are anticipated from administering this by-law however, if resources are required it would be included in the annual budget process.

ATTACHMENTS:

Appendix A – Governance Policy #GP-2021-01, Records Management
Appendix C – By-law #2021-37
Appendix C – Schedule A

	Governance Policy
	Section: Corporate
	Policy #2021-01 Pg. 1 of 8 Records Management
Revision Date:	Issue Date: July 12, 2021
Approved by: Council	Review Date: July 2024
Policy Owner: Information and Legislative Services	Policy Author: Manager of Information and Legislative Services

PURPOSE

The purpose of this policy is to ensure consistent standards and practices for the life cycle management of records in custody and control of the Township of Wilmot. This policy ensures that records and data are managed consistently across the Township from the time they are created, used, retained and disposed of or preserved.

SCOPE

This policy applies to all Township employees, including full-time, part-time, casual, contract, volunteer, and co-op placement employees.

This policy applies to the Mayor and Elected Officials in relation to records in the custody of or under the control of the Township, or when a Member of Council is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution. This policy does not apply to records created or received by a member of Council relating to constituency matters, unless said records is forwarded / transferred to Township staff. Records of a member of Council relating to the business of Council are subject to MFIPPA.

This policy applies to all corporate information, in any format, including records, data and knowledge managed by the Township.

DEFINITIONS

Archival means information assets of enduring significance that have historical and business value for the Township of Wilmot and individuals engaging in historical research.

Authenticity means the extent to which a business record can be proven to be what it purports to be.

Business records means any records that are created by Township employees, or by a third party directly paid by and working on behalf of the Township, in order to document the decision making, administration or operational activities of the Township. This includes documents in any form, including physical paper files, digital files in any machine readable format, emails, instant messages, video, etc.

Control (of a record) means the power or authority to make a decision about the use or

disclosure of a record.

Custody (of a record) means the keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always constitute custody, it is the best evidence of custody.

Data means any symbols or characters that represent raw facts or figures and form the basis of information.

Destruction is the physical or electronic disposal of records or data by means of shredding, recycling, deletion or overwriting. This also includes the destruction of records or data residing on computers and electronic devices supplied or paid for by the Corporation.

Dispose means to destroy a record or remove it from the official record keeping system. For digital records this involves deleting files and ensuring that any backups, such as in the desktop `recycle bin` have been deleted as well. For paper documents, this involves recycling, shredding or securely disposing of papers.

Information asset means organized information that is valuable and easily accessible to those who need it. Information assets come in a variety of formats including records, data and documented corporate knowledge.

Information management means the administration of information, its use and transmission, and the application of theories and techniques of information science to create, modify, or improve information handling systems.

Integrity means the extent to which a business record is demonstrably complete and unaltered.

Institution means the Municipality.

Lifecycle management means the administration of information assets from the time they are created, actively used, inactively stored and retained, as well as, disposed of or preserved.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) means legislation that governs access to and the privacy of municipal records.

Permanent means that records and information shall be preserved for the life of the Corporation and never destroyed or removed from the official records keeping system.

Personal Information means recorded information about an identifiable individual including:

- a) Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, or marital or family status of the individual;
- b) Information relating to the education or the medical, psychiatric, psychological,

- criminal or employment history of the individual or information relating to the financial transactions in which the individual has been involved;
- c) Any identifying number, symbol, or other particular assigned to the individual;
 - d) The address, telephone number, fingerprints or blood type of the individual;
 - e) The personal opinions or views of the individual except if they relate to another individual;
 - f) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
 - g) The views or opinions of another individual about the individual, and
 - h) The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Personal Health Information means identifying information about an individual in oral or recorded form, if the information:

- a) Relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family;
- b) Relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual;
- c) Is a plan of service within the meaning of the *Home Care and Community Services Act, 1994* for the individual;
- d) Relates to payment or eligibility for health care, or eligibility for coverage for health care, in respect to the individual;
- e) Relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part of bodily substance;
- f) The individual's health number; or
- g) Identifies the individual's substitute decision maker.

Record means any unit of information however recorded, whether in printed form, on film, by electronic means, or otherwise, and includes correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound recordings, videotapes, machine readable records, an e-mail and any other documentary material regardless of physical form or characteristics, made or received in the course of the conduct of Township business.

Records Retention By-law means the most recent by-law passed that contains the schedule and the length of time Township business records must be retained for before it may be disposed of in order to meet business needs and legislative requirements.

Reliability means the extent to which the contents of a record can be trusted as a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

Township means the Corporation of the Township of Wilmot.

STANDARDS AND PROCEDURES

Accurate, usable and accessible information supports open, transparent and accountable local government by improving customer service and program delivery.

This means that the Township:

- Integrates record keeping practices with service delivery;
- Integrates records and information management practices with performance management; and,
- Invest in records and information management awareness, training and communication.

All employees share responsibility for the management of corporate information assets.

Information must be managed reliably to improve Township programs and services in the same manner and give the same consideration as other valuable corporate resources.

The following principles and practices are the framework for effectively managing the following Township assets:

Accountability and Transparency

- In recognition of public accountability, Township programs, services and governance information that does not contain confidential or personal information is available to the public.
- The access to and disclosure of corporate information is administered in accordance with the Access and Privacy Policy, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).
- Employees should have access to information they need to meet their responsibilities in a timely and efficient manner.
- In accordance with MFIPPA, it is an offence to willfully alter, conceal, destroy / delete or cause any person to do so, with the intention of denying access to a record or information contained in a record they have the right to access.

Quality and Integrity

- Information quality is assured at the point of collection or creation, and administrative records are created within a reasonable time of the transactions or events they document to the greatest extent possible.
- Official and / or final versions of records or data are known and accessible.
- Transitory records and information which does not need to be retained according to the records retention by-law are destroyed on a routine basis.
- The integrity, authenticity, reliability, and usability of information assets must be preserved throughout the lifecycle of the asset.

Storage

- Information must be stored in the appropriate department drive, system of software to ensure that it can be accessed when needed. Unless a document or data contains personal, confidential or classified information it should be shared, available, and accessible to other Township employees.

Security

- As a corporate asset, information created and used in the course of Township business is the property of the Township.
- The Township will establish and maintain procedures and other controls to ensure the security of its information, including prevention of unauthorized access to its systems, third party and remote access.
- The Township will establish and maintain a security classification protocol, used to classify all of its information. This protocol guides appropriate practices related to labeling, storing, sending and sharing information, disposal, protection of integrity, and appropriate use and disclosure of information.
- Security incidents are to be reported to the Office of the Clerk and/or IT, as appropriate, and investigations involving security and/or privacy breaches are conducted as needed.

Lifecycle management

- Employees, vendors and contractors are responsible for managing information from the time it's created, used, stored, and either destroyed or preserved according to the records retention by-law.
- The retention and disposal of all Township business records is governed by the most current records retention by-law. Retention of any business records must be consistent regardless of format, storage location or system.
- The Township manages its records retention by-law for all business records to comply with legal requirements and meet business needs.
- The records retention by-law is reviewed annually and, if necessary, updated to reflect reasonable retention requirements.
- The Township will establish and maintain a records classification scheme, will classify all Township business records, in any format, by the functions and activities in which they are used.
- The Municipal Clerk or delegated employees must sign off and approve the disposition of all original business records prior to destruction in accordance with the records destruction procedure.
- While most of the Township's information is appropriately destroyed or disposed of when it becomes obsolete or legal requirements have passed, some information assets are of enduring archival value and must be preserved to maintain corporate history and memory. The Township establishes and maintains procedures to identify

and ensure the permanent preservation of information assets of archival value.

Compliance

- The Township complies with records and information management requirements of all laws, regulations and standards related to its operations and adheres to generally accepted information management standards and best practices.
- The Township establishes and maintains internal procedures, standards, guidelines and best practices required to comply with laws, regulations and policies.
- The Township promotes compliance with this policy and associated procedures, standards, guidelines and best practices by supporting all employees to meet their records and information management responsibilities through education and training.

RESPONSIBILITIES

Effective Records and Information Management is a shared responsibility across the Township. Specific roles and responsibilities include:

Council

Council is responsible for approving the Policy and any amendments outside legislative requirements.

Senior Management Team

The Senior Management Team (SMT) is responsible for ensuring the appropriate management direction, processes and tools are in place to efficiently manage information under their control of the department to support the department's business and to retain the quality of information throughout the records lifecycle by:

- Ensuring that employees in their office or Department and / or who report to them are made aware of their responsibilities under this Policy and all related by-laws, administrative directives, departmental procedures or other related policies or procedures.
- Complying with this Governance Policy and all related by-laws, directives, policies and procedures.
- Advising Information and Legislative Services of new or amended legislation and policies under their department's business portfolio that may have an impact on Records and Information Management policies, procedures and the By-law.
- Addressing non-compliance with this Governance Policy and all related by-laws, directives, policies and procedures.

Managers / Supervisors (All Levels)

Managers / Supervisors at all levels in a department are responsible for managing information as an integral part of their service delivery and as a strategic business resource by:

- Applying policies, standards, procedures, directives, guidelines, tools and best practices in the performance of the manager's duties to ensure the authenticity and integrity of the information.
- Identifying information issues and requirements to the Information and Legislative Services Department to ensure processes and systems appropriately address these issues and requirements.
- Ensuring employees understand and apply effective information management in day-to-day operations
- Ensuring requirements are included in the contractual terms and conditions for contractors and others engaged in work on behalf of the Township.

Employees

All employees are responsible for managing the information they collect, create and use as a valuable asset to support not only the outcomes of the programs and services, but also the department's operational needs and accountabilities by:

- Familiarizing and complying with the Governance Policy and all related documents.
- Providing and bringing to their manager / supervisor's attention information requirements, issues and violations of this Policy and all related documents as appropriate.
- Treating departmental information in a manner that facilitates access while ensuring privacy and security requirements are met.

Consultants and Contractors using Township Records

Consultants and contractors are responsible for understanding and complying with the records requirements in the contractual terms and conditions while engaged in work on behalf of the Township.

Municipal Clerk

The Municipal Clerk is responsible for developing and maintaining the Township Records Management program in accordance with legislative requirements and best practices by:

- Providing support and advice to management and employees on all aspect of records management and initiatives which impact records management.
- Supporting the functional use of information systems and associated software applications available to manage records during their life cycle and the destruction of records in accordance with this policy and all related policies, procedures and directives.
- Ensuring records management training is developed, made available and delivered to the Township's employees and consultants and contractors using Township records, as appropriate.

- Managing of external service providers for inactive records storage and records destruction, in compliance with this and all other approved governance documents.
- Assisting in establishing and maintaining policies and procedures and ensuring compliance.
- Act as Head of Freedom of Information for the Township in accordance with MFIPPA.
- Delegating roles and responsibilities under this Governance Policy and all related documents to appropriate members of staff, including, but not limited to, the Deputy Clerk who shall act with the statutory authority of the Municipal Clerk in their absence in accordance with section 228. (2) of the Municipal Act 2001, as amended, and the appointment by-law for the current Deputy Clerk.

Information Technology Services

The Information Technology Division is responsible for supporting information systems to enable the management of records during their life cycle in accordance with this policy and all related policies, procedures, and directives by:

- Ensuring that technologies and software applications are in place to support and maintain all system controls to ensure the security, accuracy, trustworthiness and reliability of the records the systems produce; including back-ups, logs and recovery activities to protect the Township's records and information.

COMMUNICATION

In partnership with Human Resources, Information and Legislative Services will establish a training and education plan to improve awareness of records and information management requirements.

EVALUATION

This Governance Policy will be reviewed annually and updated as required. It may also be reviewed immediately if a significant event dictates its.

The Clerk and / or designate, by way of approval of this Governance Policy, be authorized to amend the policy to comply with legislative changes. Policy amendments outside the scope of legislation will be approved by Council.

The policy will be reviewed a minimum of once per Council term.

LEGISLATIVE REPORTING REQUIREMENTS

The Township of Wilmot will adhere to all applicable Canadian Federal and Provincial statutory and regulatory requirements with respect to records and will also make all reasonable efforts to comply with Records and Information Management standards and best practices.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2021-37

BEING A BY-LAW TO PROVIDE A SCHEDULE OF
RETENTION PERIODS FOR THE RECORDS OF THE
TOWNSHIP OF WILMOT AND TO REPEAL BY-LAW NO. 92-
54

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter referred to as the “**Municipal Act**”), provides that the powers of a municipality under the Municipal Act or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 254(1) of the Municipal Act provides that a municipality shall retain and preserve the records of the municipality in a secure and accessible manner;

AND WHEREAS Section 255(1) of the Municipal Act provides that records may be destroyed in accordance with that section;

AND WHEREAS Section 255(3) of the Municipal Act provides that a municipality may establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with Section 254 thereof; and,

AND WHEREAS the Council of The Corporation of the Township of Wilmot deems it expedient to repeal By-law 92-54 and adopt a new Records Retention By-law that provides delegated authority for establishing and amending retention periods for the records of The Corporation of the Township of Wilmot to the Clerk;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1. “**Clerk**” means the Director of Information and Legislative Services / Municipal Clerk or their designate(s), as appointed by Council.
- 1.2. “**Council**” means the term to refer collectively to the Mayor and five (5) Councillors for The Corporation of the Township of Wilmot.
- 1.3. “**Destroy**” means the process of eliminating or deleting data, documents and records so that the recorded information no longer exists.
- 1.4. “**Disposition**” (with respect to records) means a range of processes, associated actions, implementation, retention, destruction, loss, or transfer of custody or ownership that are documented in Disposition Notice or another instrument.
- 1.5. “**Medium**” or “**Media**” means the physical material which serves as a functional unit, in or on which information or data is normally recorded, in which information or data can be retained and carried, from which information or data can be retrieved, and which is nonvolatile in nature.
- 1.6. “**Orphan Data**” means data that is not machine readable because the data exists with no identifiable computer application or system that can retrieve it, or the data is machine readable but does not have sufficient content, context or structure to render it understandable.
- 1.7. “**Record**” means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including, but not limited to, correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes/DVDs, USBs, e-mail, machine readable records, and any other documentary material regardless of physical form or characteristics, but excludes “**Transitory Records**”.
- 1.8. “**Retention Period**” means the period of time during which Records must be kept by the Township before they may be disposed of.
- 1.9. “**Retention Schedule**” means a control document that describes the Township’s Records at a series level, and indicates the length of time that each series shall be retained before its final Disposition. It specifies those Records to be preserved for their archival or legal values, and authorizes on a continuing basis the destruction of the remaining Records after the lapse of a specified retention period or the occurrence of specified actions or events. Records retention schedules serve as the legal authorization for the disposal of the Township's Records.

- 1.10. **“Township”** means The Corporation of the Township of Wilmot.
- 1.11. **“Transitory Records”** means Records kept solely for convenience of reference and of limited value in documenting the planning or implementation of Township business, such as:
 - 1.11.1. copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
 - 1.11.2. information copies of widely distributed materials, such as minutes, agendas and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;
 - 1.11.3. preliminary drafts of letters, memoranda or reports and other informal notes which do not represent significant steps in the preparation of a final document and which do not record decisions;
 - 1.11.4. duplicate copies of documents in the same Medium which are retained only for convenience or future distribution;
 - 1.11.5. voice-mail messages, text / instant messages (including but not limited to Microsoft Teams, What'sAp)
 - 1.11.6. e-mail messages and other communications that do not relate to Township business;
 - 1.11.7. copies of publications, such as, published reports, administration manuals, telephone directories, catalogues, pamphlets or periodicals;
 - 1.11.8. duplicate stocks of obsolete publications, pamphlets or blank forms; and,
 - 1.11.9. unsolicited advertising materials, including brochures, company profiles and price lists.

2. RETENTION SCHEDULE

- 2.1. A Retention Schedule is approved by Council under Governance Policy GP#-?? and provides authority to the Clerk to amend Retention Periods for the Records of the Township in compliance with relevant Acts..
- 2.2. The Clerk shall administer this by-law and shall ensure that the Retention Periods comply with all relevant legal requirements for Record retention.
- 2.3. In determining the Retention Periods for any Records, the Clerk shall consider, in consultation with other Township employees and Township solicitor(s), where appropriate:
 - 2.3.1. the operational nature of the Records, including the period of time during which the Township uses the Records to perform its functions;
 - 2.3.2. the legal nature of the Records, including the period of time necessary to comply with statutory or regulatory requirements or requirements imposed by agreements, permits or similar documents, or to ensure that the Records are available in case of investigation or litigation;
 - 2.3.3. the fiscal nature of the Records, including the period of time necessary for audit or tax purposes; and,
 - 2.3.4. the historical nature of the Records, including the long-term value of the Records for documenting past events or the origins and history of the Township.

3. ELECTRONIC RECORDS

- 3.1. The Clerk shall be authorized to create and maintain a list of Records that the Township manages and stores in electronic format only.
- 3.2. To determine if a Record may be added to the list of electronic Records, the Clerk shall consider the following:
 - 3.2.1. that the Record originated electronically and was made in the normal and ordinary course of business (i.e. not a scan of an original document);
 - 3.2.2. that the Record is protected throughout its entire lifecycle against unauthorized access/disclosure, possession, loss, theft, damage, change or destruction;

- 3.2.3. the Record is in a secure location within Canada, controlled and protected through the use of appropriate techniques such as, but not limited to, computer system passwords, computer system security features, computer system failure (back-up), physical security controls and proper environmental conditions suited to various Media; and,
- 3.2.4. the circumstances of making the Record.
- 3.3. Where the Clerk has authorized a Record to be stored in electronic format only, such Record shall be deemed to be an original Record.

4. **EMPLOYEE RESPONSIBILITIES**

- 4.1. All Township employees who create, work with or manage Records shall:
 - 4.1.1. comply with the Retention Schedule;
 - 4.1.2. ensure that Records in their custody or control are protected from inadvertent destruction or damage; and,
 - 4.1.3. ensure that Transitory Records in their custody or control are Destroyed when they are no longer needed for reference.

5. **CLERK**

- 5.1. The Clerk shall:
 - 5.1.1. administer Governance Policy #2021-01 and establish and administer procedures for the Township's Records management program; policies and establish and administer procedures for the Township's Records management program;
 - 5.1.2. periodically review and make recommendations with respect to this by-law;
 - 5.1.3. ensure that Records are preserved and disposed of in accordance with the Retention Schedule; and,
 - 5.1.4. ensure that all Disposition Notices prepared pursuant to Subsection (6.1) of this by-law and all certificates of Disposition prepared pursuant to Subsection (6.3.4) of this by-law are preserved.

6. **DISPOSITION OF RECORDS**

- 6.1. The Clerk shall notify the appropriate Township department head or manager in writing of the scheduled Disposition of Records, as outlined in the Retention Schedule (the "**Disposition Notice**"), including a list of the Records eligible for Disposition and the scheduled Disposition date.
- 6.2. The Township department head or manager shall notify the Clerk, in writing, before the scheduled Disposition date, whether any of the Records included in the Disposition Notice need to be retained past the scheduled Disposition date, and the reason why such further retention is necessary.
- 6.3. Prior to the destruction of an information database or Orphan Data in accordance with the Retention Schedule, the following documents shall be required:
 - 6.3.1. a written description containing, to the extent that such information is available, the following:
 - 6.3.1.1. the title of the system;
 - 6.3.1.2. the identification of the department responsible for the creation or use of the data;
 - 6.3.1.3. a brief description of the system's purpose;
 - 6.3.1.4. where possible, a contents list of the information being Destroyed;
 - 6.3.1.5. a brief description of any sub-systems, their purpose and relationship to the main system or other sub-systems; and
 - 6.3.1.6. the name of the technical contact person who is responsible for documenting the system;

- 6.3.2. the written approval of the signing authority if necessary;
- 6.3.3. where applicable to satisfy the provisions of the *Federal Income Tax Act*, *Excise Tax Act*, *Employment Insurance Act* or Canada Pension Plan, an exemption from the Minister of National Revenue from the requirement to keep Records in an electronically readable format; and,
- 6.3.4. after the destruction of an information database or Orphan Data, the signing authority, as provided in Governance Policy #2021-01 must provide a destruction certificate to the Clerk to provide an audit trail.
- 6.4. Where appropriate, and taking into account the principles governing the Disposition of Records, the Clerk may re-schedule the Disposition of any Records listed in the Disposition Notice referred to in Subsection (6.1) of this By-law for up to one (1) year from the scheduled Disposition date.
- 6.5. Re-scheduling the Disposition of any Records beyond a one (1) year period requires written notice from the Township department head or manager to the Clerk for each additional year.
- 6.6. If no notice is received under Subsection (6.2) of this by-law before the scheduled Disposition date, the Records shall be deemed to be authorized for Disposition by the appropriate Township department head or manager.
- 6.7. When Records have been disposed of pursuant to this by-law, the Clerk shall obtain written confirmation of such Disposition.

7. PRINCIPLES GOVERNING THE DESTRUCTION OF OFFICIAL RECORDS

- 7.1. The following principles shall govern the Destruction of Records:
 - 7.1.1. when there are no further business or legal reasons for retaining Records, they shall be Destroyed, as appropriate;
 - 7.1.2. Records pertaining to pending or actual investigation or litigation shall not be Destroyed; and,
 - 7.1.3. Records disposed of at the end of a Retention Period, as well as drafts and copies of Records disposed of on a regular basis, shall be Destroyed in a way that preserves the confidentiality of any information they contain.
- 7.2. Records in the custody or control of the Township shall not be Destroyed unless such Records are older than the Retention Period set out in the Retention Schedule approved by the Clerk and have been identified in a Disposition Notice prepared pursuant to Subsection (6.1) of this by-law.
- 7.3. Copies of Records may be Destroyed at any time if the original Records are being retained in accordance with the Retention Schedule.

8. SEVERIBILITY

- 8.1 Should any section, sub-section, clause or paragraph or provision of this by-law be declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

9. APPROVAL OF BY-LAW

- 9.1. This by-law shall come into force and effect immediately upon passage.

10. CITING OF BY-LAW

- 10.1. This by-law may be cited as the "Records Retention By-law".

11. REPEAL

- 11.1. Upon the date of enactment of this by-law, By-law 92-54 is hereby repealed.

READ a first and second time on the 12th day of July, 2021.

READ a third time and passed in open Council on the 12th day of July, 2021.

Mayor

Clerk

SCHEDULE 'A' to By-law 2021-37

RECORDS RETENTION SCHEDULE & PROCEDURAL MANUAL 2021

This manual was prepared in accordance with the provisions of Township By-law 2021- being a By-law to provide for the classification, retention and destruction of the records of The Township of Wilmot.

INTRODUCTION

Schedule “A” of By-law 2021-?? (henceforth referred to as the Records Retention Schedule) is a functional system for retaining all corporate records created and used in the Township departments and divisions, regardless of format. It is based on directions, recommendations and best practices from a variety of sources, including:

- Federal and Provincial legislation;
- Industry standards and associations i.e. Association of Records Managers and Administrators (ARMA) International;
- Generally Accepted Recordkeeping Principles;
- Canadian Standards Association Privacy Code;
- Ongoing consultation with Township staff.

The Records Retention Schedule performs 4 functions:

- Inventories corporate record types created and used by the Township;
- Indicates retention standards for all record types;
- Indicates records series that include Personal Information Banks; and
- Indicates series to which Active or Routine Disclosure principles may apply.

Corporate records must be classified or ‘tagged’ with file codes based on their associated business functions and activities, regardless of format, in order to indicate how long those records should be kept. Keeping everything forever is not effective, economical or legally wise, and the Records Retention Schedule guards against this practice.

The Records Retention Schedule applies equally to paper and electronic records.

The classifications contained in this schedule work in partnership with departmental file plans and operational systems for organizing information.

Each corporate records classification begins with a combination of letters and numbers consistent with the TOMRMS System, including:

Primary Classification: Categories reflecting broad business activities

A	Administration
C	Council, Boards and By-laws
D	Development and Planning
E	Environmental Services
F	Finance and Accounting
H	Human Resources
J	Justice
L	Legal Affairs
M	Media and Public Relations
P	Protection and Enforcement Services
R	Recreation and Culture
S	Social and Health Care Services
T	Transportation Services
V	Vehicles and Equipment

Secondary Classification: Number-based categories that represent more specific functions, i.e. A.01-Associations.

The Township of Wilmot Records Retention By-Law and Schedule currently applies retention periods at the secondary code levels.

It is very important to classify corporate records and information in order to indicate accurate retention periods for future reference.

HOW TO IDENTIFY CORPORATE RECORDS

A corporate record provides unique evidence of a business activity or transaction, regardless of format. Corporate records are retained to prove that something happened, and to fulfill future obligations which may be legal, financial or operational. Corporate records may exist as, but are not limited to, paper, photographs, video, voicemail, email, shared drive contents, USB key contents, notebooks, PDFs, instant messages, and database contents. Here are some examples:

Corporate Records	Transitory (Non-Corporate) Records
Original, Signed Documents	Duplicate Documents
Evidence of Official Decisions	Insignificant Drafts
Financial Transactions	No Evidence of Official Decision
Dealings with External Clients and Partners	Casual Inquiries
Policy Directions	Reference Material
Original Meeting Minutes	"Working files" and Reference
Budget Submissions	Materials from other Institutions
Personnel Records	Personal or Commercial
<i>*UNIQUE, ORIGINAL, OFFICIAL*</i>	<i>*AVAILABLE ELSEWHERE, IRRELEVANT*</i>

The Township considers information to be a corporate record when it meets one or all of several conditions, i.e. when the information:

- is required to support business operations,
- documents and provides evidence of a business transaction,
- must be retained according to legislation,
- protects the rights of citizens and/or the organization,
- shows evidence of compliance with established standards or legal requirements,
- will have some future business, financial, legal, research or archival value.

HOW TO MANAGE TRANSITORY RECORDS

Once created, transitory (non-corporate) records typically have a limited value and should only be retained for a short period of time. Regular disposal of transitory records will make daily operations more efficient, reduce clutter and storage space requirements, and facilitate search.

If recorded information has only an immediate or short-term value to an organization and will not be required again after it is obsolete, it may be disposed of immediately after use. Likewise, if individual employees have created or retained information for their own particular reference purposes, that information should be destroyed when it is no longer useful or meaningful.

If recorded information is expected to have some future business, financial, legal, research or archival value, then it should be retained as a corporate record. When in doubt, treat the information as a corporate record.

In some particular situations, transitory records must be retained. For example, if a Freedom of Information request is received on a subject that pertains to transitory records, the associated transitory

records must be provided as part of the legislated request and appeal process and retained until that process is complete. Similarly, legal holds may also apply to transitory records.

Any transitory paper record that contains personal, personal health or confidential information must be destroyed securely using cross-cut shredders or an on-site shredding service certified by the National Association of Information Destruction (NAID).

RECORD DESTRUCTION

When inactive records are transferred for long term storage or designated for long-term electronic storage, signing authority for final disposition remains with the Clerk and/or Designate originally responsible for creating and/or receiving those particular records, in consultation with originating Department.

Inactive records will not be destroyed, deleted or reclassified without sign-off and approval from the Clerk and/or Designate.

When inactive records come due for destruction or selective destruction, Information and Legislative Services staff will prepare and submit an “Authorization for Destruction” to departmental or divisional management for review and approval. Actual destruction will only proceed after departmental or divisional approval is received. The Clerk and/or Designate reviews all records prior to destruction.

INFORMATION SENSITIVITY INDICATORS

Some corporate information is publicly accessible under Active or Routine Disclosure procedures. For example, the minutes of Township Council open sessions and final budget documents are consistently available to the public upon request.

In contrast, the Township also manages Personal Information Banks (PIBs) as directed by s.34 (1-2) of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Any compilation of personal or personal health information that is collected for a specific purpose may constitute a PIB.

Under MFIPPA and Ontario's *Personal Health Information Protection Act* (PHIPA), the Township must make every effort possible to protect confidential information held within its custody. In general, the Township does not possess personal health information on the public or Township staff but may be provided such information incidentally or in connection to another matter.

Staff has therefore developed three information sensitivity categories intended to remind employees of these obligations:

- A** Indicates that a records series is typically accessible to the public.
- FOI** Stands for “Freedom of Information” and indicates that a formal request under the *Municipal Freedom of Information and Protection of Privacy Act* is required in order to access these records, and that access will be granted only according to the Act's limited exemptions from disclosure.
- PIB** Stands for Personal Information Bank, a collection of records considered to be confidential and specifically containing personal and/or personal health information. As with the FOI indicator, a formal request under the *Municipal*

Freedom of Information and Protection of Privacy Act or the Personal Health Information Protection Act will be required in order to access these records, and access will be granted according to the Act's limited exemptions from disclosure.

EXAMPLE

Classification	In House	Off-Site	Retention Period	Sensitivity
A13 - TRAVEL AND ACCOMODATION	1 YEAR	-	1 YEAR	FOI

Careful consideration of legal obligations under MFIPPA, PHIPA and other legislation is required before any record is publicly released or disclosed. For assistance, consultation and training opportunities, contact the Information and Legislative Services Department.

PRIMARY HEADINGS

ADMINISTRATION **A**

Includes records regarding routine administration and office service functions.

COUNCIL, BOARDS AND BY-LAWS **C**

Includes records regarding the establishment of policy and by-laws, and the operations of Council and of boards for which Council is responsible.

DEVELOPMENT AND PLANNING **D**

Includes records regarding municipal development and planning. Includes general studies as well as official plans, zoning, etc. Subjects are grouped according to long range vs. development planning.

ENVIRONMENTAL SERVICES **E**

Includes records regarding provision of public works and other environmental services other than roads. Includes water works, sewers, treatment plants, waste management and environmental monitoring. Also includes tree removal and pruning.

FINANCE AND ACCOUNTING **F**

Includes records regarding the management of funds.

HUMAN RESOURCES **H**

Includes records regarding the municipality's relationship with its employees. Includes records regarding general staff programs as well as information on specific employees.

JUSTICE **J**

Includes records regarding POA and Court activities.

LEGAL AFFAIRS **L**

Includes records regarding legal matters as well as contracts and agreements, insurance and real estate matters.

MEDIA AND PUBLIC RELATIONS **M**

Includes records regarding the municipality's relationship with the media and the general public.

PROTECTION AND ENFORCEMENT SERVICES **P**

Includes records regarding the operational functions of by-law enforcement, licensing, public protection and fire prevention within the community.

RECREATION AND CULTURE **R**

Includes records regarding the provision of recreational and cultural services to the community.

SOCIAL AND HEALTH CARE SERVICES **S**

Includes records regarding social services and health care programs.

TRANSPORTATION SERVICES **T**

Includes records regarding the development and improvement of transportation systems (roads and public transit).

VEHICLES AND EQUIPMENT **V**

Includes records regarding municipal vehicles and equipment. Includes records on fleet

management, mobile equipment and protective equipment.

RECORDS MANAGEMENT SCHEDULE

A - ADMINISTRATION

Classification	Responsible Department	Retention Period	Sensitivity
A01 - Associations and Organizations	Originating	1	A
Includes correspondence, minutes, agendas, notices and reports regarding organizations and associations to which staff and Council belong or with which they communicate in the course of their duties such as AMCTO, etc. Where possible, these records should be filed by their subject, not the originator or recipient of the report and/or correspondence.	Excludes: Membership Fees (see F01).		
A02 - Staff Committees and Meetings	Originating	4+P*	FOI
Includes records regarding the activities of staff committees and meetings. Includes notices of meetings, agenda, minutes, etc. May also include copies of staff activity reports.	Excludes: Council Minutes and Agenda – see C03-C04 Standing Committees – see C05-C06 Health & Safety Committee Meetings – see H04		
A03 – Computer Systems and Architecture	Treasury	S+6	FOI
Includes records relating to the design of computer systems, system changes and/or software and network architecture, including needs assessments, business cases, project charter, process flowchart documentation, impact analysis, user and system requirements, specifications, testing plans and results, user sign-offs, project management meeting minutes/documentation, system development documentation, software design records, and software inspection notes. Also includes records on system installations/conversions and product evaluations. May also include requests for significant modification, fixes and upgrades.	Excludes: Reports – file by subject Acquisitions – see F18		
A04 - Conferences and Seminars	Originating	1+P* Archival review if sponsored by Municipality	FOI
Includes invitations, approvals, agenda, notes of proceedings, and other records regarding conferences, conventions, seminars and special functions attended by staff, or sponsored by the municipality.	Excludes: Speeches and Presentations – see M08 Accommodations and Travel Arrangements – see A13 Employee and Council Expenses – see F09		

Legend:

E – Event; **S** – Superseded; **T** - Termination

C – Current Year; **D** – Destroy; **P** – Permanent; **SR** – Selective Retention; **P*** - Subject to Archival Selection

All numbers in retention columns refer to years unless otherwise specified

Classification	Responsible Department	Retention Period	Sensitivity
	Ceremonies and Events – see M02 Invoices – see F01 Rental Agreements – see L14		
A06 - Inventory Control	Originating	6	A
Includes inventory statements and reports, and all other records regarding the control of supplies, furnishings and office and small equipment stock levels.	Excludes: Assets – see F06 Controlled Drug Substances – see S18 Petroleum Products – see E24		
A07 - Office Equipment and Furniture	Originating	Disposal of item	FOI
Includes records regarding the design and maintenance of owned and leased office equipment and furniture. Includes chairs, desks, tables, photocopiers, printers, scanners, etc.	Excludes: Computer Hardware and Software – see A03 Service Agreements – see L14 Assets – see F06		
A08 - Office Services	Originating	1	FOI
Includes records regarding rates and services provided by courier, mail and postage firms. Also includes records regarding the inter-office mail system, internal printing, and management of forms and templates.			
A09 - Policies and Procedures	Originating	15+P*	A
Includes policy and procedure manuals, work instructions, protocols, guidelines and directives relating to administrative, governance and operational processes.			
A10 - Records Management	Information and Legislative Services	S	FOI
Includes information regarding the management of corporate records, regardless of medium. Specific records include file listings, classification structures, feasibility studies and record centre operations.	Excludes: Retention by-law – see C01 Policies and procedures – see A09 Records Disposition – see A11		
A11 - Records Disposition	Information and Legislative Services	P	FOI
Includes records regarding the disposition of municipal records. Includes the disposal method used and forms authorizing and describing the destruction of records.			
A12 - Telecommunication Systems	Originating	S	FOI

Legend:

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All numbers in retention columns refer to years unless otherwise specified

Includes records regarding all types of telecommunications systems. Includes telephone systems, facsimile machines, base and mobile stations, towers, antennae, police and fire communications systems and 911 emergency systems.	Excludes: Licenses – see P09 Assets – see F06 Long Distance Call Records – see F01		
	Agreements – see L04 or L14		
A13 - Travel and Accommodation	Originating	1	FOI
Includes records regarding travel and accommodation arrangements. Includes itineraries, maps, authorizations, reservations, rented vehicles and catalogues and brochures concerning hotels, convention sites and restaurants.	Excludes: Employee and Council expenses – see F09		
A14 - Uniforms and Clothing	Originating	S+P*	A
Includes records regarding uniforms and special clothing used by municipal staff members, such as police uniforms, firefighter's clothing and safety clothing used by utilities operators.			
A15 - Vendors and Suppliers	Originating	2	A
Includes records regarding vendors and suppliers of good and services as well as information about these goods and services, such as catalogues, price lists, correspondence and bidders' information sheets.	Excludes: Purchase Orders and Requisitions – see F17 Office Equipment – owned and leased – see A07 Fleet Management – see V01		
A16 - Intergovernmental Relations	Originating	5+P*	FOI
Includes correspondence and other records of a general nature regarding the relationship between the municipality and all other levels of government (such as telephone numbers, contact names, etc.). May include correspondence to and from Boards and Commissions. Where possible, these records should be filed by their subject, not the originator or recipient of the report and/or correspondence.	Excludes: Legislation – see L10/11		
A17 – Information Access and Privacy	Information and Legislative Services	2	FOI

Legend:

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All numbers in retention columns refer to years unless otherwise specified

Includes documents regarding the municipality's responsibilities under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and records regarding the handling of requests under the Act. Includes routine disclosure requests and processing, notices of disclosure, responses to FOI request made to the municipality, access request transfers to another institution, FOI requests made by the municipality, notices of appeal and privacy breach investigation/processing. Also includes lists of Personal Information Banks (PIBs).	Excludes: Copies of the Act – see L11 Non MFIPPA Complaints and Inquiries – see M04		
A18 - Security	Originating	5	FOI
Classification	Responsible Department	Retention Period	Sensitivity
Includes reports, requests, logs and other records regarding the security of offices/facilities and properties such as security passes, control of keys and close-circuit television (CCTV) output.	Excludes: Vandalism Reports – see P05 Computer Security – see A03		
A19 - Facilities Construction and Renovation	Originating	Project finished and no outstanding issues +2+P*	FOI
Includes records for the planning and construction of municipal facilities such as fire stations, pools, and office buildings. Includes site meetings, consultant's reports, cost reports, and design, inspections and site safety certification of equipment such as scaffolds and safety platforms for construction sites controlled by the municipality.	Excludes: As-Builts and drawings – seeA27		
A20 - Building and Property Maintenance	Originating	5 setup tests and manuals = Equipment removed + 1	FOI
Includes records regarding the maintenance of the municipality's buildings and properties, such as cemeteries, bus terminals, garages, libraries and office buildings. Includes exterior maintenance to buildings, landscaping, grounds keeping and grass cutting. Also includes interior design of buildings, including floor layouts, office cleaning and pest control as well as licenses for devices such as elevators.	Excludes: Parks Management – see R04 Building Systems – see A26		
A21 - Facilities Bookings	Originating	1	FOI
Includes copies of permits and bookings issued for the rental of recreational and administrative facilities for specific activities.			
A22 - Accessibility of Services	Information and Legislative Services	5	A

Legend:

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C – Current Year; **D** – Destroy; **P** – Permanent; **SR** – Selective Retention; **P*** - Subject to Archival Selection

All numbers in retention columns refer to years unless otherwise specified

Includes records relating to the accessibility of Municipal buildings, services and information to disabled persons. Included multi-year accessibility plan, efforts to remove barriers and notices of availability of these services.	Excludes: Report on services – see A25		
A23 - Information Systems Production Activity and Control	IT	2	FOI
Includes records relating to computer system operations and backup tapes. Includes activity logs, help desk tickets, change control sheets, change orders, file access control reports.			
A24 - Access Control and Passwords	IT	S	FOI
Includes records related to the management of and access to programs. Included individual access, password management etc.			
A25 - Performance Management/Quality Assurance	CAO	6	A
Includes records regarding the performance of the Municipality as a whole and quality assurance programs such as the Ontario Municipal Benchmarking Initiative (OMBI), Excellence Canada (formerly the National Quality Institute), Benchmarking, and Balanced Score Cards. Types of records included are key performance indicators, annual reports submitted to a Ministry such as the Leaf and Yard Waste System Annual Waste Reduction Reports, Waste Recycling Sites Annual Report, drinking water system annual report, Long-Term Care Homes Licensee Annual Report, Personal Health Information Annual Report, Housing Services Annual Report, Funding Agencies Annual Report, and other information related to the efficiency and effectiveness of municipal operations as designated by a Ministry.	Excludes: Employee performance appraisal – see H03 Council goals & objectives – see C08 Financial Regulatory reporting, FIR and MPMP - see F27		
A26 – Building Structure Systems	Originating	Superseded or life of system/asset	FOI
Includes records regarding building systems that are part of the building structure such as HVAC, ventilation, fire and life systems, electrical safety, elevators, furnace and emergency lighting. Includes manufacturer's operation/technical manuals and warranties; inspection and testing reports; approved life safety studies, approved compliance equivalencies, inspection log books, maintenance records and remedial action for building			
A27 - Drawings	Originating	Superseded or life of system/asset	FOI

Legend:

E – Event; **S** – Superseded; **T** - Termination

C – Current Year; **D** – Destroy; **P** – Permanent; **SR** – Selective Retention; **P*** - Subject to Archival Selection

All numbers in retention columns refer to years unless otherwise specified

Includes architectural and engineering drawings and As-Built drawings and supporting documentation such as specifications required to interpret the drawings and identify the current state of a facility or infrastructure for assessment, rehabilitation and warranty support purposes.	
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Legend:

E – Event; **S** – Superseded; **T** - Termination

C – Current Year; **D** – Destroy; **P** – Permanent; **SR** – Selective Retention; **P*** - Subject to Archival Selection

All numbers in retention columns refer to years unless otherwise specified

C - COUNCIL, BOARDS AND BY-LAWS

Classification	Responsible Department	Retention Period	Sensitivity
C01 - By-Laws	Information and Legislative Services	P+P*	A
Includes final versions of the municipality's by-laws and amendments and attachments that are legally part of the by-laws. Also includes any background documentation required to explain or justify the By-law.			
C02 - By-Laws - Other Municipalities	Information and Legislative Services	S	A
Includes final versions of by-laws of other municipalities that are of interest.			
C03 - Council Agenda	Information and Legislative Services	S+5	A
Includes notices of meetings and agenda of Council meetings as well as working notes used in agenda preparation.			
C04 - Council Minutes	Information and Legislative Services	P+P* working notes = 6 Copies = 2	A
Includes minutes of the proceedings of Council meetings. Includes attachments to the minutes and voting records.	Excludes: Council Committees – see C05, C06 Reports to Council – see C11		
C05 - Council Committee Agenda	Information and Legislative Services	S	A
Includes notices of meetings and agenda for the committees of Council as well as working notes used in agenda preparation.			
C06- Council Committee Minutes	Information and Legislative Services	6+P*	A
Includes minutes of the committees of Council and copies of Local Board Minutes that members of Council belong to.			

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C07- Elections	Information and Legislative Services	Day action took effect or voting day +4 Ballot = 120 days after voting or resolution of recount	A
Includes returned notices, lists of officials, initial MPAC and amended voters' lists, change of name applications, nominations, notices, ballots, election results, preliminary voters' lists, objection lists, candidate compliance reports, third party campaign financial and auditor reports, election report, election coordination documentation, oaths taken by council members and information on ward boundaries. Includes advertising.			
C08 - Goals and Objectives	Originating	10+P*	A
Includes records containing strategic planning, goals and objective such as shared services and mission statements such as the municipal sustainability plan, housing plan, and growth plan submissions prepared for the Ministry.	Excludes: Environmental Planning – see D03 Official Plan – see D08		
C09 - Motions and Resolutions	Information and Legislative Services	P+P* copy = 1	A
Includes final signed versions of resolutions and motions of Council.			
C10 - Motions and Resolutions – Other Municipalities	Information and Legislative Services	S	A
Includes final versions of motions and resolutions of other municipalities which are of interest.			
C11 - Reports to Council	Information and Legislative Services	P+P*	A
Includes all departmental reports to Council such as staff reports, the Treasurer's agreements, investment and fund disposition reports. Filed by subject.			
C12 - Appointments to Boards and Committees	Information and Legislative Services	P+P*	A
Includes records regarding appointments by Council of staff and council members to roles on council committees and boards.			

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C13 - Accountability, Transparency and Governance	Information and Legislative Services	2	A
Includes records relating to Council Code of Conduct complaints and related investigations, Integrity Officer appointments and reports (including Integrity Commissioner reports, Ombudsman Investigations and reports), closed meeting investigations and initiatives, registry of lobbyists, etc.			

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D - DEVELOPMENT AND PLANNING

Classification	Responsible Department	Retention Period	Sensitivity
D01 - Demographic Studies	Planning	10+P*	FOI
Includes records regarding trends in population growth, census reports, and density studies. Also includes records regarding the type, level and rate of growth of employment, unemployment statistics, composition of the workforce, etc.	Excludes: Vital Statistics – see L12		
D02 - Economic Development	Planning	10+P*	FOI
Includes records regarding the growth of the economy and economic trends. Includes studies, statistics, projections, etc.	Excludes: Demographic Studies – see D01 Residential Development – see D04 Tourism Development – see D06 Industrial/Commercial Development – see D21		
D03 - Environment Planning	Planning	15+P*	FOI
Includes records regarding general types of environmental studies with a long-range planning emphasis, such as salt usage impact, storm drainage and flood control, parks and open spaces, water sustainability and conservation, pollution prevention and waste management planning. Also contains information on invasive species and source water protection such as risk assessments, well development and purging, risk management plans, site condition reports and information prepared for Phase One and Phase Two environmental assessments.	Excludes: Environmental Monitoring – see E05, E13 – E15 Waste Management – see E07 Source Water Protection Committee – see E20		
D04 - Residential Development	Planning	10+P*	FOI
Includes records regarding the availability of housing. Includes general assessments of the need for affordable housing, occupancy rates, housing cost statistics, etc.			
D05 - Natural Resources Planning	Planning	5+P*	FOI
Includes records regarding planning for the management and preservation of forests, natural features, the characteristics of various minerals as well as mineral deposits and other natural resources information.	Excludes: Tree maintenance – see E04 Natural Resource management and preservation – see E18		
D06 - Tourism Development	Planning	10+P*	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
Includes records regarding the tourism industry and efforts made to promote and encourage tourism such as the use of the municipality as a convention site or special event.			
D07 - Condominium Plans	Planning	P Applications = 2 years after final decision	FOI
Includes records regarding the pre-consultation and the approval of plans of condominiums. Includes drawings, technical reports, correspondence, written comments, working notes, background information and applications.			
D08 - Official Plans	Information and Legislative Services	P+P*	FOI
Includes the Official Plan and exemptions and amendments to the Official Plan. Also includes secondary plans and amendments containing detailed objectives and policies concerning the planning, development and redevelopment of specific planning districts.			
D9 - Official Plan Amendment Applications	Planning	Final Decision or reflected in revised official plan + 5	FOI
Includes the pre-consultation and applications to amend the official plan or secondary plans, staff reports, meeting minutes and written comments on the application, notices, resolutions and decisions.			
D10 - Severances	Planning	Land titles registration + 6	FOI
Includes records regarding the granting of severances to parcels of land including application for severance.			
D11 - Site Plan Control	Planning	P Application = 2 years after final decision	A
Includes records regarding approval for the provision of services to individual land sites. Includes water, sewage, utility approvals, comments and correspondence. Also includes correspondence regarding parking areas, drainage and driveways.	Excludes: Systems for Servicing Land – see relevant subject Site Plan Agreements – see L04		

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D12 - Subdivision Plans	Planning	P Application = 2 years after final decision	FOI
Includes records regarding the pre-consultation and the approval of plans of subdivisions (both residential and commercial). Includes drawings, technical reports, correspondence, written comments, working notes and background information. Includes clearance letters, draft approved plans and “red line” revisions, applications, registered plans and changes to approved plans. Also includes notices of approval.	Excludes: Subdivision Agreements – see L04		
D13 - Variance Applications	Planning	P	FOI
Includes records regarding the pre-consultation and the granting of minor variances in land use including zoning applications from existing zoning regulations.	Excludes: Budget Variances – see F05		
D14 - Zoning	Planning	Final decision + 2	FOI
Includes records and standards regarding the designation of zones for land use planning purposes and zoning applications for other municipalities	Excludes: Zoning By-laws – see C01 Variances – see D13		
D15 - Easements	Planning	Termination of right + 6+P*	FOI
Includes all records on Rights of Way and Easements concerning municipal ownership of private lands in order to maintain public service such as water and sewer lines that cross private property	Excludes: Original Agreements – see L04		
D16 - Encroachments	Planning	Termination of right + 6+P*	FOI
Includes all records regarding private properties encroaching on municipal lands, including encroachment permits. Also includes surveys and any other related documentation.	Excludes: Original Agreements – see L04 Original Encroachment By-Laws – see C01		
D17 - Annexation/Amalgamation	Information and Legislative Services	P+P*	FOI
Includes all records pertaining to the annexing and amalgamating of land adjacent to municipal lands to accommodate growth. Also includes amalgamation of municipalities. May include studies on county restructuring.			
D18 - Community Improvement	Planning	Completion of Project + 6+P*	FOI

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Includes records, studies, statistics and any required background information on community development programs. Examples include Ontario Neighbourhood Improvement Programs, Community Area Improvement Programs, BIA, BIC, PRID, etc. May also include records on housing rehabilitation programs i.e. RRAP, CMHC.	Excludes: Economic Development – see D02		
D19 - Municipal Addressing	Planning	S+10+P*	A
Includes records regarding requests for and assignment of new subdivision and other street names and numbers. May include correspondence, reports, drawings and copies of related by-laws.			
D20 - Reference Plans	Planning	P	A
Includes Registered Deposit Plans (RD Plans), site plans, property survey plans as received from Registry Office. May include correspondence.			
D21 - Industrial/Commercial Development	Planning	10+P*	A
Includes records regarding promotion and development of industry and commerce. Records include studies, statistics, projections etc.	Excludes: Agricultural Development – see D23		
D22 - Digital Mapping	Planning	S Excludes actual data residing on these systems	A
Includes all records used to produce maps and updates in a digital format as in a GIS.			
D23 - Agricultural Development	Planning	10+P*	FOI
Includes all records regarding development of agricultural growth.			
D24 - Official Plan Background	Planning	Final Decision + 5	FOI
Includes reports pertaining to amendments and changes to the Official Plan.			
D25 - Deeming Process	Planning	Final Decision + 2	FOI
Includes records regarding applications and background material for Deeming By-law applications, including Council decisions, by-laws, correspondence, etc. A Deeming By-law applications is applied for in order to allow for two or more neighbouring lots on a registered plan of subdivision to merge. Only applicable to parcels of land contained within a plan of subdivision that has been registered for at least 8 years.			
D26 - Development Charges Study	Planning	10+P*	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
Includes records related to the development of and the final Development Charges Study as required under the Development Charges Act. Includes advertising, public meeting notices, responses, stakeholder lists, public meeting information, background information and supporting documentation, consultant reports, notices regarding adoption of the Development Charges By-law, and other records related to requirements for the development of the Development Charges By-law.			
D27 - Part Lot Control	Planning	Final Decision + 5	FOI
Includes records regarding applications and background material for Part Lot Control exemptions, council decisions, by-law, correspondence, etc. A Part Lot Control application is applied for to allow the conveyance of a portion of a lot without requiring approval of a land division committee (typically used to separately convey semi-detached and townhouse units). Only applicable to parcels of land contained with a registered plan of subdivision.			

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E – PUBLIC WORKS AND ENGINEERING

Classification	Responsible Department	Retention Period	Sensitivity
E01 - Sanitary Sewers	Public Works	Project completed & no outstanding issues + 2 Specifications = life of the asset as per A27	FOI
Includes records regarding the design, construction and maintenance of sanitary sewers such as underground conduits that carry off waste matter.	Excludes: Waste Management – see E07 Storm Sewers – see E02 Treatment Plants – see E03 MOE Approvals – see E21 Drawings/As Built and specifications – see A27		
E02 - Storm Sewers	Public Works	Project completed & no outstanding issues + 2 Specifications = life of the asset as per A27	FOI
Includes records regarding the design, construction and maintenance of storm sewers such as underground conduits that carry off drainage water.	Excludes: Drawings/As Built and specifications – see A27		
E03 - Treatment Plants (Wastewater Treatment and Collection Public Systems)	Public Works	Report made or equipment decommissioned + 5 Specifications = life of the asset as per A27 Plans = cease to apply + 2	FOI
Includes records regarding the operation of sewage treatment and pumping stations and lagoons. Includes wastewater treatment facility/collection, identification reports, operator-in-charge records, treatment unit instruction, equipment operating status records and equipment design, construction and maintenance records (work orders) as well as the operations and maintenance manuals. Work orders will include compliance work orders, equipment work orders (WSPM) and general work orders (callouts & site-specific collection related work i.e. sewer rodding, lateral inspections etc.). Also includes facility classification certificate and license to operate.	Excludes: Private Sewage Disposal Systems – see E12 Drawings/ As Built and specifications – see A27		

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Classification	Responsible Department	Retention Period	Sensitivity
May include records pertaining to Wastewater Treatment Facility and/or Collection upgrades design, construction and commissioning.			
E04 - Tree Maintenance	Public Works	5	A
Includes records of tree removal, planting, trimming, pruning and preservation measures taken. Only in the Right-of-Way; not in parks or trails			
E05 - Air Quality Monitoring	Engineering	Later of: date of offence or: day evidence of offence first came to attention of person appointed under s. 5 +5+P*	FOI
Includes records regarding the routine monitoring of air quality as well as responses to interference with quality or quantity from pollution sources such as smoke, dust, smog or gaseous impurities. Also includes claims and compliance orders.	Excludes: Water quality – see E13 to E15 By-Law Enforcement – see P01 Complaints and Inquiries – see M04 Land Quality Monitoring – see E23		
E06 - Utilities	Public Works	5+P*	A
Includes maps and location drawings provided to the municipality from utility companies such as telephone lines, gas mains, power lines, water mains etc.	Excludes: Site Plans – see D11		
E07 - Waste Management	Public Works	10 or cease to apply + 10+P* Post landfill site closure documentation = closure + 25	FOI
Includes records regarding the collection and disposal of waste. Includes site operating plans, landfill site records, facility inspections and stack testing, recycling, energy from waste, source separation, collection services, recycling site vicinity maps, hazardous waste collection, hauled sewage waste collection and composting records. Also includes transportation manifests, transfer compliance records and records of site condition, daily waste reception and inspection records, dust suppression records and closure reports.	Excludes: Sanitary sewers – see E01 Environment Planning – see E03 Private Sewage Disposal Systems – see E12 Annual reports on blue boxes, recycling programs etc. – see A25		
E08 - Water Works (Drinking Water Plant)	Public Works	15	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
		Specifications = Permanent as per A27	
Includes records regarding the design, construction and maintenance of water mains, tanks, pipelines, hydrants and related facilities and equipment as well as operational plans. Includes water meter registration numbers. Includes point of entry water treatment record, operator in charge shift monitoring and inspection records, water treatment facility/distribution and equipment design, construction, manuals, process adjustment records and maintenance records (work orders). Work orders will include compliance work orders, equipment work orders (WSPM), and general work orders (callouts & site-specific distribution related work i.e. water meters, curb stops etc.). May include records pertaining to Water Treatment Facility and/or Distribution upgrades design, construction and commissioning and operations manuals for equipment. Also includes notices of potential problems and disinfection equipment continuous performance records.	Excludes: Water Pumping Stations – see E03 Drawings/As Built and specifications – see A27		
E09 - Drains	Public Works	E+5+P* Specifications = Permanent as per A27	FOI
Includes records regarding the design, construction and maintenance of drains (channel or pipe) carrying surplus liquids such as rainwater or liquid waste, usually to a sewer. Also includes engineer reports, petitions, assessments, general specifications and correspondence. May include convenience copies of tenders, By-laws and grants.	Excludes: Drawings/As Built and specifications – see A27		
E10 - Pits and Quarries	Public Works	5+P* Specifications = life of the pit or quarry	FOI
Includes records regarding the design, construction, maintenance and monitoring of all municipally owned and operated pits and quarries. Includes engineer's reports, assessments, general specifications and correspondence.	Excludes: License/permits – see P09		
E11 - Nutrient Management	Public Works	5+P* or expiry of plan + 2	FOI
Includes the records regarding the control of storing/spreading/using waste materials such as liquid manure	Excludes: Strategy/plan review – see A25		

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Classification	Responsible Department	Retention Period	Sensitivity
and sewage boil-solids on land, near waterways, runoff etc. Includes the agricultural management strategy/plan, the Greenhouse Nutrient Feedwater Strategy, Site Characterization Plan, documentation relating to the storage and distribution of nutrient material, non-agricultural source material (NASM) plans and sampling results. Also includes broker transfer and hauled sewage disposal site records.			
E12 - Private Sewage Disposal Systems	Development Services	7+P* Specifications = life of system	FOI
Includes records regarding the design, construction, maintenance and monitoring of private sanitary sewers and septic systems.			
E13 - Water Monitoring	Engineering	Created, approved or plan no longer in force + 15	FOI
Includes records regarding the routine monitoring of water quality, water quantity for source water protection purposes, as well as warning notice checks and posting of them and responses to interference with quality and quantity such as chemical samples collected quarterly (trihalomethanes, nitrate and nitrites), water taking logs, methodology and reports. Also includes monitoring and control of creeks and floods, weeds, noise, erosion, top soil and storm water. Includes records of Ministry of the Environment drinking water Compliance Inspection Reports, data request items, inspection responses and related documents.	Excludes: Air Quality Monitoring – see E05 Land Quality Monitoring – see E23 By-Law Enforcement – see P01 Complaints and Inquiries – see M04 Annual reports – see A25		
E14 - Water Sampling	Engineering	Created, approved or plan no longer in force + 15	FOI
Includes operational checks, weekly and monthly microbiological sampling and testing, chain of custodies, report of analysis – adverse samples, notices to Ministry – Spills Action Centre and local Health Unit. Includes hydrocarbon records, drinking Water and Wastewater routine sampling and Determination results, systems effluent information records, sewer overflow reports, CoC and laboratory related communications or documentation (LSN, Scope of	Excludes: Air Quality Monitoring – see E05 By-law Enforcement – see P01 Complaints and Inquiries – see M04 Facilities Routine water use, monitoring & testing – see P21		

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Classification	Responsible Department	Retention Period	Sensitivity
Accreditation & Procedures/Requirements). Includes phosphorous content records, Hydrocarbon records of Upset Condition and Spill Reports for Wastewater Treatment and/or Collection systems to Ministry of the Environment and local Health Unit.			
E15 - Chemical Sampling of Water	Engineering	Created, approved or plan no longer in force + 15	FOI
Includes chemical samples collected and tested, inorganic and organics, samples collected and test every 50 months and lead, sodium and fluoride samples collected and tested annually. Engineer evaluation and corrective action reports and pesticide parameter test results.	Excludes: Air Quality Monitoring – see E05 By-Law Enforcement – see P01 Complaints and Inquiries – see M04 Facilities Routine water use, monitoring & testing – see P21		
E16 - Backflow Prevention and Cross Connection Control	Development Services	15	FOI
Includes records relating to backflow prevention and cross connection control By-law program. Records will include: cross connection surveys, test reports and test results, inspection reports, list of approved and installed backflow prevention devices/assemblies, compliance tracking and notifications; plumbing drawings/schematics, correspondence, forms, copies of work orders, job reports, copies of invoices, fee structures and any other type of media related directly to backflow prevention and cross connection control.			
E17 - Energy Management	Parks, Facilities & Recreation	End of reporting period to which relates + 7	A
Includes all records relating to the municipality's Energy Management Program. Includes published annual energy plans, copies of utility invoices and consumption profiles, commodity procurement strategies, energy related feasibility studies, audit reports and retro-fit project files and reports and records pertaining to the benchmarking of energy cost and consumption and greenhouse gas emissions. Also includes conservation and demand measures information and management of energy consumption and conservation at municipal buildings and facilities.			
E18 - Natural Heritage	Parks, Facilities & Recreation	End of plan or designated year + 3	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
Includes records regarding green lands, municipal forests and forestry including tree by-law preparation and enforcement records. Also includes records relating to the management and preservation of parks, harbours and beaches and plans to manage, control or eradicate invasive species or prevent release.	Excludes: Natural Resources Planning – see D05 Tree Maintenance – see E04 Conservation district plans – see R01 Archaeological and heritage site investigation reports – see R01		
E19 - Renewable Energy	Engineering	Created, approved or facility no longer in force + 15	FOI
Includes data, applications, standards, monitoring and reports/studies regarding renewable energy facilities powered and renewed by natural processes (i.e. wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and such other energy sources as may be prescribed by senior governments) and their environmental and public health impacts. Also includes reports on hazards to birds and bats monitoring and locations of wind turbines as well as land requirement transfers.			
E20 - Source Water Protection	Development Services	Created, approved or plan no longer in force + 15	FOI
Includes Risk Management Official and Inspector appointment certificates and the Risk Management Official's Annual Report, fee schedules for risk management applications, plans, issuing of notices or compliance orders or the acceptance of an assessment. Also included modelling analysis, vulnerability assessments, source protection area assessment reports and comments, technical studies and Significant Drinking Water Threat (SDWT) verification surveys. Includes Source Water Protection Committee's Terms of Reference and Meeting Minutes.	Excludes: Risk Management Plans and/or Assessments – see D03 Prohibition Notices and Orders – P20 Contracts and Agreements – Simple (Not under Seal) see L14 Soil Contamination – see E23 Nutrient Management – see E11		
E21 - Ministry of the Environment (MOE) Environmental Compliance Approvals	Engineering	Cease to apply + 3	FOI
Includes Environmental Compliances issued by MOE to the municipality for municipal drinking water systems, municipal & private sewage works and waste disposal sites, air quality, noise, storm-water management, storm sewers, culverts etc.			
E22 - Private/Small Water Systems	Development Services	E + 15 Maintenance = as long as equipment in use	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
Includes records and correspondence regarding the design, construction, operation and maintenance of private water systems and development agreements for private waterworks. Includes operating manuals, maintenance orders, maintenance logs, warning notice checks and system audit reports.			
E23 - Land Quality Monitoring	Development Services	7	FOI
Includes records regarding the routine monitoring of land/soil quality and site condition reports as well as responses to interference with quality or contamination.	Excludes: Water Quality – see E13 to E15 By-Law Enforcement – see P01 Complaints and Inquiries – see M04 Air Quality Monitoring – see E05 Natural Heritage – see E18		
E24 - Gasoline Storage and Dispensing	Public Works	Use= 7 Tank install, inspection = system removed + 5	FOI
Includes gasoline storage tank and municipal gasoline dispensing records. Routine monitoring and dispensing records relate to loading and dispensing throughput volume, vapour control equipment operation, daily/weekly visual inspection/deficiency remedy actions and maintenance, Free Oil Layer and Separated Solid Layers Measurements and removal records measurements, tank bottom water removal, temporary tank removal, Loss of Product/Inventory Control and Reconciliation Records, excavation and nearby construction potentially affecting the storage tank system integrity, vapour barrier equipment downtime record, pumping equipment tests, pumping connection leak records, storage leak tests, gasoline levels measurement, and loss and gain records, and piping system pressure tests. System records relate to drawings and specifications for system, installation record, tank and piping systems locate, storage tank and Stage II vapour recovery system commissioning inspection and testing records, and storage tank component inspection reports and compliance documents (including warnings and notices of violations.	Excludes: Underground storage abandonment record – see L07 Major spills – see E23		

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F – FINANCE AND ACCOUNTING

Classification	Responsible Department	Retention Period	Sensitivity
F01 - Accounts Payable	Treasury	Close of fiscal tax year end For welfare & child care payments E= provincial government year- end +7	A
Includes records documenting funds payable by the municipality, such as paid invoices, receipts, copies of cheques issued to pay account, rebates, levies payable, reports, telephone bills and membership fees.	Excludes: Cancelled Cheques – see F07 Employee and Council Expenses – see F09		
F02 - Accounts Receivable	Treasury	Close of fiscal tax year end + 7	A
Includes records documenting funds owing to the municipality, such as invoices, billing listings, requests from mortgage companies and recoveries reports. Includes correspondence related to tax collection and supporting documentation.	Excludes: Write-offs – see F23 Tax Assessments, Rolls and Tax Arrears – see F22		
F03 - Audits	Treasury	6	A
Includes records regarding internal and external financial audits of accounts.	Excludes: Operational audits – see relevant subject Audited Financial Statements – see Financial Statements – see F10		
F04 - Banking	Treasury	Close of fiscal tax year- end + 7	FOI
Includes records regarding banking transactions and relationships with banks. Includes bank reconciliations and deposit records.	Excludes: Banking Statements – see F07		
F05 - Budgets and Estimates	Treasury	6+P*	A
Includes departmental and corporate budgets and plans, both capital and operating. Includes all working notes, calculations and background documentation. Also includes Budget Variances.			
F06 - Assets	Treasury	Disposal of asset + 10+P*	A
Includes records regarding current and fixed assets. Includes fixed asset inventory including records of initial expenditure, depreciation, amortization and disposal. Also includes supporting information required for Public Sector Accounting (PSAB) purposes.	Excludes: Land Acquisition and Sale – see L07		

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F07 - Cheques	Treasury	6	FOI
Includes all cancelled cheques issued. Also includes cheque requisitions, cheque listings and supporting documents used to authorize issuance of cheques, N.S.F. cheques and bank statements.	Excludes: Banking – see F04		
F08 - Debentures and Bonds	Treasury	Debentures surrendered for exchange/cancellation + 6	A
Includes records regarding debentures and bonds issued. Includes information regarding the initial issuance of the debenture or bond as well as all records of payments made to investors.	Excludes: Debenture Registers – see Subsidiary Ledgers, Registers and Journals – see F14		
F09 - Employee and Council Expenses	Treasury	Close of fiscal tax year + 7	FOI
Includes travel and meeting expense statements and all receipts submitted by employees or Council and Committee members to substantiate their claims. May include Credit Card Information i.e. account numbers and statements etc. May also include employee time sheets combined with travel and expense statements.	Excludes: Attendance – see H01 Honoraria and fees to Council – see F16		
F10 - Financial Statements	Treasury	P+P*	A
Includes the Balance Sheet, income Statement and Statement of Source and Application of Funds. Also includes audited financial statements	Excludes: All working notes, calculations and background documentation – see F26		
F11 - Grants and Loans	Treasury	Repayment of loan + 6	A
Includes records regarding revenue generated in the form of grants-in-lieu, provincial and federal grants, loans and subsidies such as the Road and Farm Tax Rebate, Waste Management Improvement Program etc. Also includes submissions, acknowledgements and reports such as market value of assistance report.			
F12 - Investments	Treasury	Closure of account + 6	A
Includes records regarding the municipality's investments, term deposits and promissory notes.			
F13 - Journal Vouchers	Treasury	Close of fiscal tax year + 6	A
Includes completed journal voucher forms, input forms and all background documentation used to substantiate journal entries			
F14 - Subsidiary Ledgers, Registers And Journals	Treasury	Close of fiscal tax year + 7+P*	A
Includes all subsidiary ledgers, registers and Journals such as Payment and Receipt Journals, Payroll Registers and Debenture Registers.	Excludes: Documents and vouchers used to support entries – see relevant subject in this Primary		

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F15 - General Ledgers and Journals	Treasury	P	A
Includes all records in the Books of Original Entry			
F16 - Payroll	Treasury	Close of fiscal tax year + 6	PIB
Includes all records of payments of salary, wages and deductions to employees including vacation entitlement and pay, alternative vacation entitlements, notice of garnishment and termination or severance pay. Includes time sheets and vacation taken. Pay lists, Blue Cross reconciliations, T4 Slips, Record of Earnings for pension contribution purposes, Records of Employment (ROE) and Statistics Canada reports. Also includes honoraria and fees to Council.	Excludes: Payroll Registers – Subsidiary Ledgers, Registers and Journals – see F14 Non-payroll related government and statistical reporting – see F27		
F17 - Purchase Orders and Requisitions	Treasury	Close of fiscal tax year + 7	FOI
Includes purchase orders and requisitions, blanket orders and all background documentation authorizing the procurement of goods and services.	Excludes: Quotations and Tenders – see F18		
F18 - Quotations and Tenders	Treasury	E+7+P* Unsuccessful bids – retain for 1 year from contract award	FOI
Includes records regarding quotations and tenders obtained from suppliers of goods and services. Includes Requests for Proposal, Invitation to Tender, Proposals, Tender Submissions, Pre-qualifications and all documentation regarding the selection process.	Excludes: Successful quotations and tenders – see Contracts and Agreements – see L04		
F19 - Receipts	Treasury	7	A
Includes receipts issued for payment of items such as licenses, rentals and taxes and for charitable donations made to the municipality.			
F20 - Reserve Funds	Treasury	6	A
Includes records documenting obligatory and/or discretionary reserve funds such as reserves for working funds, contingencies, future capital projects and information systems etc.			
F21 - Revenues	Treasury	7 Records related to mortgages must be kept for 10 years	A

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Includes records regarding the generation of revenues other than taxes such as development charges and building code principal authorities authorized fees.	Excludes: Accounts Receivable – see F02 Tax Rolls – see F22		
F22 - Tax Rolls and Records	Information and Legislative Services	P Tax rolls = when no longer required for planning purposes	A
Includes taxation records of long term importance, such as assessment rolls, tax sale records, tax sale deeds, property tax registrations, tax arrears register cards and tax collector's rolls.	Excludes: Accounts Receivable – see F02 Mortgage Companies – see F02 Correspondence related to tax issues that are not of a long term importance –see F02		
F23 - Write Offs	Treasury	6 Court Services write offs – 37	A
Includes accounts receivable that have been written off as uncollectible. Also includes records of bankruptcies.	Excludes: Accounts Receivable – see F02		
F24 - Trust Funds	Originating	Fiscal year or last day of residence + 7	FOI
Includes records regarding fund established by the municipality for money held in trust, such as bequests, cemetery trust funds, cemetery care and maintenance programs, Homes for the Aged Residents (including authorization, receipts and statements of withdrawal) and Ontario Home Renewal Program such as fund accounting records, bank statements, bank instructions and fund audit records.			
F25 - Security Deposits	Treasury	Closure of account + 6	FOI
Includes development deposits, letters of credit, certificates of insurance when required and records of monies held as security (i.e. bonds).			
F26 - Working Papers - Financial	Treasury	After completion of audit + 1	FOI
Includes all working notes, calculations, reconciliations, end of year payment in lieu of taxes statements to school, and background documentation used to calculate financial statements such as the Monthly Trial Balance.	Excludes: Financial Statements – see F10		
F27 - Regulatory Reporting – Financial		6	FOI

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Includes regulatory, financial information returns and government reporting such as HST returns, tax rebate filings and the Ministry of Municipal Affairs Financial Information Return (FIR) and the Municipal Performance Measurement Program (MPMP) that collects municipal services data on an annual basis as part of the FIR.			
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H - HUMAN RESOURCES

Classification	Responsible Department	Retention Period	Sensitivity
H01 - Attendance and Scheduling	Personnel	3 Driver's daily logs = 6 months Public vehicle and trip reports – 1	PIB
Includes records regarding the planning of employee attendance. This includes dates and times of hours worked and as well as of on-call schedules and any changes made to on-call scheduling including cancellations and driver daily logs and record of on-duty and off-duty time. Includes statements related to public holiday substitution dates.	Excludes: Individual Time Sheets – see F16 Vacation Time and Pay – see F16		
H02 - Benefits Program	Personnel	S	PIB
Includes brochures, rates, quotes, correspondence and explanatory documents regarding benefits offered to employees such as group insurance, dental plans, Canada Savings Bonds and general information on Employer Health Tax.	Excludes: Payroll – see F16 Individual Pension and Benefit Records – see H10		
H03 - Employee Records	Personnel	Date employee ceased to be employed by employer + 3 Drinking Water system training record = 5 Confined space training = cease to perform work and at least 5 Salt program training = 7 Long-term care home staff = termination + 7 Firefighter employment terms = 25	PIB

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Includes records regarding the employment history of municipal employees. Includes initial resumes and applications, performance evaluations, leave documentation, training reports, correspondence with the employee and employee assistance. Also includes agreements on extended hours and averaging hours of work, annual summary of hours worked. Includes full-time, part-time, student employees and volunteers. Includes CVOR operator safety record certificates and licences such as lifeguard, instructor, first aid and retirement home staff certificates. Training records such as working at heights and service station operations training and training certificates for employees relations to legislation such as the Safe Drinking Water Act, Environmental Protection Act, Occupational Health and Safety Act and the Ontario Water Resources Act.	Excludes: Grievances – see H14 Harassment – see H15 Health & Safety Training – see H04		
H04 - Health and Safety	Personnel	3 Accident reports for construction projects retained with project 1 year after project completion	PIB
Includes records regarding the occupational health and safety of staff. Includes lists of designated substances and assessments, designated substance assessments, fire drill records, ventilation and air quality inspection, fire hydrant flushing, first aid records, non-lost time accident reports, traffic protection plans, portable fire extinguisher maintenance records, chimney test and inspection records, fire safety inspections, safety inspections, Workplace Safety & Insurance Board reports, WSIB certificates and information on health and safety programs training for staff, Ministry of Labour Orders, Individualized Emergency Response Plan, Accommodation records. Also includes Health & Safety Committee meeting minutes.	Excludes: Accidents of the Public – see P05 Lost-time reports and claims – see H13		
H05 - Human Resources Planning	Personnel	Day last used + 1 year (Human Rights special program designation minimum of 5 years)**	FOI

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Includes records of succession planning, executive placement, retirement programs, staff turnover rates, staffing level plans, annual hire/promotion targets, recruitment freezes, employment equity, performance management, volunteer plans, employee information reporting and related records.	Excludes: Employee Records – see H03		
H06 - Job Descriptions	Personnel	S+P*	A
Includes job descriptions and specifications as well as background information used in their preparation or amendment			
H07 - Labour Relations	Personnel	Expiry of contract period + 10	PIB
Includes records regarding the relationship between labour and management. Includes collective bargaining, correspondence with unions and negotiations.	Excludes: Collective Agreement – see L04		
H08 - Organization Design	Originating	S+P*	A
Includes records regarding reporting relationships, reorganization, organizational analysis, etc. Includes organization charts.	Excludes: Job Descriptions – see H06		
H09 - Salary Planning	Personnel	5	A
Includes records regarding the planning and scheduling of salaries such as job evaluations, job classification systems, compensation ranges, salary surveys and schedules. Also includes any reference material retained regarding issues related to pay equity and compliance.	Excludes: Employee Records – see H03		
H10 - Pension and Benefit Records	Personnel	Termination of employee _6	PIB
Includes records detailing obligations to individuals under OMERS. Includes pension and benefit information of current and retired personnel, including registration/enrolment and records.	Excludes: Deductions for pensions – see F16 General information on pension plans – see H02 Payments made to OMERS – see F01		
H11 - Recruitment	Personnel	1	A
Includes records regarding the recruitment of staff. Includes job postings, copies of advertisements, records regarding competitions and unsuccessful applications.	Excludes: Successful Applications – see H03		
H12 - Training and Development	Personnel	Date when that particular course ceases to be offered + 2+P* Salt use material training materials – 7	PIB

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Classification	Responsible Department	Retention Period	Sensitivity
		Drinking water training materials – 5 Only courses developed and presented by the Municipality are subject to archival selection	
Includes records regarding courses offered to employees, and information on career and professional development programs. Also includes orientation and course content delivery materials and attendance records for specific courses.	Excludes: Individual Employee Training Records – see H03		
H13 - Claims	Personnel	Resolution of claim + 3 Hazardous exposure claims = longer of 40 years or 20 years after last record made	PIB
Includes records regarding claims to WSIB or insurance carriers for lost-time incidents, accidents, STD or LTD. Includes accident notice, accident reports.	Excludes: Non lost time incidents or accidents – see H04 Self-insured STD – see H04		
H14 - Grievances	Personnel	Resolution of claim + 10	PIB
Includes records dealing with grievance complaints filed against the municipality such as the initial complain, investigation, reports and final resolution including arbitration and arbitration awards.	Excludes: Harassment & Violence – see H15		
H15 - Harassment and Violence	Personnel	Resolution of complain + 3	PIB
Includes records dealing with harassment and/or violence complains by or against employees of the municipality. It includes documents such as the initial complaint, investigation, staff safety plans, reports and final resolution.	Excludes: Grievances – see H14 Abuse investigation records not involving staff – P08		
H16 - Criminal Background Checks	Personnel	Date employee ceased to be employee to the employer + 7	PIB
Includes records listing any criminal code convictions that have not been pardoned for all existing and new employees, service providers and volunteers. Also includes annual Criminal Offence Declaration.			
H17 - Employee Medical Records – Hazardous Materials	Personnel	E + 40	PIB

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Classification	Responsible Department	Retention Period	Sensitivity
		Or 20 years after last record of exposure	
Includes records of exposure to asbestos and other hazardous materials. Also includes serious incident and chemical exposure records for firefighters.			
H18 - Employee Medical Records	Personnel	When STD/LTD, WSIB claims are resolved + 3	PIB
Includes doctor's notes, correspondence and health reports related to an employee's medical situation.			
H19 - Disability Management	Personnel	Day issued or earlier as may be specified by Commission + 5	PIB
Includes all records related to occupational and non-occupational injuries and illnesses. Also includes accommodation records related to permanent impairment under the Human Rights Code resulting in permanent accommodation.			
H20 - Confined Spaces	Personnel	1 year or the period necessary to ensure the 2 most recent records retained	FOI
Includes records relating to the assessment of confined spaces and written plan and procedures for the control of hazards in confined spaces. Also includes confined space atmospheric tests and a record of each worker's entries and exists.	Excludes: Health & Safety – see H03 Staff training – see H12		
H21 - Employee Recognition	Personnel	5	FOI
Includes all records and correspondence related to employee awards and honours granted by the Municipality. Includes: organized employee events such as staff barbeques, retirement celebrations, service awards, recognition parties etc.			
H22 - Employee Certifications	Personnel	Certification expired + 2	PIB
Includes records regarding individual employee certification, credentialing and mandatory training required by legislation or professional standards as a condition of employment. Includes applications, confirmation of mandatory training, certificate renewals and appointment renewals such as firefighter mandatory training, water quality analyst certificates, sewage works operator certificates and commissioner of oaths appointment.			

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J - JUSTICE

Classification	Responsible Department	Retention Period	Sensitivity
J01 - Certificates of Offence (Part 1)	By-law	Completion + 4	PIB
Includes Part 1 Certificates of Offence excluding Accident and Careless Driving offences. Records identified as PAO schedule # CD-4R1.	Excludes: Part 1 accident and careless driving matters – see J02		
J02 - Informations Part III/Accident and Careless Driving Part I	By-law	Completion + 6	PIB
Includes all Part 3 Informations and Part 1 Informations Certificates of Offence relating to accident and careless driving matters. Records identified as POA schedule # CD-2.			
J03 - Control Lists/Justice Reports	By-law	4	FOI
Includes certificate control lists and reports from Municipal and Provincial agencies such as Police, M.T.O. and M.N.R. etc.			
J04 - Court Dockets	By-law	4	FOI
Includes registers of court activity including POA (trial) dockets, Fail to Respond (FTR) dockets and Walk In Guilty (WIG) dockets detailing case dispositions (completed dockets). Also includes statistics on court activities and disposition of fines.			
J05 - Transcripts & Records of Court Proceedings	By-law	6+P*	FOI
Includes records of court proceedings and records relating to exhibit dispositions. Includes tape and log books.			
J06 - Enforcements and Suspensions	By-law	8	FOI
Includes records regarding the suspension of licenses issued by Provincial Government agencies such as RICO-4015 Preliminary Enforcement Report and RICO-4017 Enforcement Review Journal and fine collection efforts. Also includes audit reports provided by the provincial database.			
J07 - Appeals and Transfers	By-law	7	FOI
Includes records of appeals and of transfers to and from other Courts.	Excludes: Appeals & Hearings (Municipal) see L01		
J08 - Statistics/Payment Tracking	By-law	8	FOI
Includes reports and other statistical data, including all RICO reports such as RICO-2100 New Offence Register, FICO-0100 Forms to be Printed Control List, RICO-4400 Cases Disposed to Criminal Court, daily courtroom utilization report and verification			

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Classification	Responsible Department	Retention Period	Sensitivity
report, and all RICO and RICM cash payments and receipt reports, analysis, adjustments.			
J09 - Disclosure	By-law	6	PIB
Includes information requested by individuals in preparation for court cases.			
J10 - Certificates of Conviction (Part 2)	By-law	6	FOI
Includes Court and POA records including Part 2 – Certificates of Conviction			

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L - LEGAL AFFAIRS

Classification	Responsible Department	Retention Period	Sensitivity
L01 - Appeals and Hearings	Information and Legislative Services	P After Resolution of appeal	FOI
Includes zoning appeals, development and educational charges appeals, official plan appeals and Committee of Adjustment appeals. Records include notices of appeal, all transcripts and related documentation regarding appeals, hearings, legal proceedings and final judgments. Also includes orders issued by regulatory bodies and boards.	Excludes: Litigation – see Claims – L02-L03 Harassment & Violence – see H15		
L02 - Claims Against The Municipality	Information and Legislative Services	Resolution of claim and all appeals + 2 years Ultimate limitation = 15	FOI
Includes all litigation and insurance claims made by other parties against the municipality.	Excludes: Appeals and Hearings – see L01		
L03 - Claims by The Municipality	Information and Legislative Services	Resolution of claim and all appeals	FOI
Includes all litigation and insurance claims made against other parties by the municipality.	Excludes: Appeals and Hearings – see L01		
L04 - Contracts and Agreements Under By-Law	Information and Legislative Services	Act or omission on which claim is based	FOI
Includes all agreements entered into by the municipality which require a by-law for approval. Includes construction contracts, collective agreements, development front-ending agreements and subdivision agreements. Also includes agreements regarding tax arrears payment extension, easements, encroachments, area ways, laneways and records transfer.	Excludes: Office Equipment Maintenance Agreements – see L14 Contracts regarding Land – see L07 Insurance Policies – see L06 Line fence Agreements – see P01		
L05 - Insurance Appraisals	Information and Legislative Services	After a new appraisal has been done + 15+P*	FOI

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Includes appraisals of municipal property for insurance purposes.			
L06 - Insurance Policies	Information and Legislative Services	Expiry of Policy + 15	FOI
Includes municipal insurance policy documents, such as vehicle, liability, theft and fire insurance.	Excludes: Employee Group Insurance – see H02 Third Party Contracts – see L04		
	Insurance Claims – see L03		
L07 - Land Acquisition and Sale	Information and Legislative Services	Property disposition + 10 Renewable energy project agreement terms may not be more than 50 years' old Append abandoned petroleum storage tank to deed	FOI
Includes records regarding real estate transactions and conveyance of land such as lot sales, alley closings and allowances whether through voluntary transactions or expropriation. Includes leases, deed including underground storage abandonment record, expropriation plans, purchase letters and appraisals.	Excludes: Tax Sales – see F22		
L08 - Opinions and Briefs	Information and Legislative Services	S+P*	FOI
Includes copies of opinions and briefs prepared by the municipality's legal counsel on specific issues and by-laws.			
L09 - Precedents	Information and Legislative Services	S+P*	FOI
Includes records regarding judgments and decisions which may affect the municipality's position in actual or potential legal matters.			
L10 - Federal Legislation	Information and Legislative Services	S	A

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Includes records regarding bills, acts and regulations enacted by the Parliament of Canada which affect or are of interest to the municipality.			
L11 - Provincial Legislation	Information and Legislative Services	S	A
Includes records regarding bills, acts and regulations enacted by the Ontario Legislature which affect or are of interest to the municipality.			
L12 - Vital Statistics	Information and Legislative Services	P (may be captured in registry?) Marriage licences – 2	PIB
Includes registers of deaths and marriages. Registers include license or permit serial numbers, date of issue and names of the parties.	Excludes: Population Statistics – see Demographic Studies – D01		
L13 - Prosecutions	Originating	Delivery judgement + 7	FOI
Includes records regarding prosecutions to enforce by-laws and federal and provincial legislation.	Excludes: By-Law Enforcement – see P01 Appeals and Hearings – see L01		
L14 - Contracts and Agreements – Simple	Information and Legislative Services	Expiry of contract = 2+P* Long-term care service providers = expiry + 7	FOI
Includes contracts and agreements which do not require by-law approval, such as equipment rental and service contracts and vehicle lease, purchase agreements, waste removal agreements, apprenticeship training contracts, vehicle leases, housing services managers and long-term care home licensee agreements relating to funding, service accountability and charges between licensees and authorized persons or residents. Also includes consents required under the Canadian Anti-Spam Legislation (CASL)	Excludes: Contracts and Agreements Under By-Law – see L04 Line Fence Agreements – see P01		

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M - MEDIA AND PUBLIC RELATIONS

Classification	Responsible Department	Retention Period	Sensitivity
M01 - Advertising	Originating	1+P*	A
Includes records regarding public advertising in magazines, newspapers, radio, television and transit.	Excludes: News Releases – see M06 Recruitment – see H11 Elections – see C07		
M02 - Ceremonies and Events	Originating	5+P*	A
Includes records regarding participation in special events, openings and anniversaries such as Remembrance Day and Winter Carnival. Also includes records regarding the set-up and running of special events.	Excludes: Permit to hold event – see P11		
M03 - Charitable Campaigns/ Fundraising	Originating	1	A
Includes records regarding the raising of funds and donations for the municipality, for municipally run programs or for other charitable organizations. This would include the United Way, Cancer Fund, community interest groups, etc.	Excludes: Receipts – see F19		
M04 - Complaints, Commendations And Inquiries	Originating	5+P*	FOI
Includes records regarding commendations, requests for information and very general types of inquiries and general complaints related to services provided by the municipality. Also includes concerns about services offered by the municipality, inquiries about council proceedings and congratulatory letters. May also include compliance letters issued in response to a lawyer's request.	Excludes: Accessibility of Records (Freedom of Information) requests – see A17 Grievances or harassment/violence complaints by or against employees – see H14, H15 Employee recognition – see H21		
M05 - News Clippings	Originating	1+P*	A
Includes clippings from newspapers, information from journals and other printed media. May also include information related to online media and coverage, radio or television clips.	Excludes: Clippings used as reference material – see relevant subject		
M06 - News Releases	Originating	1+P*	A
Includes background notes and final versions of news releases issued. Includes messages for inclusion in special event programs.			
M07 - Publications	Originating	S+3 if publication is subject to copyright or trademark	A

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Classification	Responsible Department	Retention Period	Sensitivity
Includes typed manuscripts, artwork, printed copies and related records regarding the publication of tourism information, program and services pamphlets, trade shows, current events, industrial directories, business directories and maps. May include annual reports of a non-financial nature as well as copies of social networking sites (website, Facebook, etc.) published by the municipality.			
M08 - Speeches and Presentations	Originating	3+P*	A
Includes background notes and final versions of speeches, presentations and news conferences given by elected and non-elected officials.	Excludes: Media coverage of speeches/presentations – see M05 News Releases – see M06		
M09 - Visual Identity and Insignia	Information and Legislative Services	S+5+P*	A
Includes records regarding branding and the standards which apply to graphic designs as part of a Visual Identity Program. Includes trademarks, logo and letterhead design, signage, flags, vehicle identification etc. Also includes records regarding corporation insignia and seals of office.			
M10 - Website and Social Media Content	Originating	S+2	A
Includes records of website content and copies of web pages created by the municipality for general public use. Also includes information on social media sites such as Facebook and Twitter.	Excludes: Published website content – see M07		
M11 - Public Relations and Public Awareness	Originating	5+P*	A
Includes outgoing letters of support, congratulations, greetings, honourable achievement awards, welcome letters, etc. Also includes issues regarding internal/external communications. Includes programs designed for public awareness and engagement.			
M12 - Intellectual Property	Information and Legislative Services	Copyright, patent of trademark expired or last-use + 5	FOI
Includes certificates of copyright, applications for patents and trademark registration. Also includes monitoring and enforcement of authorized use of copyright, trademarks and patents including copyright use permission requests.			

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P - PROTECTION AND ENFORCEMENT SERVICES

Classification	Responsible Department	Retention Period	Sensitivity
P01 - By-Law Enforcement	Originating	6+P*	FOI
Includes records of municipal efforts to enforce by-laws such as parking tickets and fence-line disputes. Includes order to comply, inspection reports, stop work orders, working notes, correspondence, exhibits, photographs, line fence agreements etc.	Excludes: Health & Fire Inspections – see P07 Investigations – see P08 Environmental Monitoring – Industrial/Commercial –see E05 Prosecutions – see L13 Animal Control Enforcement – see P14 Lottery License Enforcement – see P09		
P02 - Daily Occurrence Logs	Originating	5+P*	FOI
Includes daily occurrence logs maintained by the Chief Building Official.			
P03 - Emergency Planning and Response	Originating	S+P* or expiry of plan + 5 if Canadian Environmental Protection Act applies	FOI
Includes records regarding the planning, testing, rehearsal of and response to emergency, safety and contingency measures. May also include records of previous disasters including emergency command centre operation, response reports, press clippings etc.			
P04 - Hazardous Materials	Originating	S+5	FOI
Includes information and reports on chemicals and substances that pose fire or environmental hazards such as PSBs, refrigerants and halocarbons, also includes Material Safety Data Sheets (MSDS) and records dealing with toxic substances control, halocarbon charging records, halocarbon leak tests and release reports, transportation and effects as well as records of pesticide use and environmental spills.	Excludes: Staff Safety Training – see H-4 Personal exposure – see H17 Manifests – see E07		
P05 - Incident/Accident Reports	Originating	S	FOI
Includes vandalism and security incident reports and reports of accidents that occur at recreational facilities and other municipal properties.	Excludes: Security – see A18 Accidents of Municipal Staff – see H04 Compensation claims and vehicle accidents – see L02 or L03		

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P06 - Building and Structural Inspections	Building	Inspections = 2 Initial fire system test report = life of system	FOI
Includes building and structural tests and inspection reports relating to work platforms, plumbing and sprinkler systems, fire alarm circuits, power supply and system, fire suppression systems, electrical and other structural inspections. Also includes inspections of marijuana grow operations after appropriate notification from a police force.	Excludes: By-Law Enforcement – see P01		
P07 - Health and Fire Safety Inspections	Fire Services	S, minimum 1 year	PIB
Includes Fire Marshall's, Public Health and related health and safety violation and verification inspection reports conducted or performed on private, public and commercial properties.	Excludes: Internal Health & Safety Inspections – see H04 Routine building and structural inspections – see P06		
P08 - Investigations	Originating	10**	FOI
Includes records of investigation pertaining to law enforcement, or the origin or cause of traffic accidents, serious occurrences and abuse allegations, ambulance and fire response scrutiny.	Excludes: By-law Enforcement – see P01 Harassment & Violence staff investigations – see H15		
P09 - Licences	Information and Legislative Services	Expiry of licence + 2	FOI
Includes records regarding licences administered by or required by the municipality or required by the province such as licensing for dog kennels, dogs, liquor, cemetery, crematorium, funeral establishment licenses, businesses, lotteries, accessible transportation operation and quarries etc.	Excludes: Marriage Licences – see L12		
P10 - Building Permits	Building	P	PIB
Includes permits issued to builders, contractors and residents giving them permission to build or renovate. Also includes permits for construction of cell towers and the structure for wind-powered turbines.	Excludes: All other permits – see P11		
P11 – Permits - Other	Originating	Expiry of permit + 2	FOI
Includes applications and copies of permits issued by other government bodies within the municipality as well as permits issued by the municipality giving permission to hold special events, temporary road closure, drinking water works permits, transport oversize loads, erect signs, park on the street etc.	Excludes: Building Permits – see P10 Encroachment Permits – see D16 Burial Permits – see S09 Road and Lane Openings/Closings – see T09		

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P12 - Warrants	By-law Services	Execution of warrant + 2 Court services search warrants – 40	FOI
Includes all warrants issued for By-Law enforcement purposes.			
P13 - Criminal Records	By-law	Occurrence/ investigation	PIB
Includes all documentation relating to individuals with a history of criminal activity.	Excludes: Staff Police Background Checks – see H16 Prosecutions – see L13		
P14 - Animal Control	By-law	Date animal was last in the pound + 2	FOI
Includes records regarding the control of household pets, strays, livestock and wildlife and livestock evaluation reports. Also includes records of distrained animals and pound animal records.	Excludes: Dog Licenses – see P09		
P15 - Community Protection Programs	Originating	S+2+P* Surveillance video 72 hours unless requisitioned for use If required for use (MFIPPA or other investigation) = S+2	FOI
Includes records on community protection and crime prevention such as Community Policy, Victim Services Neighbourhood Watch and Block Parents. Also includes programs aimed at public education on fire, water and traffic safety and similar programs. Records include correspondence and brochures. Also includes video surveillance footage of high incident and public spaces.			
P16 - Emergency Services	Originating	S + 5	FOI
Includes records regarding police, land ambulance, fire and rescue services.			
P17 - EMS and Fire Significant Incident and Impact Reports	Fire Services	S+ 5	PIB
Includes reports and statements documenting significant and noteworthy incidents events that occur when responding to an EMS or Fire, the role of the attending responders in the incident and the actual or potential impact of these incidents.			
P18 - EMS and Fire Accident Response Reports	Fire Services	S + 5	PIB

Legend:

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Includes records relating to emergency services provided such as ambulance paramedical services and patient transport, and fire suppression and emergency call response. Includes ambulance call reports, (ACR), emergency response reporting, fire call reports and fire cause identification.	Excludes: Investigations – see P08		
P19 - EMS and Fire Statistics	Fire Services	S + 2	FOI
Includes records relating to performance plans and the associated statistical reporting of performance, calls and accidents involving emergency medical services, traffic and work-related issues.			
P20 - Prohibitions & Notices	Development Services	15	FOI
Includes prohibition orders, notices and correspondence related to prohibition under regulations such as Source Drinking Water Protection. May also contain building code applications denied because of prohibition.			
P21 - Facilities Routine Water Use, Monitoring and Testing	Originating	Pools and recreational camps = 1 Child care facility plumbing flush and water testing = 6	FOI
Includes records regarding the testing of swimming pool or splash pad water for chlorine and pH levels, water outlet inspections, the number of bathers per day, any rescues or breakdowns of equipment. Also includes routine testing, monitoring and flushing of water systems in recreational camps, child care facilities			

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R – RECREATION AND CULTURE

Classification	Responsible Department	Retention Period	Sensitivity
R01 - Heritage Preservation	Castle Kilbride	End of plan year or removal of designation + 3+P*	FOI
Includes records regarding heritage and historical development, including designations and registers of buildings, districts and cemeteries as well as archeological digs, archeological and heritage assessments, and heritage conservation district studies and plans. May also include heritage registries.	Excludes: Historical Designation By-Laws –see C01		
R02 - Library Services	Information and Legislative Services	5	FOI
Includes circulation lists, recommendations for additions to library collections, information searches, inter-library loan requests and more general records regarding the operation of libraries. May include subscription renewals of magazines and receipts from book sales. May also include copy logs.			
R03 - Museum and Archival Services	Castle Kilbride	S + 3+P*	FOI
Includes registers of holdings, museum programming, activity reports, historical society holdings, archival operations, conservation information and related records. May also include copy logs.	Excludes: Record Centre Operations – see A10		
R04 - Parks Management	Parks, Facilities and Recreation	Park maintenance = 5+P* Playground equipment maintenance	FOI
Includes correspondence, descriptions, reports and other records dealing with the management design, set-up. Landscaping and maintenance of specific municipal parks. Includes maps and plans. Also includes information dealing with maintenance of playground equipment.	Excludes: Building and Property Maintenance – see A20		

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R06 - Recreational Programming	Parks, Facilities and Recreation	Program development & evaluation = 3+P* Program registration = 1 Attendance fee collection = 6	FOI
Includes correspondence, applications, registrations and general information regarding the development and delivery of recreational programs to the community such as youth, sport and fitness, adult education, crafts and other programs.			

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S – SOCIAL AND HEALTH CARE SERVICES

Classification	Responsible Department	Retention Period	Sensitivity
S01 – Children’s Day Care and Day Nursery Services	Community Services	S (review after 3 years)	PIB
Includes general program information regarding childcare programs such as municipal and private day care and day nursery services. Also includes general resource information used in counselling children and parents involved in these programs as well as records regarding operations, waiting lists, drinking water testing requirements and fire drill requirements.	Excludes: Children’s services not related to daycare and nursery schools – see S07 Day care and nursery school enrollment records –see S10 Home day care program clients – see S15 Medical client records – see S06 Daycare and day nursery facility operation records – see applicable category Water, Plumbing and flushing records – see P21 Fire drill records – see H04		
S02 - Elderly and Supportive Assistance Services	Community Services	S (review after 3 years)	PIB
Includes general program information regarding programs intended to improve the quality of life for senior citizens and the disabled such as home care, day programs, housing and transit subsidies. Includes general resource and long-term care facility information used in counselling seniors considering moving to a long term care facility, Meals on Wheels program and adult day programs. May also include waiting and vacancy lists for Long-Term Care homes or other programs and Indigent Elderly Patient reports.	Excludes: Long Term Care Facility Residents – see S03 Long Term Care Operations – see S18 Disability Support Clients – see S11		
S03 - Long Term Care Facility Clients	Community Services	Discharged + 10	PIB
Includes records regarding individual residents of retirement residences and homes for the aged long-term care homes including resident care plans and conferences, applications for funding, weight monitoring, adverse drug reaction and use of physical restraint and monitoring records and use of targeted substances. Also includes testing for tuberculosis upon admission.	Excludes: General program information – see S02 Serious occurrence and abuse allegation investigation involving program participants (non-staff) – see P04 Serious occurrences and abuse allegations involving municipal staff – see H15		
S04 - Community and Social Assistance Services	Community Services	S (review after 3 years)	PIB
Includes general program information regarding assistance programs and support available to residents and the homeless within	Excludes: Ontario Works Case Records - see S05		

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Classification	Responsible Department	Retention Period	Sensitivity
the municipality. Includes general resource information used in counselling recipients regarding community support services, life skills, services to obtain housing and maintain housing, emergency assistance, social assistance options and information pertaining to Employment Support Programs	Social Housing Programs - see S12 Housing and Homelessness research and initiatives - see S12 Social and health care planning and management - see S18 Programs for the elderly and person with disabilities - see S02		
S05 - Ontario Works Clients	Community Services	Date of last entry + 5 Outstanding overpayment = overpayment resolved + 5 Fraud investigation = fraud resolved +5 Outstanding family support issues = 10	PIB
Includes records regarding funding for individual Ontario Works social assistance recipients and residents in subsidized housing. May include Income Reporting Cards.	Excludes: General program information – see S04		
S06 - Medical Case Clients	Public Health	Discharged as a client + 15 Note: reportable diseases may be longer	PIB
Includes case records regarding communicable diseases, venereal diseases, dental care, maternal care, respiratory, gastrointestinal or infectious disease outbreaks, medication errors etc. Includes reportable disease reports.			
S07 - Children's Services	Community Services	S (review after 3 years)	PIB
Includes general program information regarding programs benefitting developmentally handicapped children, abused children and other children's programs. Also includes general resource information used in counselling children and parents involved in these programs. May include general CAS (Children's Aid Society) information as well.	Excludes: Medical client case records – see S06 Day care and day nursery programs – see S01		

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Classification	Responsible Department	Retention Period	Sensitivity
S08 - Public Health	Public Health	S (review after 3 years)	FOI
Includes records regarding public health programs such as health and safety education, school health programs, infection control, family planning and disease control including immunization.	Excludes: Medical Client Case files – see S06		
S09 - Cemetery Interment	Parks, Facilities and Recreation	P+P* Transfer to archives if no longer managed Burial Permits = 2	FOI
Includes cemetery license, burial permits, maps, plot ownership records, deemed cancellations, death certificates and warrants to bury, interment or scattering rights certificates, cremated remains and body disposal registers and indexes for municipal cemeteries and abandoned cemeteries.	Excludes: Building and Property Maintenance – see A20 Promotional materials – see M07 Price lists and cemetery operation – see S20		
S10 - Daycare and Day Nursery Clients	Community Services	Last participated date + 3	PIB
Application for enrolment for daycare and day nurseries, child's name, home address, date of birth, names, addresses, phone numbers of parents, place at which they can be reached, etc.	Excludes: Handicapped children services – see S07 Serious occurrence and abuse allegation investigation involving program participants (non-staff) – see P08 Serious occurrence and abuse allegations involving municipal staff – see H15		
S11 - Disabilities Support Clients	Community Services	No longer receiving support + 7	PIB
Includes records dealing with applications for and provision of services and funding support to persons with mental or physical disabilities including service and support profiles, and accessible transportation eligibility application and approval, behavior support plans, intrusive behavior intervention and crisis situation incident reporting. Also includes personal support plans and records for individuals as well as summary reports relating to support services provided for people with disabilities.	Excludes: Children's program information – see S07 Serious occurrence and abuse allegation investigation involving program participants (non-staff) – see P08 Serious occurrences and abuse allegations involving municipal staff – see H15		
S12 - Housing Services	Community Services	10	PIB
Includes records and correspondence related to housing programs such as municipally owned and managed properties, the non-profit housing corporations, Strong Communities Rent Supplement program, landlords, and other housing providers. Records include	Excludes: Resources used to assist potential tenants – see S04		

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Classification	Responsible Department	Retention Period	Sensitivity
Service Manager's Housing Plan and Housing Provider annual reports as well as unsuccessful applications for social housing. Also includes records and correspondence related to affordable housing initiatives developed by the Federal Government, the Provincial Government and/or the municipality such as programs included construction of new rental housing/units, rent supplements, home ownership, home repairs and home modification initiatives.			
S13 - Housing Tenant Clients	Community Services	No longer resides + 5	FOI
Includes information regarding social housing applications, and records regarding housing tenants such as personal identification, income verification documentation, rent calculations and notices, leases and consent forms.	Excludes: Serious occurrence and abuse allegation investigation involving program participants (non-staff) – see P04 Serious occurrences and abuse allegations involving municipal staff – see H15		
S14 - Home Child Care Program Administration	Community Services	3	PIB
Includes provider files (eligibility requirements), correspondence, inspections, serious occurrence reporting, health unit reporting, Director's directions, attendance records & financial reconciliation information.			
S15 - Home Child Care Program Clients	Community Services	Last participated date + 3	FOI
Includes Client records including the completed and signed enrolment form and information pertaining to the child as prescribed by the Ministry under the Child Care and Early Years Act, 2014 and eligibility requirements for the program. May also include referral letters from third party agencies, custody documents and medical referrals.	Excludes: Daycare and day nursery clients – see S10		
S16 - Social and Health Care Planning and Management	Community Services	7	FOI
Includes records related to social, health care and coordinated care initiatives planning, process definition and program monitoring and evaluation. Includes records related to research, action plans, governance, evaluations, statistical information and action plans. Includes records related to Long-Term Care facility capacity and service planning and copies of records required for reporting purposes. Also includes program marketing plans and presentation.			

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Classification	Responsible Department	Retention Period	Sensitivity
S17 - Client Care Coordination	Community Services	No longer receiving report + 10	PIB
Includes records regarding individual clients and their care coordination planning.	Excludes: Public health medical client information – see S06		
S18 - Long Term Care Operations	Community Services	4	PIB
Includes records relating to administration/organization, health and wellness concerns and initiatives, outbreaks/health related issues, programming for residents, and volunteer programming within the Long-Term Care facility. Also includes vacancy lists, client satisfaction surveys, quarterly and annual evaluations of facility programs and responses to client behavior and violence zero tolerance, staff training, complaints review, reports required for regulatory reporting purposes such as health care organization annual quality improvement plans, patient and caregiver complaints summary reporting, controlled drug substance records, drug record book identifying narcotics received by the Long-Term Care facility outside of the routine medications which are dispensed to residents.	Excludes: Complaints – see M04 Serious occurrence and abuse allegations investigation – see P04 Food preparation & service monitoring – see S19		
S19 - Food Preparation & Service	Community Services	1	PIB
Includes records relating to food production for residents of municipally managed Long-Term Care Homes and visitors (non-residents) as well as Child Care Centres. Includes the approved menu cycle and menu substitutions, records relating to food quality such as temperature and inspection records, client responses to food quality and private lab inspection reports.			
S20 - Cemetery Operations	Parks Facilities and Recreation Services	Contract fulfilled or no longer applies + 6	PIB
Includes records relating to the business operation of a municipal cemetery including price lists and removed markers records.	Excludes: Burial permits, interment records, etc. – see S09		

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T - TRANSPORTATION SERVICES

Classification	Responsible Department	Retention Period	Sensitivity
T01 - Illumination	Public Works	Removal of the equipment + 6 Specifications = P	FOI
Includes records and studies regarding the installation and repair of equipment used to illuminate roads such as street lights, pedestrian crossover lights etc. Also includes records on power consumption.			
T02 - Parking	Originating	Closure of lot or space + 6	FOI
Includes records and studies regarding municipal parking issues such as handicapped parking, lot and garage operations, fire routes and employee parking.			
T03 - Public Transit Operations	Public Works	Closure of route/shelter/stop + 1+P*, 2 year minimum retention	FOI
Includes records regarding public transit systems. Includes schedules, routes, maps and similar information. Also includes project records, route administration and planning, fare policies, intergovernmental transit co-ordination.			
T04 - Road Construction	Public Works	Project finished + 1+P* Specifications = P	FOI
Includes records and studies regarding construction projects on roads. Includes the construction of new roads and major improvements to existing roads, such as resurfacing, widening etc.			
T05 - Road Design and Planning	Public Works	Project finished + 1+P* Specifications = P	FOI
Includes estimates, studies and other records regarding the design and planning of specific road construction projects. Also includes design of curbs and sidewalks, cycle ways, footpaths, walkways etc.			
T06 - Road Maintenance and Salt Usage	Public Works	Project finished + 1	FOI

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Classification	Responsible Department	Retention Period	Sensitivity
		salt plans, usage, training and reports = 7 Specifications = P	
Includes records and studies regarding the inspection and maintenance of roads. Minor repair maintenance includes the installation of culverts, minor repairs to the road surfaces, burbs and sidewalks, cycle-ways, footpaths, walkways etc. Routine maintenance includes grading, plowing and sanding of roads and snow removal and cleaning. Also includes Salt Management Plan and revisions, yearly review, reports, other records, studies and information regarding salt usage and contamination from salt used on roads. Includes training program materials and records of training for all personnel when managing or performing winter maintenance activities involving the use of road salt.	Excludes: Non salt usage training records – see H03		
T07 - Signs and Signals	Public Works	Removal of sign/signal + 1	A
Includes records and studies regarding the manufacture, installation, servicing and maintenance of signs and signals.	Excludes: Visual Identity Program – see M09 Sign Permits – see P11		
T08 - Traffic	Public Works	Project finished + 1+P* Temporary road closures = 2	A
Includes records and studies regarding the flow of traffic on roads. Includes intersection drawings, pedestrian crossovers, crossing guards, traffic counts, accident statistics and related records. Also includes records regarding impacts of temporary road closures for special events.	Excludes: Permits for temporary closure – see P11		
T09 - Roads and Lane Openings/Closures	Public Works	Project finished + 1+P*	FOI
Includes records on roads and lanes closed on a permanent or regular basis. Records include reports, appraisals, correspondence and district court applications as well as records related to requests to open road and street allowances.	Excludes: Temporary road closures – see T08 Land Sales – see L07 Road Closing By-laws – see C01		
T10 - Field Survey/Road Survey Books	Public Works	Project finished + 1	FOI
Includes engineering field survey notes as well as books.			

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Classification	Responsible Department	Retention Period	Sensitivity
T11 - Bridges	Originating	Project finished + 1 Specifications = P	FOI
Includes estimates, studies and other records regarding projects specifically for bridge construction. Also includes bridge repairs and maintenance.			

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V - VEHICLES AND EQUIPMENT

Classification	Responsible Department	Retention Period	Sensitivity
V01 - Fleet Management	Originating	Termination of lease + 2 Public vehicles trip record – 1 Daily Inspection Logs = 2 years or 6 months after vehicle ceases to be operated	FOI
Includes records of summary fleet information and fleet records for each vehicle (including attached devices such as Firefighting Chassis Mounted Aerial Devices) leased or owned, operated and maintained by the municipality. This includes plate permits, CVOR certificates, operating manuals, routine/daily inspections, vehicles history files, ignition interlock device installation, vehicle maintenance, registration and disposal.	Excludes: Insurance Policies – see L06 Accident Claims – see L02, L03 Leases/Contracts – see L14		
V02 - Mobile Equipment	Originating	Disposal of equipment + 1	FOI
Includes records and operating manuals regarding mobile (motorized) equipment used in conjunction with vehicles. Also includes routine inspections. Maintenance and history files on equipment such as generators, pumps, snow-blowers and sanders etc.			
V03 - Transportable Equipment	Originating	Disposal of equipment + 1	FOI
Includes operating manuals and records regarding transportable equipment used by the municipality. Also includes routine inspections, maintenance and history files on equipment such as lawnmowers, hoses, weed-eaters, drills and rescue equipment.			
V04 - Protective Equipment	Originating	Disposal of equipment + 1	FOI
Includes operating manuals and records regarding protective equipment used by the municipality. Also includes routine	Excludes: Uniforms and clothing – see A14		

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Classification	Responsible Department	Retention Period	Sensitivity
inspections, maintenance and history files on equipment such as portable fire extinguishers, rescue equipment, breathing apparatus.			
V05 – Ancillary Equipment	Originating	Disposal of equipment - 1 Set-up tests = until superseded	FOI
Includes records regarding fixed equipment, which is non-vehicle and non-office in nature. Includes equipment such as work or suspended platforms, lifting devices not attached to a structure, appliances such as autoclaves and dishwashers, garbage compactors, industrial shredders etc. Includes correspondence, equipment user and procedural manuals, warranty, routine inspections, maintenance, licences and history records. Includes setup tests and manuals.	Excludes: Gasoline storage tanks – see E24 Mechanical & operational systems integral to building structure – see S26 Private/small water systems – see E22		

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CORPORATE SERVICES *Staff Report*

REPORT NO: COR 2021-026

TO: Council

SUBMITTED BY: Patrick Kelly CPA, CMA, Director of Corporate Services / Treasurer

PREPARED BY: Patrick Kelly CPA, CMA, Director of Corporate Services / Treasurer

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Development Charges Update Study

RECOMMENDATION:

THAT the Development Charges Background Study, prepared by Watson & Associates Economists Ltd., as amended, be approved; and further,

THAT Council deems that no further public meeting is required; and

THAT the 2021 Development Charges by-law be approved, with an effective date of August 31, 2021.

SUMMARY:

A public meeting was held to receive public input on the Township of Wilmot's proposed development charges (D.C.) by-law update and background study. After the public meeting, members of the development community provided general comments on the study.

Staff and the consultant reviewed the feedback from the development community and have amended the DC Background Study accordingly. Council is being asked to approve the amended D.C. Study and By-Law. The updated D.C. By-Law and Rates, if approved, will take effect on August 31, 2021.

BACKGROUND:

As approved by Council, the current D.C. By-Law (No. 2019-42), came into effect on August 31, 2019.

Since that time, significant growth-related studies have been updated. The Strategic Plan, Fire Master Plan, and Ice Needs Study, as well as in-depth analysis of underground infrastructure needs necessitated an update to the existing DC Background Study and By-Law, to capture new growth-related infrastructure costs.

REPORT:

The 2021 Update to the Development Charges Background Study was presented to Council at a Public Meeting on May 31, 2021.

After the release of the D.C. Update Study and the Public Meeting, staff received comments from development industry stakeholders regarding some of the cost projections included within the D.C. Capital Program. Township staff, in consultation with consulting experts at Watson and Associates, undertook a further review of the Capital Program and determined that a number of items needed to be included or adjusted.

Under Roads and Related Services, the Wilmot Employment Lands Collector Road estimate was adjusted, based upon updated tender prices and cost projections for the Multi-Use Trail.

Further review of the Water Services capital projections indicated that the Watermain Casing Pipe at Railway Crossing needed to be increased, due to the increased length of casing required. Adjustments were also accepted under Wastewater Services for the Morningside Trunk Sanitary Sewer, Forest Glen Pumping Station and Forcemain Projects.

Staff and the consultants were encouraged by the engagement from the development community within this important process and are confident that the responses to the various inquiries from developers will meet the expectations to move forward with the amended D.C. study and by-law. The addendum was posted to the Township's website on July 2, 2021 and was also sent directly to the interested stakeholders.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report is aligned with the goal of Economic Prosperity, through the action of Smart Growth. The specific underlying strategies included:

- Seek opportunities to optimize existing infrastructure, including opportunities to improve, consolidate or enhance through growth;
- Ensure sustainable and protected infrastructure through growth periods; and
- Ensure that infrastructure growth needs are supported and coordinated through general operations and capital planning.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

This report and the underlying study are consistent with the Sustainable Development Goals for Clean Water and Sanitation; Decent Work and Economic Growth; and Sustainable Cities and Communities.

FINANCIAL CONSIDERATIONS:

The calculation of development charge rates is a legislative and structured process. This process is outlined extensively within Section 4 of the Background Study. Effectively, the growth-related capital costs are shared across the anticipated residential and non-residential development activity.

Subject to approval of the amended D.C. By-Law, the total development charge for a single-family dwelling would be adjusted from \$23,146 to \$24,476. The by-law and adjusted rates would come into effect on August 31, 2021.

ATTACHMENTS:

APPENDIX 1 – Addendum to 2021 Development Charges Update Study



Addendum to 2021 Development Charges Update Study

Township of Wilmot

For Public Circulation and Comment

July 2, 2021

Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca



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Chapter 1

Summary of Revisions to the April 30, 2021 Development Charges Background Study



1. Summary of Revisions to the April 30, 2021 Development Charges Background Study

1.1 Background

Commensurate with the provisions of the Development Charges Act (D.C.A.), 1997, the Township of Wilmot (Township) has undertaken a development charges background study (D.C. Update Study) and has distributed the study and draft by-law to the public. The following provides a summary of the key dates in the Development Charges (D.C.) by-law process:

- April 30, 2021 – Release of the 2021 D.C. Update Study
- May 31, 2021 – Public Meeting of Council
- July 12, 2021 – Anticipated passage of D.C. By-law

The purpose of the addendum to the April 30, 2021 D.C. Update Study is to provide for revisions to the calculation of the charges arising from feedback received from the development industry. These comments affect the D.C. capital programs for Roads and Related Services, Water Services, and Wastewater Services. The draft by-law has been updated to reflect these changes.

The refinements are detailed in the subsequent sections of this report and will form part of the D.C. Update Study. for Council's consideration and approval prior to adoption of the amending D.C. By-law.

1.2 Discussion

Subsequent to the Public Meeting on the D.C. Update Study and amending By-Law on May 31, 2021, Township received correspondence for the development industry regarding additional projects and cost estimate revisions for inclusion in the By-Law. Township staff reviewed the correspondence and identified revisions to the D.C. Update Study and draft amending D.C. by-law.



These revisions include:

- Updated capital cost estimates for the:
 - Employment Lands Collector Road project;
 - Watermain Casing Pipe at Railway Crossing project;
 - Morningside Trunk Sanitary Sewer project; and
 - Forest Glen Sanitary Pumping Station and Forcemain projects;
- Refinements to the anticipated capital needs for wastewater services, specifically the addition of a 450mm Sanitary Sewer Casing Pipe at Railway Crossing;
- Refinements to the allocation of growth-related studies across D.C. eligible services; and
- Other miscellaneous housekeeping matters.

The following subsections summarize the necessary changes identified above.

1.2.1 Roads and Related Services

After the release of the D.C. Update Study and the Public Meeting, the Township received comments from development industry stakeholders regarding some of the cost estimated for projects included in the D.C. capital program. Township staff undertook a further review of the capital project listing and determined that the remaining costs for Wilmot Employment Lands Collector Road project needed to be increased by \$1,232,000 (\$1,302,068 in 2021\$) in the D.C. capital program. The updated cost estimate reflects recent tender prices and includes a multi-use trail (MUT) estimate of \$446,000 (2021\$).

This increases the total capital costs for the project from \$500,000 to \$1,732,000 (2019\$). All capital costs of the project were deemed to be growth-related and D.C. recoverable.

1.2.2 Water Services

Further review of the Water Services D.C. capital program was undertaken in response to comments received from development industry stakeholders. Based on the Township's review of this submission, the cost estimate for the Watermain Casing Pipe at Railway Crossing project was revised from \$133,000 to \$1,230,000 (2019\$). The increase in cost estimate reflects the revised length of casing, which was increased to 200m due to the environmental area and rail corridor as compared to the 2019 D.C.



Background Study estimate of 50m of casing just for the rail corridor. Detailed design will confirm the actual casing requirements. Capital costs of the project were deemed to be growth-related and D.C. recoverable.

1.2.3 Wastewater Services

Further review of the Wastewater Services D.C. capital program was undertaken in response to comments received from development industry stakeholders.

The D.C. Update Study included the Morningside Trunk Sanitary Sewer project for a total cost of \$6.4 million (2019\$). In response to the comments received from stakeholders, project has been broken down into two sub-projects, i.e. Morningside Trunk Sanitary Sewer (Highways 7 and 8 Crossing) and Morningside Trunk Sanitary Sewer (South of Highways 7 and 8). The total cost for the two separate projects is \$4.9 million (2019\$, \$5.2 million in 2021\$), which is approximately \$1.5 million less than the costs included in the D.C. Update Study. In addition, the cost estimates for the Forest Glen Pumping Station and Forcemain projects were also increased to reflect the most recent engineering estimates.

Furthermore, the Sanitary Sewer Casing Pipe at Railway Crossing project was added to the D.C. capital project listing. The cost estimate reflects a 450mm diameter pipe and length of 200m. Detailed design will confirm the actual casing requirements. The capital costs for the project total \$1.2 million (2019\$, \$1.3 million 2021\$) and were added to the D.C. capital project listing, fully D.C. recoverable.

1.2.4 Impacts on the Calculated D.C.s

The refinements presented in sections 1.2.1, 1.2.2, and 1.2.3 have impacts on the calculated charges in the D.C. Update Study. Table 1 compares the Township's current D.C. (2021\$), the charges presented within the April 30, 2021 D.C. Update Study, and the amended D.C. as contained herein. The comparison is provided for a single detached residential dwelling unit, and per square foot (sq.ft.) of non-residential gross floor area (G.F.A.) for industrial development, and commercial/institutional development types.

By comparison to the D.C. Update Study, the amended charge for a single detached residential unit within the fully serviced urban area increases by \$1,330, from \$23,146 to \$24,476. For industrial development within the fully serviced urban serviced area, the



charge would increase by \$0.36 per sq.ft. of G.F.A. when compared with the D.C. Update Study, from \$6.60 to \$6.96. D.C.s for commercial and institutional development types within the fully serviced urban serviced area, would increase by \$0.75 per sq.ft. of G.F.A. when compared with the D.C. Update Study, from \$10.15 to \$10.90.

By comparison to the Township's current D.C. by-law, the amended charges for a single detached residential unit within the fully serviced urban area increases by \$12,359, the industrial D.C. would increase by \$4.35 per sq.ft. of G.F.A., and the commercial/institutional D.C. would increase by \$6.40 per sq.ft. of G.F.A.

Table 1
Comparison of D.C.s

Residential (Single Detached) Comparison

Service	Current	Calculated (April 30, 2021)	Calculated (July 2, 2021 Addendum)	Change (\$) (July 2 Addendum vs. April 30 Update Study)	Change (%) (July 2 Addendum vs. April 30 Update Study)
Roads and Related	\$2,188	\$7,667	\$8,311	\$644	8%
Fire Protection Services	\$362	\$2,144	\$2,143	-\$1	0%
Parks and Recreation	\$4,679	\$5,896	\$5,894	-\$2	0%
Library Services	\$195	\$218	\$218	\$0	0%
Administration Studies*	\$506	\$0	\$0	\$0	0%
Total Municipal Wide Services	\$7,930	\$15,926	\$16,567	\$641	4%
Wastewater Services	\$3,487	\$6,186	\$6,439	\$253	4%
Water Services	\$700	\$1,035	\$1,470	\$435	42%
Total Area Specific Services	\$4,187	\$7,220	\$7,909	\$688	10%
Grand Total - Rural Area	\$7,930	\$15,926	\$16,567	\$641	4%
Grand Total - Urban Area	\$12,117	\$23,146	\$24,476	\$1,330	6%



Industrial (per sq.ft.) Comparison

Service	Current	Calculated (April 30, 2021)	Calculated (July 2, 2021 Addendum)	Change (\$) (July 2 Addendum vs. April 30 Update Study)	Change (%) (July 2 Addendum vs. April 30 Update Study)
Roads and Related	\$0.59	\$2.06	\$2.23	\$0.17	8%
Fire Protection Services	\$0.35	\$2.07	\$2.07	\$0.00	0%
Parks and Recreation	\$0.40	\$0.51	\$0.51	\$0.00	0%
Library Services	\$0.02	\$0.02	\$0.02	\$0.00	0%
Administration Studies*	\$0.13	\$0.00	\$0.00	\$0.00	0%
Total Municipal Wide Services	\$1.49	\$4.66	\$4.83	\$0.17	4%
Wastewater Services	\$0.93	\$1.66	\$1.73	\$0.07	4%
Water Services	\$0.19	\$0.28	\$0.39	\$0.12	42%
Total Area Specific Services	\$1.12	\$1.94	\$2.12	\$0.18	10%
Grand Total - Rural Area	\$1.49	\$4.66	\$4.83	\$0.17	4%
Grand Total - Urban Area	\$2.61	\$6.60	\$6.96	\$0.36	5%

Commercial/Institutional (per sq.ft.) Comparison

Service	Current	Calculated (April 30, 2021)	Calculated (July 2, 2021 Addendum)	Change (\$) (July 2 Addendum vs. April 30 Update Study)	Change (%) (July 2 Addendum vs. April 30 Update Study)
Roads and Related	\$1.24	\$4.31	\$4.68	\$0.36	8%
Fire Protection Services	\$0.21	\$1.26	\$1.26	\$0.00	0%
Parks and Recreation	\$0.40	\$0.51	\$0.51	\$0.00	0%
Library Services	\$0.02	\$0.02	\$0.02	\$0.00	0%
Administration Studies*	\$0.29	\$0.00	\$0.00	\$0.00	0%
Total Municipal Wide Services	\$2.16	\$6.10	\$6.46	\$0.36	6%
Wastewater Services	\$1.95	\$3.47	\$3.61	\$0.14	4%
Water Services	\$0.39	\$0.58	\$0.83	\$0.24	42%
Total Area Specific Services	\$2.34	\$4.05	\$4.44	\$0.39	10%
Grand Total - Rural Area	\$2.16	\$6.10	\$6.46	\$0.36	6%
Grand Total - Urban Area	\$4.50	\$10.15	\$10.90	\$0.75	7%



2. Changes to the D.C. Update Study

Based on the foregoing, the following revisions are made to the pages within the April 30, 2021 D.C. Update Study. Accordingly, the revised pages are appended to this report:

- Table of Contents – Reissued to reflect page numbering changes;
- Pages 3-2, 3-3, 3-12 to 3-16 – Reissued to reflect changes described in Sections 1.2.1, 1.2.2, 1.2.3, and 1.2.4;
- Pages 4-2 to 4-7 – Updated to reflect changes in the calculated charges for Roads and Related, Water, and Wastewater services;
- Chapter 6 – Updated to reflect the impacts of changes in Sections 1.2.1, 1.2.2, 1.2.3, and 1.2.4;
- Chapter 7 – Updated to reflect this addendum;
- Page B-1, B-6, and B-7 – Reissued to reflect to the changes to D.C. cash flow calculations for Roads and Related, Water Services, and Wastewater services; and
- Appendix A – Revised draft D.C. By-Law



3. Process for Adoption of the D.C. By-law

The revisions provided herein form the basis for the amending D.C. By-Law and will be incorporated into the D.C. Update Study to be provided to Council and the general public prior to Council's consideration and adoption of the proposed D.C. By-Law on July 13, 2021.

If Council is satisfied with the above noted changes to the D.C. Update Study and amending D.C. By-Law, then prior to by-Law passage Council must:

- Approve the Development Charges Update Study, as amended;
- Determine that no further public meetings are required on the matter; and
- Adopt the amending Development Charges By-Law.



Appendix A

Amended Pages



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The changes outlined above and presented in Table 3-1 increase the gross capital costs for roads and related services by \$24.1 million resulting in a total cost of \$29.5 million. In recognition of the benefits to existing development, \$14.7 million has been deducted from the costs. An additional \$508,288 has been deducted reflecting developer contributions in accordance with the Township's local service policy. After incorporating the existing D.C. reserve fund deficit balance of \$1.6 million, \$15.8 million in capital needs have been included in the D.C. calculation.

The revised D.C. recoverable costs are allocated 80% to residential development, 7% to industrial development, and 13% to commercial/institutional development. This approach is based on the incremental growth in population to employment for the 10-year forecast period and is consistent with the Township's 2019 D.C. Background Study.



Table 3-1
Infrastructure Costs Covered in the D.C. Calculation – Roads and Related Services

Prj .No	Increased Service Needs Attributable to Anticipated Development 2019-2028	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
						Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 80%	Industrial 7%	Commercial/ Institutional 13%
1	Backhoe Loader	2021	185,000	-	185,000	18,500		166,500	133,200	11,798	21,502
2	Stripe/Stall/Template Painter Unit & Trailer	2020	21,200	-	21,200	-		21,200	16,960	1,502	2,738
3	Facility Construction	2024	434,000	-	434,000	43,400		390,600	312,480	27,678	50,442
4	Sidewalk Unit	2022	165,000	-	165,000	-		165,000	132,000	11,692	21,308
5	Clearing Unit	2023	125,000	-	125,000	-		125,000	100,000	8,857	16,143
6	Provision for Bike Lanes	2022	2,266,900	-	2,266,900	906,760		1,360,140	1,088,112	96,379	175,649
7	Single Axle Dump Truck	2023	250,000	-	250,000	-		250,000	200,000	17,715	32,285
8	Tailgate Asphalt Spreader	2027	85,000	-	85,000	-		85,000	68,000	6,023	10,977
9	Bridge Street 34/B - T9	2022	2,955,000	-	2,955,000	2,394,079	508,288	52,633	42,107	3,730	6,797
10	Wilmot Employment Lands Collector Road (Remaining Cost)	2022	1,732,000	-	1,732,000	-		1,732,000	1,385,600	122,729	223,671
11	Hamilton/Neville/Arnold Road Improvements	2020-2030	2,990,000	-	2,990,000	448,500		2,541,500	2,033,200	180,090	328,210
12	Hamilton Road @ Hwy 7&8 Intersection Improvements	2025	568,000	-	568,000	28,400		539,600	431,680	38,236	69,684
13	Bridge Improvements and Repairs	2020-2030	6,218,000	-	6,218,000	5,596,200		621,800	497,440	44,061	80,299
14	Ontario Structure Inspections	2020-2030	189,000	-	189,000	170,100		18,900	15,120	1,339	2,441
15	Road Conversion Repairs and Improvements	2020-2030	3,215,000	-	3,215,000	2,893,500		321,500	257,200	22,781	41,519
16	Sidewalk Repairs and Replacement Improvements	2020-2030	757,000	-	757,000	681,300		75,700	60,560	5,364	9,776
17	Radar Speed Display Signs	2020-2030	38,000	-	38,000	34,200		3,800	3,040	269	491
18	Beck Street Reconstruction (Local to collector)	2025	662,000	-	662,000	264,800		397,200	317,760	28,146	51,294
19	Louisa Street Reconstruction (Local to collector)	2025	331,000	-	331,000	132,400		198,600	158,880	14,073	25,647
20	Charlotta Street Reconstruction (Local to collector)	2025	596,000	-	596,000	238,400		357,600	286,080	25,339	46,181
21	Hincks Street Reconstruction (Local to collector)	2025	710,000	-	710,000	284,000		426,000	340,800	30,186	55,014
22	Storm Sewer Capacity Improvements - Intensification	2020-2028	4,258,000	-	4,258,000	212,900		4,045,100	3,236,080	286,635	522,385
23	Hamilton Road Pedestrian Crossing Review and Pavement Markings	2022	104,000	-	104,000	26,000		78,000	62,400	5,527	10,073
24	GIS Transportation Network Growth Modelling and Mapping	2023	47,000	-	47,000	2,350		44,650	35,720	3,164	5,766
25	Traffic Counts and Road Needs Study	2020-2030	284,000	-	284,000	255,600		28,400	22,720	2,012	3,668
26	Space Needs Study (Public Works)	2020	20,000	-	20,000	2,000		18,000	14,400	1,275	2,325
27	Infrastructure Master Plan (Phase I-IV)	2020-2023	250,000	-	250,000	50,000		200,000	160,000	14,172	25,828
	Reserve Fund Balance/Unfunded Projects							1,567,797	1,254,237	111,094	202,465
	Total		29,456,100	-	29,456,100	14,683,389	508,288	15,832,220	12,665,776	1,121,869	2,044,575



3.6 Water Services

The Township's 2019 D.C. Background Study identified \$1.0 million in additional capital needs for municipal water services. As part of this Update Study, the capital costs for the Facility Construction and Watermain Casing Pipe projects have been increase reflecting the Township's updated capital cost forecast. Additional needs for Watermain Pressure Zoning Testing and GIS Zone Modelling and Mapping have been identified. Furthermore, the costs of the studies pertaining to water services that were previously reflected in the administration studies capital needs listing, have been added to the capital needs listing for water services.

The changes outlined above and presented in Table 3-6 increase the gross capital costs for water services by \$1.5 million resulting in a total cost of \$2.4 million. In recognition of the benefits to existing development, \$79,850 has been deducted from the costs. Incorporating the existing D.C. reserve fund deficit balance of \$500,066, results in total capital costs of \$2.8 million included in the D.C. calculation.

The revised D.C. recoverable costs are allocated 80% to residential development, 7% to industrial development, and 13% to commercial/institutional development. This approach is based on the incremental growth in population to employment for the 10-year forecast period and is consistent with the Township's 2019 D.C. Background Study.

3.7 Wastewater Services

The Township's 2019 D.C. Background Study identified \$9.2 million in additional capital needs for municipal water services. The capital costs for all projects have been revised to reflect current cost estimates and changed in needs. Additional needs identified after the completion of the 2019 D.C. Background Study include the Baden Trunk Sewer Construction, Trunk Sewer (deep installations), Forest Glen Pumping Station, Forest Glen Forcemain, and the Sanitary Sewer Casing Pipe at Railway Crossing. The costs of the studies pertaining to wastewater services that were previously reflected in the administration studies capital needs listing, have been added to the capital needs listing for wastewater services.



The changes outlined above and presented in Table 3-7 increase the gross capital costs for wastewater services from \$9.2 million to \$16.8 million. A post period deduction of \$958,319 has been deducted reflecting the benefit to development beyond the forecast period. Further deductions of \$3.3 million have been applied in recognition of the benefits to existing development, and \$748,200 in other contributions. Incorporating the existing D.C. reserve fund deficit balance of \$379,600, total capital need of \$12.2 million have been included in the D.C. calculation.

The revised D.C. recoverable costs are allocated 80% to residential development, 7% to industrial development, and 13% to commercial/institutional development. This approach is based on the incremental growth in population to employment for the 10-year forecast period and is consistent with the Township's 2019 D.C. Background Study.



Table 3-6
Infrastructure Costs Covered in the D.C. Calculation – Water Services

Prj. No	Increased Service Needs Attributable to Anticipated Development 2019-2028	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
						Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 80%	Industrial 7%	Commercial/ Institutional 13%
1	Facility Construction	2024	434,000	-	434,000	43,400		390,600	312,480	27,678	50,442
2	Provision for Water Looping	2020-2025	375,000	-	375,000	-		375,000	300,000	26,572	48,428
3	NH 200mm Watermain Casing Pipe (220m) at Railway Crossing	2022-2023	1,230,000	-	1,230,000	-		1,230,000	984,000	87,158	158,842
4	Watermain Pressure Zone Testing	2021-2028	142,000	-	142,000	7,100		134,900	107,920	9,559	17,421
5	GIS Zone Modelling and Mapping	2023	47,000	-	47,000	2,350		44,650	35,720	3,164	5,766
6	Space Needs Study (Public Works)	2020	20,000	-	20,000	2,000		18,000	14,400	1,275	2,325
7	Infrastructure Master Plan (Phase I-IV)	2020-2023	125,000	-	125,000	25,000		100,000	80,000	7,086	12,914
	Reserve Fund Balance/Unfunded Projects							500,066	400,053	35,435	64,579
	Total		2,373,000	-	2,373,000	79,850	-	2,793,216	2,234,573	197,927	360,716



Table 3-7
Infrastructure Costs Covered in the D.C. Calculation – Wastewater Services

Prj. No	Increased Service Needs Attributable to Anticipated Development 2019-2028	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost			
						Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 80%	Industrial 7%	Commercial/ Institutional 13%
1	Morningside Trunk Sanitary Sewer - Hwy 7&8 Crossing	2021-2023	979,000	191,625	787,375	212,502		574,874	459,899	40,735	74,239
2	Morningside Trunk Sanitary Sewer - South of Hwy 7&8	2021-2023	3,917,000	766,694	3,150,306	850,224		2,300,082	1,840,066	162,984	297,033
3	Snyder's Road Sanitary Sewer (Charlotta St. - Foundry St.)	2020	2,103,000	-	2,103,000	831,339		1,271,661	1,017,328	90,110	164,222
4	Foundry Street Trunk Sanitary Sewer	2022-2024	473,000	-	473,000	97,603		375,397	300,318	26,601	48,479
5	Facility Construction	2024	434,000	-	434,000	43,400		390,600	312,480	27,678	50,442
6	Baden Trunk Sewer Construction	2022	3,690,000	-	3,690,000	761,428		2,928,572	2,342,858	207,518	378,196
7	Trunk Sewer Flow Monitoring Improvements (Foundry/Snyders/Waterloo)	2022	378,000	-	378,000	18,900		359,100	287,280	25,446	46,374
8	Infrastructure Standards and Specifications Construction	2020-2028	95,000	-	95,000	19,000		76,000	60,800	5,385	9,815
9	Vactor Truck Replacement	2023	378,000	-	378,000	283,500		94,500	75,600	6,696	12,204
10	Trunk Sewer - Deep installations requiring local sewer system (Incremental cost only)	2020-2028	615,000	-	615,000	-		615,000	492,000	43,579	79,421
11	GIS Zone Modelling and Mapping	2022	47,000	-	47,000	2,350		44,650	35,720	3,164	5,766
12	Forest Glen Pumping Station	2023-2024	1,936,000	-	1,936,000	135,520	580,800	1,219,680	975,744	86,426	157,510
13	Forest Glen Forcemain	2023-2024	293,000	-	293,000	20,510	87,900	184,590	147,672	13,080	23,838
14	Space Needs Study (Public Works)	2020	20,000	-	20,000	1,400	6,000	12,600	10,080	893	1,627
15	Infrastructure Master Plan (Phase I-IV)	2020-2023	125,000	-	125,000	8,750	37,500	78,750	63,000	5,580	10,170
16	Sanitary Servicing Staging Study	2020	75,000	-	75,000	5,250	22,500	47,250	37,800	3,348	6,102
17	Lift Station Facility Condition Assessment	2020	45,000	-	45,000	3,150	13,500	28,350	22,680	2,009	3,661
18	NH 450mm dia. Sanitary sewer casing pipe (220m) at Railway Crossing	2022-2023	1,235,000	-	1,235,000	-		1,235,000	988,000	87,512	159,488
	Reserve Fund Balance							379,600	303,680	26,898	49,022
	Total		16,838,000	958,319	15,879,681	3,294,825	748,200	12,216,256	9,773,005	865,642	1,577,609



3.8 Summary

Table 3-8 summarizes the total change in D.C.-eligible costs for all services and classes of service in comparison to the 2019 D.C. Background Study. In aggregate, D.C.-eligible capital costs of \$21.0 million have been added to the calculation of the charge.

Table 3-8
Township of Wilmot
D.C.-Eligible Cost Comparison (2019\$)

Service/Class	D.C. Eligible Costs: 2019 D.C. Background Study	D.C. Eligible Costs: 2021 Update Study	Change (\$)
Municipal-Wide			
Roads and Related	4,193,188	15,832,220	11,639,032
Fire Protection Services	797,941	4,477,684	3,679,742
Parks and Recreation	7,515,231	9,421,872	1,906,641
Library Services	311,216	345,630	34,415
Administration/Growth-Related Studies	970,007	274,609	(695,397)
Area-Specific/Urban Area			
Water Services	1,338,096	2,793,216	1,455,120
Wastewater Services	6,659,167	12,216,256	5,557,089
Total	21,784,845	45,361,487	23,576,642



industrial development and commercial/institutional development respectively. The calculated charges are \$24,476 for a single detached residential dwelling unit, \$6.96 per sq.ft. for industrial G.F.A., and \$10.90 per sq.ft. for commercial/institutional G.F.A. The residential charges for a single detached dwelling unit represent an increase of \$12,359 over the current charges. The proposed charges for industrial development represent an increase of \$4.35 per sq.ft. relative to the current charges. The proposed charges for commercial and institutional developments represent an increase of \$6.40 per sq.ft. over the current charges.

Table 4-1
Urban Area Services D.C. Calculation
2019-2028

SERVICE	2019\$ D.C.-Eligible Cost			2019\$ D.C.-Eligible Cost		
	Residential	Industrial	Commercial/ Institutional	S.D.U.	Industrial (per sq.ft)	Commercial/ Institutional (per sq.ft)
1. Wastewater Services	\$9,773,005	\$865,642	\$1,577,609	\$6,093	\$1.63	\$3.42
2. Water Services	\$2,234,573	\$197,927	\$360,716	\$1,391	\$0.37	\$0.78
TOTAL	\$12,007,577	\$1,063,569	\$1,938,325	\$7,483	\$2.01	\$4.20
Growth-Related Studies	\$73,134	\$6,478	\$11,806			
Financing Costs	\$18,026	\$1,887	\$403			
D.C.-Eligible Capital Cost	\$12,098,738	\$1,071,934	\$1,950,534			
10-Year Gross Population/GFA Growth (sq.ft.)	5,012	534,000	464,300			
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$2,414	\$2.01	\$4.20			
By Residential Unit Type	P.P.U.					
Single and Semi-Detached Dwelling	3.100	\$7,483				
Apartments - 2 Bedrooms +	2.110	\$5,093				
Apartments - Bachelor and 1 Bedroom	1.305	\$3,150				
Townhouse Dwelling	2.361	\$5,699				
Lodging Units	1.100	\$2,655				



Table 4-2
Municipal-Wide Services D.C. Calculation
2019-2028

SERVICE	2019\$ D.C.-Eligible Cost			2019\$ D.C.-Eligible Cost		
	Residential	Industrial	Commercial/ Institutional	S.D.U.	Industrial (per sq.ft)	Commercial/ Institutional (per sq.ft)
3. Roads and Related	\$12,665,776	\$1,121,869	\$2,044,575	\$7,864	\$2.11	\$4.43
4. Fire Protection Services	\$3,009,003	\$962,702	\$505,978	\$2,028	\$1.96	\$1.19
TOTAL	\$15,674,779	\$2,084,571	\$2,550,553	\$9,892	\$4.07	\$5.61
Growth-Related Studies	\$95,470	\$12,696	\$15,535			
Financing Costs	\$260,962	\$78,179	\$40,286			
D.C.-Eligible Capital Cost	\$16,031,212	\$2,175,446	\$2,606,373			
10-Year Gross Population/GFA Growth (sq.ft.)	5,024	534,000	464,300			
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$3,191	\$4.07	\$5.61			
By Residential Unit Type	P.P.U.					
Single and Semi-Detached Dwelling	3.100	\$9,892				
Apartments - 2 Bedrooms +	2.110	\$6,733				
Apartments - Bachelor and 1 Bedroom	1.305	\$4,164				
Townhouse Dwelling	2.361	\$7,534				
Lodging Units	1.100	\$3,510				

Table 4-3
Municipal-Wide Services D.C. Calculation
2019-2028

SERVICE	2019\$ D.C.-Eligible Cost		2019\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	Non-Residential (per sq.ft.)
5. Parks and Recreation	\$8,950,779	\$471,094	\$5,577	\$0.48
6. Library Services	\$328,349	\$17,282	\$207	\$0.02
TOTAL	\$9,279,127	\$488,375	\$5,784	\$0.50
Growth-Related Studies	\$56,516	\$2,975		
Financing Costs	\$37,693	\$7,828		
D.C.-Eligible Capital Cost	\$9,373,337	\$499,177		
10-Year Gross Population/GFA Growth (sq.ft.)	5,024	998,300		
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$1,866	\$0.50		
By Residential Unit Type	P.P.U.			
Single and Semi-Detached Dwelling	3.100	\$5,784		
Apartments - 2 Bedrooms +	2.110	\$3,937		
Apartments - Bachelor and 1 Bedroom	1.305	\$2,435		
Townhouse Dwelling	2.361	\$4,405		
Lodging Units	1.100	\$2,052		



Table 4-4
Schedule of Calculated D.C.s (2019\$)

Service	Residential: Single and Semi- Detached Dwelling	Residential: Apartments - 2 Bedrooms+	Residential: Apartments - Bachelor and 1 Bedroom	Residential: Townhouse Dwelling	Residential: Lodging Units	Non- Residential: Industrial (per sq.ft. of Gross Floor Area)	Non- Residential: Commercial/ Institutional (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads and Related	\$7,864	\$5,353	\$3,311	\$5,990	\$2,791	\$2.11	\$4.43
Fire Protection Services	\$2,028	\$1,380	\$854	\$1,544	\$719	\$1.96	\$1.19
Parks and Recreation	\$5,577	\$3,796	\$2,348	\$4,248	\$1,979	\$0.48	\$0.48
Library Services	\$207	\$141	\$87	\$157	\$73	\$0.02	\$0.02
Total Municipal Wide Services	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Urban Services							
Wastewater Services	\$6,093	\$4,147	\$2,565	\$4,640	\$2,162	\$1.63	\$3.42
Water Services	\$1,391	\$947	\$585	\$1,059	\$493	\$0.37	\$0.78
Total Urban Services	\$7,483	\$5,094	\$3,150	\$5,699	\$2,655	\$2.01	\$4.20
Grand Total Rural Area	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Grand Total Urban Area	\$23,159	\$15,764	\$9,750	\$17,638	\$8,217	\$6.58	\$10.31



Table 4-5
Schedule of Calculated D.C.s (Indexed to 2021\$)

Service	Residential: Single and Semi- Detached Dwelling	Residential: Apartments - 2 Bedrooms+	Residential: Apartments - Bachelor and 1 Bedroom	Residential: Townhouse Dwelling	Residential: Lodging Units	Non- Residential: Industrial (per sq.ft. of Gross Floor Area)	Non- Residential: Commercial/ Institutional (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads and Related	\$8,311	\$5,657	\$3,499	\$6,331	\$2,950	\$2.23	\$4.68
Fire Protection Services	\$2,143	\$1,458	\$903	\$1,632	\$760	\$2.07	\$1.26
Parks and Recreation	\$5,894	\$4,012	\$2,482	\$4,490	\$2,092	\$0.51	\$0.51
Library Services	\$218	\$149	\$92	\$166	\$77	\$0.02	\$0.02
Total Municipal Wide Services	\$16,567	\$11,277	\$6,975	\$12,618	\$5,878	\$4.83	\$6.46
Urban Services							
Wastewater Services	\$6,439	\$4,383	\$2,711	\$4,904	\$2,285	\$1.73	\$3.61
Water Services	\$1,470	\$1,001	\$618	\$1,119	\$521	\$0.39	\$0.83
Total Urban Services	\$7,909	\$5,384	\$3,329	\$6,023	\$2,806	\$2.12	\$4.44
Grand Total Rural Area	\$16,567	\$11,277	\$6,975	\$12,618	\$5,878	\$4.83	\$6.46
Grand Total Urban Area	\$24,476	\$16,660	\$10,304	\$18,641	\$8,684	\$6.96	\$10.90



Table 4-6
Comparison of Current and Calculated D.C.s (Indexed)

Residential (Single Detached) Comparison

Service	Current	Calculated
Municipal-wide Services:		
Roads and Related	\$2,188	\$8,311
Fire Protection Services	\$362	\$2,143
Parks and Recreation	\$4,679	\$5,894
Library Services	\$195	\$218
Administration Studies	\$506	n/a*
Total Municipal-wide Services	\$7,930	\$16,567
Area-Specific Services:		
Wastewater Services	\$3,487	\$6,439
Water Services	\$700	\$1,470
Total Area-Specific Services	\$4,187	\$7,909
Grand Total - Rural Area	\$7,930	\$16,567
Grand Total - Urban Area	\$12,117	\$24,476

*not applicable

Industrial (per sq.ft.) Comparison

Service	Current	Calculated
Municipal-wide Services:		
Roads and Related	\$0.59	\$2.23
Fire Protection Services	\$0.35	\$2.07
Parks and Recreation	\$0.40	\$0.51
Library Services	\$0.02	\$0.02
Administration Studies	\$0.13	n/a
Total Municipal-wide Services	\$1.49	\$4.83
Area-Specific Services:		
Wastewater Services	\$0.93	\$1.73
Water Services	\$0.19	0.39
Total Area-Specific Services	\$1.12	\$2.12
Grand Total – Rural Area	\$1.49	\$4.83
Grand Total – Urban Area	\$2.61	\$6.96

*not applicable



Commercial/Institutional (per sq.ft.) Comparison

Service	Current	Calculated
Municipal-wide Services:		
Roads and Related	\$1.24	\$4.68
Fire Protection Services	\$0.21	\$1.26
Parks and Recreation	\$0.40	\$0.51
Library Services	\$0.02	\$0.02
Administration Studies	\$0.29	n/a
Total Municipal-wide Services	\$2.16	\$6.46
Area-Specific Services:		
Wastewater Services	\$1.95	\$3.61
Water Services	\$0.39	\$0.83
Total Area-Specific Services	\$2.34	\$4.44
Grand Total – Rural Area	\$2.16	\$6.46
Grand Total – Urban Area	\$4.50	\$10.90

*not applicable



6. Asset Management Plan and Long-Term Capital and Operating Costs

The D.C.A. requires the background study to include an Asset Management Plan (A.M.P) related to new infrastructure. Section 10 (3) of the D.C.A. provides:

The A.M.P. shall,

- (a) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;**
- (b) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;**
- (c) contain any other information that is prescribed; and**
- (d) be prepared in the prescribed manner.**

The A.M.P. analysis included in the 2019 D.C. Background Study, which found that the capital plan was deemed to be financially sustainable, has been updated to account for the capital cost revisions described herein.

The updated A.M.P. analysis contained in Table 6-1 identifies:

- \$3.1 million in total annualized expenditures; and
- Incremental operating revenues of \$5.4 million and existing operating revenues of \$21.1 million, totaling \$26.5 million by the end of the period.

In consideration of the above changes, the capital plan is still deemed to be financially sustainable.



Table 6-1
Township of Wilmot
Asset Management – Future Expenditures and Associated Revenues (2019\$)

Description	2029 (Total)
Expenditures (Annualized)	
Annual Debt Payment on Non-Growth-Related Capital ^[1]	\$290,510
Annual Debt Payment on Post Period Capital ^[2]	\$70,515
Lifecycle:	
Annual Lifecycle – Town Wide Services	\$1,438,899
Annual Lifecycle – Area Specific Services ^[3]	\$366,373
Sub-Total Annual Lifecycle	\$1,805,271
Incremental Operating Costs (for D.C. Services)	\$903,045
Total Expenditures	\$3,069,341
Revenue (Annualized)	
Total Existing Revenue ^[4]	\$21,074,601
Incremental Tax and Non-Tax Revenue (User Fees, Fines, Licences, etc.)	\$5,400,211
Total Revenues	\$26,474,812

^[1] Non-growth-related component of projects.

^[2] Interim debt financing for post period benefit.

^[3] All infrastructure costs included in area-specific by-laws have been included .

^[4] As per sch. 10 of fir.

As a requirement of the D.C.A., under subsection 10 (2) ©, an analysis must be undertaken to assess the long-term capital and operating cost impacts for the capital infrastructure projects identified within the D.C.

Table 6-2 summarizes the changes to the incremental annual operating costs associated with the D.C.-eligible costs at full emplacement.



Table 6-2
Township of Wilmot
Operating and Capital Expenditure Impacts for Future Capital Expenditures

Service	Annual Lifecycle Expenditures	Annual Operating Expenditures	Total Annual Expenditures
Wastewater Services	\$322,881	\$377,354	\$700,235
Water Services	\$43,492	\$52,374	\$95,866
Roads and Related Services	\$627,687	\$184,635	\$812,322
Fire Protection Services	\$282,767	\$120,568	\$403,335
Parks and Recreation	\$518,002	\$168,113	\$686,116
Library Services	\$10,442	\$-	\$10,442
Total	\$1,805,271	\$903,045	\$2,708,316



Appendix A

Draft Amending D.C. By-law



THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2021-__

A BY-LAW TO AMEND DEVELOPMENT CHARGES BY-LAW 2019-42

WHEREAS section 19 of the *Development Charges Act, 1997* S.O. 1997, c.27, as amended (“the Act”) provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the Township of Wilmot (hereinafter called “the Council”) has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the Township of Wilmot, being By-law 2019-42;

AND WHEREAS, in accordance with the Act, a development charges background study has been completed in respect of the proposed amendment;

AND WHEREAS the Council of the Corporation of the Township of Wilmot has given notice and held a public meeting in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. By-law 2019-42 is hereby amended as follows:

a. The following definitions are added to subsection 1.1 of the By-law:

“institutional,” for the purposes of subsection 3.15, means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*.
- (c) By any institution of the following post-secondary institutions for the objects of the institution:



- (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act*, 2017;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;

“non-profit housing development,” for the purposes of subsection 3.16, means development of a building or structure intended for use as residential premises by:

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“rental housing,” for the purposes of subsection 3.15, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;



- b. Section 2 is deleted and replaced with the following:

2. **DESIGNATION OF SERVICES**

- 2.1 The categories of services and classes of service for which development charges are imposed under this By-law are as follows:

Services

- (a) Road and Related Services;
- (b) Fire Protection Services;
- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Wastewater Services; and
- (f) Water Services.

- c. The following paragraph is added subsection 3.3 of the by-law:

- 3.3 (b) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

- d. Subsections 3.5 is deleted and replaced with the following:

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) the creation of the first two additional Dwelling Units in, or ancillary to, and existing Single Detached Dwelling; or
- (c) the creation of the first additional Dwelling Unit in, or ancillary to, an existing Semi-Detached, Townhouse or Apartment building.



- (d) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

- e. Subsections 3.7 is deleted and replaced with the following:

3.7 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

- (a) Lands, buildings or structures used or to be used for a place of worship or for the purposes of a churchyard or cemetery exempt from taxation under the Assessment Act;



- (b) A Home Occupation;
 - (c) An accessory building, provided that the total Gross Floor Area of the Accessory Building or Buildings on the site does not exceed the total Gross Floor Area of the applicable main use, buildings, Dwelling Units or Lodging Units;
 - (d) Farming, excluding a Farm Occupation.
- f. The following subsections be added to the by-law:
- 3.15 Notwithstanding subsection 3.13, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
 - 3.16 Notwithstanding subsection 3.13, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
 - 3.17 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 3.13, 3.15 and 3.16 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made, including interest as provided in the Township's Council approved Development Charge Interest Policy. Where both planning applications apply development charges under subsections 3.13, 3.15 and 3.16 shall be calculated on the rates, including interest as provided in the Township's Council approved



Development Charge Interest Policy, set out in Schedule "B" on the date of the later planning application.

g. Schedules A and B are deleted and replaced with the attached.

2. **This By-law shall come into effect on the date of passage.**

PASSED this 12th day of July, 2021.

Mayor

Township Clerk



SCHEDULE "A" TO
BY-LAW 2019-42
COMPONENTS OF SERVICES DESIGNATED IN SECTION 2.1

100% Eligible Services

Transportation Services

- Roads
- Bridges and Culverts
- Public Works Facilities
- Public Works Rolling Stock
- Growth-Related Studies

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Fire Small Equipment and Gear
- Growth-Related Studies

Parks and Recreation Services

- Parkland Development
- Vehicles and Equipment
- Indoor Recreation Facilities
- Growth-Related Studies

Library Services

- Library Facilities
- Growth-Related Studies

Municipal Water and Wastewater Urban Service Area (New Hamburg and Baden)

Wastewater Services

- Wastewater Systems
- Growth-Related Studies

Water Services

- Water Systems
- Growth-Related Studies



Schedule "B"
To By-law 2019-42
Schedule of Development Charges

Service	Residential: Single and Semi- Detached Dwelling	Residential: Apartments - 2 Bedrooms+	Residential: Apartments - Bachelor and 1 Bedroom	Residential: Townhouse Dwelling	Residential: Lodging Units	Non- Residential: Industrial (per sq.ft. of Gross Floor Area)	Non- Residential: Commercial/ Institutional (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads and Related Services	\$7,864	\$5,353	\$3,311	\$5,990	\$2,791	\$2.11	\$4.43
Fire Protection Services	\$2,028	\$1,380	\$854	\$1,544	\$719	\$1.96	\$1.19
Parks and Recreation Services	\$5,577	\$3,796	\$2,348	\$4,248	\$1,979	\$0.48	\$0.48
Library Services	\$207	\$141	\$87	\$157	\$73	\$0.02	\$0.02
Total Municipal Wide Services	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Urban Services							
Wastewater Services	\$6,093	\$4,147	\$2,565	\$4,640	\$2,162	\$1.63	\$3.42
Water Services	\$1,391	\$947	\$585	\$1,059	\$493	\$0.37	\$0.78
Total Urban Services	\$7,483	\$5,094	\$3,150	\$5,699	\$2,655	\$2.01	\$4.20
Grand Total Rural Area	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Grand Total Urban Area	\$23,159	\$15,764	\$9,750	\$17,638	\$8,217	\$6.58	\$10.31



Cash Flow Calculation – Roads and Related

Cash Flow Calculation - Roads - Residential

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Population Growth	\$2,521.11 Per Capita per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(1,254,237)	-	-	-	502	2,521.11	1,266,608	12,370	62	12,432
2020	12,432	6,316,720	6,506,222	-	502	2,596.75	1,304,606	(5,189,184)	(155,676)	(5,344,859)
2021	(5,344,859)	133,200	141,312	-	502	2,674.65	1,343,744	(4,142,427)	(124,273)	(4,266,700)
2022	(4,266,700)	2,710,219	2,961,529	-	502	2,754.89	1,384,056	(5,844,173)	(175,325)	(6,019,498)
2023	(6,019,498)	335,720	377,856	-	502	2,837.54	1,425,578	(4,971,775)	(149,153)	(5,120,929)
2024	(5,120,929)	312,480	362,250	-	502	2,922.66	1,468,345	(4,014,833)	(120,445)	(4,135,278)
2025	(4,135,278)	1,535,200	1,833,109	-	502	3,010.34	1,512,396	(4,455,992)	(133,680)	(4,589,671)
2026	(4,589,671)	-	-	-	502	3,100.65	1,557,768	(3,031,904)	(90,957)	(3,122,861)
2027	(3,122,861)	68,000	86,140	-	502	3,193.67	1,604,501	(1,604,501)	(48,135)	(1,652,636)
2028	(1,652,636)	-	-	-	502	3,289.48	1,652,636	(0)	(0)	(0)
Total		11,411,539	12,268,418	0	5,024		14,520,237		(997,582)	

Cash Flow Calculation - Roads - Industrial

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$2,101 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(111,094)	-	-	-	53,400	2,101	112,190	1,096	5	1,101
2020	1,101	559,502	576,288	-	53,400	2,164	115,555	(459,631)	(13,789)	(473,420)
2021	(473,420)	11,798	12,517	-	53,400	2,229	119,022	(366,915)	(11,007)	(377,922)
2022	(377,922)	240,057	262,317	-	53,400	2,296	122,593	(517,647)	(15,529)	(533,176)
2023	(533,176)	29,736	33,469	-	53,400	2,365	126,270	(440,374)	(13,211)	(453,585)
2024	(453,585)	27,678	32,086	-	53,400	2,436	130,058	(355,613)	(10,668)	(366,282)
2025	(366,282)	135,980	162,367	-	53,400	2,509	133,960	(394,689)	(11,841)	(406,529)
2026	(406,529)	-	-	-	53,400	2,584	137,979	(268,550)	(8,057)	(276,607)
2027	(276,607)	6,023	7,630	-	53,400	2,661	142,118	(142,118)	(4,264)	(146,382)
2028	(146,382)	-	-	-	53,400	2,741	146,382	(0)	(0)	(0)
Total		1,010,775	1,086,673	0	534,000		1,286,128		(88,361)	

Cash Flow Calculation - Roads - Commercial/Institutional

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$4,404 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(202,465)	-	-	-	46,430	4,404	204,462	1,997	10	2,007
2020	2,007	1,019,678	1,050,268	-	46,430	4,536	210,596	(837,665)	(25,130)	(862,795)
2021	(862,795)	21,502	22,811	-	46,430	4,672	216,914	(668,692)	(20,061)	(688,753)
2022	(688,753)	437,497	478,065	-	46,430	4,812	223,422	(943,396)	(28,302)	(971,698)
2023	(971,698)	54,194	60,995	-	46,430	4,956	230,124	(802,570)	(24,077)	(826,647)
2024	(826,647)	50,442	58,476	-	46,430	5,105	237,028	(648,095)	(19,443)	(667,538)
2025	(667,538)	247,820	295,910	-	46,430	5,258	244,139	(719,309)	(21,579)	(740,888)
2026	(740,888)	-	-	-	46,430	5,416	251,463	(489,426)	(14,683)	(504,108)
2027	(504,108)	10,977	13,905	-	46,430	5,578	259,007	(259,007)	(7,770)	(266,777)
2028	(266,777)	-	-	-	46,430	5,746	266,777	0	0	0
Total		1,842,109	1,980,431	0	464,300		2,343,932		(161,035)	



Cash Flow Calculation – Water

Cash Flow Calculation - Water - Residential

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Population Growth	\$445.84 Per Capita per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(400,053)	-	-	-	501	445.84	223,457	(176,595)	(5,298)	(181,893)
2020	(181,893)	394,400	406,232	-	501	459.22	230,161	(357,964)	(10,739)	(368,703)
2021	(368,703)	107,920	114,492	-	501	473.00	237,066	(246,130)	(7,384)	(253,514)
2022	(253,514)	984,000	1,075,243	-	501	487.19	244,178	(1,084,579)	(32,537)	(1,117,117)
2023	(1,117,117)	35,720	40,203	-	501	501.80	251,503	(905,817)	(27,174)	(932,991)
2024	(932,991)	312,480	362,250	-	501	516.86	259,048	(1,036,193)	(31,086)	(1,067,279)
2025	(1,067,279)	-	-	-	501	532.36	266,820	(800,459)	(24,014)	(824,473)
2026	(824,473)	-	-	-	501	548.33	274,824	(549,648)	(16,489)	(566,138)
2027	(566,138)	-	-	-	501	564.78	283,069	(283,069)	(8,492)	(291,561)
2028	(291,561)	-	-	-	501	581.73	291,561	(0)	(0)	(0)
Total		1,834,520	1,998,421	0	5,012		2,561,687		(163,214)	

Cash Flow Calculation - Water - Industrial

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$0.371 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(35,435)	-	-	-	53,400	0.371	19,793	(15,642)	(469)	(16,111)
2020	(16,111)	34,934	35,982	-	53,400	0.382	20,386	(31,707)	(951)	(32,658)
2021	(32,658)	9,559	10,141	-	53,400	0.393	20,998	(21,801)	(654)	(22,455)
2022	(22,455)	87,158	95,240	-	53,400	0.405	21,628	(96,066)	(2,882)	(98,948)
2023	(98,948)	3,164	3,561	-	53,400	0.417	22,277	(80,233)	(2,407)	(82,640)
2024	(82,640)	27,678	32,086	-	53,400	0.430	22,945	(91,781)	(2,753)	(94,534)
2025	(94,534)	-	-	-	53,400	0.443	23,634	(70,901)	(2,127)	(73,028)
2026	(73,028)	-	-	-	53,400	0.456	24,343	(48,685)	(1,461)	(50,146)
2027	(50,146)	-	-	-	53,400	0.470	25,073	(25,073)	(752)	(25,825)
2028	(25,825)	-	-	-	53,400	0.484	25,825	0	0	0
Total		162,492	177,010	0	534,000		226,901		(14,457)	

Cash Flow Calculation - Water - Commercial/Institutional

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$0.777 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(64,579)	-	-	-	46,430	0.777	36,072	(28,507)	(855)	(29,362)
2020	(29,362)	63,666	65,576	-	46,430	0.800	37,154	(57,784)	(1,734)	(59,518)
2021	(59,518)	17,421	18,482	-	46,430	0.824	38,268	(39,732)	(1,192)	(40,923)
2022	(40,923)	158,842	173,571	-	46,430	0.849	39,416	(175,078)	(5,252)	(180,331)
2023	(180,331)	5,766	6,490	-	46,430	0.874	40,599	(146,222)	(4,387)	(150,608)
2024	(150,608)	50,442	58,476	-	46,430	0.901	41,817	(167,268)	(5,018)	(172,286)
2025	(172,286)	-	-	-	46,430	0.928	43,071	(129,214)	(3,876)	(133,091)
2026	(133,091)	-	-	-	46,430	0.955	44,364	(88,727)	(2,662)	(91,389)
2027	(91,389)	-	-	-	46,430	0.984	45,694	(45,694)	(1,371)	(47,065)
2028	(47,065)	-	-	-	46,430	1.014	47,065	(0)	(0)	(0)
Total		296,138	322,595	0	464,300		413,521		(26,347)	



Cash Flow Calculation – Wastewater

Cash Flow Calculation - Wastewater - Residential

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Population Growth	\$1,953.19 Per Capita per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(303,680)	-	-	-	501	1,953.19	978,939	675,259	3,376	678,636
2020	678,636	1,703,688	1,754,799	-	501	2,011.79	1,008,308	(67,856)	(2,036)	(69,892)
2021	(69,892)	2,299,965	2,440,033	-	501	2,072.14	1,038,557	(1,471,367)	(44,141)	(1,515,508)
2022	(1,515,508)	3,954,175	4,320,834	-	501	2,134.30	1,069,714	(4,766,629)	(142,999)	(4,909,628)
2023	(4,909,628)	1,199,016	1,349,503	-	501	2,198.33	1,101,805	(5,157,326)	(154,720)	(5,312,046)
2024	(5,312,046)	312,480	362,250	-	501	2,264.28	1,134,859	(4,539,437)	(136,183)	(4,675,620)
2025	(4,675,620)	-	-	-	501	2,332.21	1,168,905	(3,506,715)	(105,201)	(3,611,916)
2026	(3,611,916)	-	-	-	501	2,402.18	1,203,972	(2,407,944)	(72,238)	(2,480,182)
2027	(2,480,182)	-	-	-	501	2,474.24	1,240,091	(1,240,091)	(37,203)	(1,277,294)
2028	(1,277,294)	-	-	-	501	2,548.47	1,277,294	0	0	0
Total		9,469,325	10,227,419	0	5,012		11,222,444		(691,345)	

Cash Flow Calculation - Wastewater - Industrial

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$1.624 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(26,898)	-	-	-	53,400	1.624	86,709	59,811	299	60,110
2020	60,110	150,904	155,431	-	53,400	1.672	89,311	(6,010)	(180)	(6,191)
2021	(6,191)	203,719	216,126	-	53,400	1.723	91,990	(130,326)	(3,910)	(134,236)
2022	(134,236)	350,240	382,717	-	53,400	1.774	94,750	(422,203)	(12,666)	(434,870)
2023	(434,870)	106,203	119,532	-	53,400	1.828	97,592	(456,809)	(13,704)	(470,514)
2024	(470,514)	27,678	32,086	-	53,400	1.882	100,520	(402,080)	(12,062)	(414,142)
2025	(414,142)	-	-	-	53,400	1.939	103,536	(310,607)	(9,318)	(319,925)
2026	(319,925)	-	-	-	53,400	1.997	106,642	(213,283)	(6,398)	(219,682)
2027	(219,682)	-	-	-	53,400	2.057	109,841	(109,841)	(3,295)	(113,136)
2028	(113,136)	-	-	-	53,400	2.119	113,136	0	0	0
Total		838,744	905,892	0	534,000		994,026		(61,236)	

Cash Flow Calculation - Wastewater - Commercial/Institutional

Year	D.C. Reserve Fund Opening Balance	Development Related Expenditures Nominal Project Cost	Development Related Expenditures Project Cost Inflated at 3%	Development Related Long-Term Debt Existing Debt Payments	Sq. Ft. of Gross Floor Area	\$3.404 per sq.ft. per Year Inflated at (3%) Starting in 2020	Anticipated Revenues	Annual Surplus/ (Deficit)	0.5% / 3% D.C. Reserve Fund Interest Earnings/ (Cost)	D.C. Reserve Fund Closing Balance after Interest
2019	(49,022)	-	-	-	46,430	3.404	158,025	109,004	545	109,549
2020	109,549	275,018	283,269	-	46,430	3.506	162,766	(10,954)	(329)	(11,282)
2021	(11,282)	371,272	393,883	-	46,430	3.611	167,649	(237,516)	(7,125)	(244,641)
2022	(244,641)	638,303	697,491	-	46,430	3.719	172,679	(769,454)	(23,084)	(792,537)
2023	(792,537)	193,551	217,844	-	46,430	3.831	177,859	(832,522)	(24,976)	(857,498)
2024	(857,498)	50,442	58,476	-	46,430	3.946	183,195	(732,779)	(21,983)	(754,763)
2025	(754,763)	-	-	-	46,430	4.064	188,691	(566,072)	(16,982)	(583,054)
2026	(583,054)	-	-	-	46,430	4.186	194,351	(388,703)	(11,661)	(400,364)
2027	(400,364)	-	-	-	46,430	4.311	200,182	(200,182)	(6,005)	(206,187)
2028	(206,187)	-	-	-	46,430	4.441	206,187	0	0	0
Total		1,528,587	1,650,963	0	464,300		1,811,585		(111,600)	



PUBLIC WORKS AND ENGINEERING

Staff Report

REPORT NO: PW 2021-014

TO: Council

SUBMITTED BY: Jeff Molenhuis, P.Eng., Director of Public Works & Engineering

PREPARED BY: Jeff Molenhuis, P.Eng., Director of Public Works & Engineering

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: **Wilmot-Waterloo Boundary Road Maintenance Agreement**

RECOMMENDATION:

THAT Council approve and enter into an agreement with the City of Waterloo for the maintenance, repair and capital services for Wilmot Line; and further,

THAT the Mayor and Clerk be authorized to execute the attached Boundary Road Agreement between the City of Waterloo and the Township of Wilmot.

SUMMARY:

Wilmot Line is a Boundary Road on the Township's eastern border with the City of Waterloo. Currently, the on-going summer and winter maintenance of this road is the joint responsibility between the City of Waterloo and the Township of Wilmot. The City has been maintaining the road from November 1st to March 31st, and the Township has been maintaining the road from April 1st to October 31st. The seasonal maintenance costs are shared through a billing arrangement for 50% of the services provided on the segment shared between Wilmot and Waterloo. There is no official agreement with respect to providing maintenance or capital improvements for this boundary road.

City of Waterloo staff requested that maintenance duties transfer year-round to the Township due to operational logistics of gravel road winter maintenance, for which they do not possess the equipment or materials used to provide maintenance. Township Staff were agreeable to this provided both parties could support a legal agreement to clearly define the role and responsibility of each municipality for maintenance and capital purposes. The resulting discussions brought forward the proposed agreement, which reflects the Township providing year round maintenance to the boundary section. This will result in the Township billing the City for a portion of the yearly maintenance expenditures on this section. This agreement also results in establishing a commitment for the study works required to consider alternatives to the gravel portion of Wilmot Line.

BACKGROUND:

Wilmot Line is a boundary road on the east boundary of the Township, adjacent to the City of Waterloo. The boundary segment between Waterloo and Wilmot runs from Erb's Road to Cedar Grove Road. The road lies entirely within the Township of Wilmot, but right of way is considered to be a boundary road under the Municipal Act. As a boundary road, the Township of Wilmot and the City of Waterloo have shared the road maintenance works for many years.

The road surface is comprised of approximately 3.0km of tar and chip surface, and approximately 2.5km of gravel surface. The transition of material types take place where the Laurel Creek Headwaters Environmentally Sensitive Landscape (ESL) area begins. The ESL is an area designated in the Regional Official Plan (ROP) due to the environmental features present in the area. The southern portion of the road segment was upgraded to tar and chip surface through development agreements related to the adjacent Waterloo growth and development. This area was not within the area bounded by the ESL and therefore was not subject to the study requirements noted in the ESL Case Study.

The City of Waterloo was permitted access to Wilmot Line via two emergency accesses and property access for a few Waterloo residences. In addition, the City of Waterloo has two intersecting roads that connect to the road segment. As a result of the land-use planning for Waterloo's West Side Subdivisions, vehicular access to Wilmot Line was denied by Wilmot Township except for the emergency accesses noted above.

Currently, there is no formal maintenance agreement between the municipalities; however, there is a long-standing verbal arrangement to share maintenance and capital works. In recent years, the City of Waterloo has provided winter control activities on Wilmot Line from November 1st to March 31st of each year, and the Township of Wilmot has undertaken road maintenance for the remainder of the year.

In 2019, City staff requested to transfer year-round maintenance duties to the Township as they do not have the equipment or materials for winter maintenance of gravel roads. Township staff and City staff have been working to formalize this agreement, with consideration to maintenance and capital works.

REPORT:

The attached Boundary Road Maintenance Agreement outlines the routine maintenance and capital works for the boundary portion of Wilmot Line shared between Waterloo and Wilmot from Erb's Road and Cedar Grove Road. Under this new agreement, Wilmot will perform full season maintenance works and invoice Waterloo for 50% of these service costs. The agreement requires joint approval for major maintenance items over \$25,000. Wilmot is also responsible in the agreement to undertake operating and capital works, including any studies required to consider road upgrade improvements, with equal cost sharing between the two parties..

The attached agreement has been prepared and reviewed by staff and solicitors from both the City of Waterloo and Township of Wilmot. Both parties are agreeable to the terms and conditions and cost-sharing terms contained within it.

Staff consider this agreement to be favourable to the Township, particularly the Township's objectives and direction to staff in Budget 2019 to initiate studies for Wilmot Line within the ESL area. A mutually supported clause was included within the agreement specifically addressing timing to initiate the Environmental Assessment to review different options for the northerly (gravel) portion of the road segment within the ESL boundary. Township staff will be looking to include a budget figure in the 2022 Capital Budget process for the Environmental Assessment, and will engage the City for agreeable timing in accordance with the mutually supported clause.

Other agreement highlights include:

- 5 year term
- That the City will continue to maintain the 2 emergency accesses onto the Wilmot Line
- That the City will continue to perform traffic counts on a bi-annual basis (scheduled next for the fall of 2021)
- That the City and the Township will equally share in all maintenance and repair costs in relation to the portion of Wilmot Line outlined in this agreement
- The Township will invoice the City every three months for the City's proportional share
- The Township will be responsible for placement of all traffic control signage
- Prior to tendering or commencing any capital maintenance works, the Township shall obtain the consent of the City, if the works have a total value of over \$25,000

Wilmot and City staff have held ongoing discussions to develop the current agreement and are recommending it for approval by their respective Councils. The City of Waterloo approved their agreement report at their June 28th meeting.

LAUREL CREEK HEADWATERS ENVIRONMENTALLY SENSITIVE LANDSCAPE

In 2013, the Region of Waterloo undertook a study in the Laurel Creek watershed to identify opportunities to better balance transportation and environmental considerations in the Environmentally Sensitive Landscape (ESL). The project team, at the time, consisted of the affected Area Municipalities (Waterloo, Wellesley, Wilmot, and Woolwich) and Regional staff to

undertake a case study focusing on the Wilmot Line - Kressler Road corridor near the eastern limit of the Laurel Creek Headwaters ESL. ESLs are designated in the Regional Official Plan (ROP).

Based on the Laurel Creek case study, it was determined that further upgrades for this portion of road should be evaluated through an Environmental Assessment or Environmental Impact Statement to find the balance between transportation operations and the environment. When significant upgrades to Wilmot Line are proposed in the future, potential measures to be considered may include operational modifications to the surrounding road network, installing new wildlife crossing structures, traffic calming measures or improved stormwater management. Environmental Assessments include significant public, agency and indigenous consultation when reviewing alternatives against environmental, cultural, technical and financial impacts.

TRAFFIC COUNTS

It's understood by Township staff that traffic counts in the range of 1000 AADT would trigger next steps for the gravel portion of Wilmot Line. Wilmot historically moved to hard surfacing for all rural roads over the last 15 years, regardless of traffic volumes. Industry best practice would be to convert to hard surfacing in the range of 200-500 AADT as volumes above this range tend to increase maintenance costs and needs, as well as damage the gravel road base.

The City of Waterloo has collected and analyzed traffic speed and volume data regularly since 2005, with the exception of 2010, when construction of the watermain from Erb to Columbia would have impacted results. The accumulated data is illustrated in Table 1 of this report. The data was collected by Waterloo in September/October annually.

Table 1 – Traffic Volumes (AADT)

Location	2005	2006	2007	2008	2009	2012*	2013	2015	2017	2018	2019
Berlett's to Conservation	553	962	837	NA	579	735	850	506	1020	NA	1118
Wideman to Carmel-Koch	NA	421	463	479	409	287	750	380	1003	NA	927
Carmel-Koch to Wilby	213	367	NA	NA	NA	NA	550	479	858	726	744
Wilby to Erb	246	517	392	NA	311	886	1100	781	1283	NA	1162

NA – Data not available for that section of road that year

*Construction work by K-W Hydro may have skewed the results for 2012

Under this agreement format, City of Waterloo staff will continue to monitor traffic volumes on the Wilmot Line as noted within the boundary road agreement at an approximate cost of \$5000 bi-annually.

ADDITIONAL OPERATIONS AND MAINTENANCE CONSIDERATIONS

With winter maintenance duties of Wilmot Line transferring to the Township under this agreement, there are additional road segments that Wilmot would also be required to maintain, including Cedar Grove Road from Wilmot Line to end (Wilmot/Wellesley boundary road) and Wilmot Line from Cedar Grove Road to Weimar Line (Woolwich/Wellesley boundary road). Township staff are working on a boundary road and service agreement with Wellesley and Woolwich to address the maintenance services and capital works of these road segments.

Staff support the transition of these year-round maintenance duties as per the proposed agreement. Township staff asked for a transition period of 12-18 months to transfer the duties to Wilmot to allow time to study staffing and equipment needs to complete the work. The City asked for the maintenance to transition this coming winter. The existing staff and equipment complement in Public Works cannot accommodate the completion of these works in-house for a period of time until such time that Township staff can evaluate needs and determine next steps. In the interim, staff will utilize a similar contracted service that the City used to complete winter maintenance in order to meet the maintenance standard.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This initiative supports the goals and strategies of enhancing:

- Responsible Governance through Active Communications, Fiscal Responsibility, and Infrastructure Investments.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

This initiative supports the general principles of sustainable development. The agreement commits both parties to undertake studies to mitigate infrastructure impacts when road surface upgrades are being considered in the future. These studies would ensure infrastructure upgrades also support clean water, life below water and life on land.

FINANCIAL CONSIDERATIONS:

Historically, winter maintenance of Wilmot Line averaged \$20,000, which was billed annually by the City. Since 2019, the City has invoiced between \$60,000-\$75,000 for winter services of Wilmot Line, including labour, materials, equipment and contracted services on a 50% cost-share. The Township typically billed \$20,000 annually, but in recent years followed suit with Waterloo's method in billing labour, materials, equipment and contracted services at 50% cost-share.

Under this agreement, the City will continue to pay 50% of the costs to maintain the shared segment of road year round. The other segments will be cost-shared with the Wellesley. The overall costs are anticipated to be in line with the more recent revenues and expenses for the

municipalities. The anticipated revenues and expenses will be included in the 2022 operating budget.

The agreement will also require capital works to be equally cost shared between the City and the Township for the tar and chip portion of the roadway (on a 4-5 year cycle) and the gravel portion of the roadway (on a 2-3 year cycle). The capital works required to review the gravel portion of the line and consider upgrades is captured within this agreement. Implementation of the study findings will be considered by both parties after the report is complete.

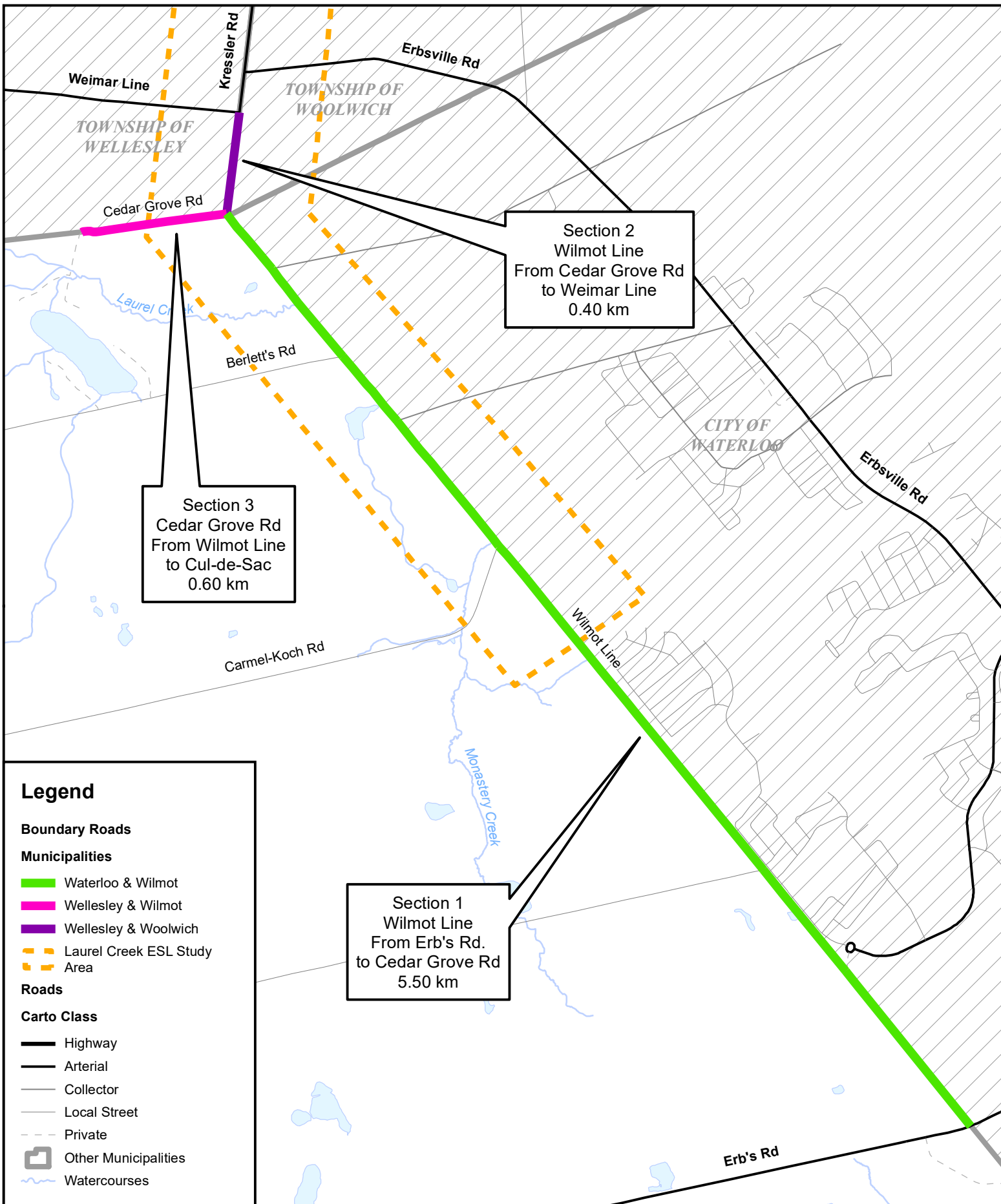
ATTACHMENTS:

Attachment 1: Wilmot Line Boundary Road Figure

Attachment 2: Boundary Road Maintenance Agreement

Wilmot Line Boundary Road

June 2021



BOUNDARY ROAD MAINTENANCE AND IMPROVEMENT AGREEMENT

This Agreement made as of the _____ day of _____, 2021.

BETWEEN:

THE CORPORATION OF THE CITY OF WATERLOO

(herein referred to as the “City”)

– and –

THE CORPORATION OF THE TOWNSHIP OF WILMOT

(herein referred to as the “Township”)

WHEREAS pursuant to subsection 11(3)(1) of the *Municipal Act, 2001*, the Township and the City may pass by-laws respecting matters within the “highways” sphere of jurisdiction;

AND WHEREAS pursuant to section 29.1 of the *Municipal Act, 2001*, if municipalities having joint jurisdiction over a boundary line highway enter into an agreement under which each party agrees to keep any part of the highway in repair for its whole width and to indemnify the other party from any loss or damage arising from the lack of repair for that part, the agreement and a copy of the by-law authorizing the agreement may be registered in the land registry office for the area in which the highway is located;

AND WHEREAS Wilmot Line is a boundary line highway over which the City and the Township have joint jurisdiction, or is deemed to be such a highway pursuant to section 29(3) of the *Municipal Act, 2001*;

AND WHEREAS the Township is responsible for any traffic control by-laws that apply to Wilmot Line;

AND WHEREAS, by this Agreement, the City and the Township wish to make provision for all matters relating to the maintenance, repair and capital improvements and the sharing of the costs thereof for Wilmot Line;

NOW THEREFORE in consideration of the mutual terms, conditions and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. INTERPRETATION

1.1 In this Agreement, where words appear with their first letter capitalized, the words are intended to have the meanings set out for them in the lettered paragraphs of this Section. Otherwise, all words used in this Agreement are intended to have the meanings ordinarily ascribed to them in the English language.

- (a) **“Agreement”** means this agreement, including its recitals and any schedules thereto which shall form an integral part of it, as amended in writing and approved by the Councils of both the City and the Township, from time to time.
- (b) **“Capital Improvements”** includes road construction, reconstruction, paving and excavating and includes the installation of engineered fill, subdrains, granular base, concrete curb and gutter, concrete sidewalk, guiderails, topsoil, sod, street trees, storm sewers, catchbasins, culverts, bridge construction, traffic signalization, sanitary sewers, watermains and service connections and any similar activities and materials in, under, over, upon, along, above or across Wilmot Line, but does not include activities falling within the definition of Maintain and Repair as set out below.
- (c) **“Claims”** include any and all claims, actions, causes of action, complaints, demands, suits or proceedings of any nature or kind in respect of any and all losses, damages, liabilities, deficiencies, costs and expenses (including, without limitation, all legal and other professional fees and disbursements, interest, liquidated damages and amounts paid in settlement, whether from a third person or otherwise), the costs or expenses of complying with any environmental laws, and any economic losses, consequential, indirect, special and incidental damages resulting from or in any way related to a breach of a term of this Agreement, loss of life, personal injury (including, in all cases, personal discomfort and illness), and loss of and damage to property.
- (d) **“Emergency Works”** may include any unforeseen works deemed urgent and where immediate action is required to make the condition safe or where the integrity of the road or drainage facilities may be compromised, or damage to private property is imminent if the condition is not attended to.
- (e) **“Maintain and Repair”** means activities relating to the routine maintenance and repair of Wilmot Line in accordance with Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways (**“O.Reg. 239/02”**), and where municipal by-laws or policies may exceed O.Reg. 239/02, to the standard from time to time prescribed by by-law and policy, as applicable, of the Township, including, without limitation, re-gravelling, gravel patching, asphalt patching, spot base repair, pavement marking, dust control, ditching, sign repairs, sign replacement, grading and seasonal maintenance, guiderail repair, sewer and

catchbasin cleaning, grass and weed cutting, sweeping and flushing, traffic and regulatory sign maintenance, street lighting maintenance, winter control measures (including snow plowing, snow removal, snow fencing, and sanding with pickled sand (maximum 5% salt)), litter control, tree trimming and removal, and road patrol.

- (f) **“Wilmot Line”** is the boundary line highway of approximately 5.5 kilometres in length that lies between the Township and the City, extending from Erb’s Road in the south to Cedar Grove Road in the north, as more particularly described in **Schedule “A”**.

- 1.3 This Agreement shall be interpreted according to laws of the Province of Ontario.
- 1.4 Any article, section, clause and/or paragraph headings are for reference purposes only and shall not in any way modify or limit the statements contained in the text of this Agreement.
- 1.5 References to federal or provincial statutes or regulations or municipal by-laws are deemed to refer to the relevant legislation as amended, including successor legislation enacted after the date of this Agreement.

2. TERM AND RENEWAL

- 2.1 The Agreement shall take effect on the date noted above and shall continue for a period of five (5) years expiring on _____ (the **“Term”**). Any extension of this Agreement beyond the initial five (5) years shall be subject to the mutual consent of the parties hereto, it being understood that, failing any express agreement on a renewal term, this Agreement shall continue until one party provides at least one hundred and eighty (180) days’ written notice of its desire to terminate this Agreement to the other party.

3. MAINTENANCE AND REPAIR

Duties of the City

- 3.1 The City covenants and agrees that it shall:
- (a) Maintain and Repair year-round any emergency access roads (City-owned roads which access Wilmot Line) in accordance with O. Reg. 239/02 located east of Wilmot Line within the City, and shall be responsible for restricting any unlawful usage thereof; and,
- (b) Permit the Township, from time to time and at all times, to enter onto any City-owned property to fulfill its obligations as set out in this Agreement.

Duties of the Township

- 3.2 The Township covenants and agrees that it shall:
- (a) Maintain and Repair, to its full width, Wilmot Line, during the Term, in accordance with O. Reg. 239/02.

General

- 3.3 The City and the Township shall equally share in all Maintenance and Repair costs (including any costs related to in-house or contracted labour, equipment, materials and any applicable administrative fees) in relation to Wilmot Line.
- 3.4 The Township shall provide the City with an invoice every three (3) months of the costs incurred by them to fulfill the obligations as set out under section 3.3 of this Agreement in accordance with the proportionate shares as set out in 3.3. The City shall pay any invoice within sixty (60) days of receiving it.
- 3.5 The Township shall administer all access and utility consents affecting Wilmot Line. The Township shall consult with the City in relation to any driveway access consents on the City-side of Wilmot Line.
- 3.6 The Township shall be responsible for all placement of traffic control signage.

4. CAPITAL IMPROVEMENTS / EMERGENCY WORKS

- 4.1 The City and the Township shall equally share in all Capital Improvements and Emergency Works costs (including any costs related to labour, equipment, materials and any applicable administrative fees) in relation to Wilmot Line.
- 4.2 Prior to tendering or commencing any Capital Improvements on Wilmot Line, the Township shall obtain the consent of the City, if such works have a total value of twenty-five thousand (\$25,000.00) dollars or above.
- 4.3 The Township shall be responsible for conducting or contracting all Capital Improvements or Emergency Works in relation to Wilmot Line.
- 4.4 In relation to Emergency Works, section 4.2 shall not apply, though the Township will endeavour to consult with the City, and obtain its consent, prior to tendering or commencing any Emergency Works, depending on the level of expediency required in the particular situation.
- 4.5 Prior to commencing design work for any surface upgrades to Wilmot Line, which will constitute a Capital Improvement, the Township shall receive City approval for any costs associated with such work.

- 4.6 Within five (5) years, the City and the Township shall initiate studies outlined in the Laurel Creek Headwaters Environmentally Sensitive Landscape Case Study with the intent to explore future options for upgrading Wilmot Line while balancing environmental protection and transportation considerations.

5. TRAFFIC COUNTS

- 5.1 The City shall conduct traffic counts every other year to determine the Average Annual Daily Traffic volumes (AADT) and 85th percentile speeds (speeds) in accordance with accepted professional practices. The AADT and speeds will be determined for the road sections between each intersection along Wilmot Line. The City will incur all costs associated with traffic counts.

6. GENERAL

- 6.1 Any notice to be given under this Agreement shall be sufficiently given if delivered by hand or courier or if sent by prepaid first class mail and addressed,

To the Township at:

The Corporation of the Township of Wilmot
60 Snyder's Road West
Baden, ON N3A 1A1
Attention: Director of Public Works & Engineering

To the City at:

The Corporation of the City of Waterloo City Hall
100 Regina Street South
Waterloo, ON N2J 4A8
Attention: Director, Transportation

Receipt of notice shall be deemed to have occurred on the earlier of the date of delivery or five (5) days following the date of mailing of the notice. Either party may change its address for notice by giving notice of change of address pursuant to this section.

- 6.2 Notwithstanding anything in this Agreement, neither party shall be in default with respect to the performance of any of the terms of this Agreement if any non-performance is due to any force majeure, strike, lock-out, labour dispute, civil commotion, infectious disease, war or similar event, act of God, government regulations or controls, inability to obtain any material or service, or any cause beyond the reasonable control of the party (unless such lack of control results from a deficiency in financial resources). Otherwise, time shall be of the essence of this Agreement and all of the obligations contained herein

- 6.3 The City and the Township each covenant and agree to carry a minimum of Ten Million Dollars (\$10,000,000.00) per occurrence third party public liability insurance acceptable to the other throughout the term of this Agreement. Such insurance shall name the other party as an additional insured thereunder and contain the following endorsements: contractual liability, non-owned automobile liability; and cross liability with a severability of interest clause. Each party shall purchase and maintain automobile liability insurance to a limit of \$10,000,000.00 for bodily injury, death and damage to property for all automobiles owned, leased, hired or borrowed by the party for the direct and indirect use of the party and in the performance of its duties under this Agreement. Each party shall provide to the other, if requested, a certificate evidencing insurance coverage.
- 6.4 Each party will be liable for its own obligations and responsibilities under this Agreement will indemnify the other for any damage, loss or injury, or any nature whatsoever, or any costs or expenses that may have incurred because of damage, loss or injury, that may occur in the carrying out of a party's obligation or responsibility under this Agreement or any part thereof. Each party, both during and after the term of this Agreement, shall at all times, and at its own cost, expense and risk, defined, indemnify and hold harmless the other, its elected official, officers, employees, volunteers, agents, contractors, and all respective heirs, administrators, executors, successors and assigns from any and all losses, damages (including but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any person, organization or entity), fines, penalties and surcharges, liabilities (including but not limited to, any and all liability for damage to property and injury to persons, including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind (including, but not limited to proceedings of a criminal, administrative or quasi criminal nature) and expenses (including, but not limited, legal fees on a substantial indemnity basis), which the indemnified person or persons may suffer or incur, howsoever caused, arising out of or in consequence of or directly or indirectly attributable to this Agreement.
- 6.5 Each party, at the request of the other, shall execute and deliver such assurances and do such other acts as may be reasonably required or desirable to give full effect to the provisions and intent of this Agreement.
- 6.6 The Agreement hereto, embodies the entire agreement of the parties with regard to the matters dealt with herein, and no understandings or agreements, verbal, collateral or otherwise, exist between the parties except as herein expressly set out.
- 6.7 This Agreement may be executed and delivered in any number of counterparts each of which, when executed and delivered, is an original but all of which taken together constitutes one and the same instrument. The delivery of an executed counterpart copy of this Agreement by facsimile or email will be deemed to be the equivalent to delivery of an original executed copy.

The parties have confirmed their agreement with the terms and conditions of this Agreement by signing below.

THE CORPORATION OF THE CITY OF WATERLOO

Name:

Title:

Name:

Title:

We have authority to bind the Corporation

THE CORPORATION OF TOWNSHIP OF WILMOT

Name:

Title:

Name:

Title:

We have authority to bind the Corporation

SCHEDULE "A"

LEGAL DESCRIPTION OF WILMOT LINE

Legal Description:

PT RDAL BTN TWP OF WILMOT & CITY OF WATERLOO; PT LT 43 GERMAN COMPANY TRACT CITY OF WATERLOO; PT LT 45 GERMAN COMPANY TRACT CITY OF WATERLOO BEING WILMOT LINE (AKA WILMOT TWP RD NO 41) BTN CONSERVATION DR & ERB ST, PT 1, 58R5247, PT 2, 58R1588; WATERLOO; WATERLOO; WATERLOO

PIN:

22684-0001 (LT)



DEVELOPMENT SERVICES

Staff Report

REPORT NO: DS 2021-023

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Aggregate zoning status review

RECOMMENDATION:

THAT Report DS 2021-023 be received for information.

SUMMARY:

This report provides a review of the Township of Wilmot's current Extractive Industrial zoning in relation to other municipalities in Waterloo Region, abutting Regions, the top 10 aggregate producing municipalities in Ontario, and the Aggregate Resources Act (ARA).

Based on the summary of the regulations from these comparators, as well as the applicable regulations of the ARA, the report concludes that there are no updates required to the Township zoning by-law at this time. Zoning By-laws of the comparators are similar or the same as the Township Zoning By-law. Where differences exist, those by-laws duplicate or defer to the regulations of the ARA. Regardless of whether those setbacks are included within the zoning by-law, where ARA regulations more restrictive than the zoning by-law, the ARA regulations prevail.

During a future housekeeping amendment to the Zoning By-law, staff will propose to either align setbacks contained within Zone 14 (Extractive Industrial) with the current regulations of the ARA or remove the current setbacks and simply include reference to the ARA within Zone 14 for clarity.

BACKGROUND:

The Zoning By-law is intended to set out specific permitted or prohibited uses and establish regulations in conformity with the policies of the Official Plan.

At the final public meeting, held in July 2020, related to the update of the Township Zoning By-law, the organization Citizens for Safe Ground Water (CSGW) made a written submission with respect to the existing Zone 14 regulations. Requested changes with respect to numbering and references to the ARA were updated at the time of approval of the updated by-law in August 2020. Other requested changes duplicated language from the ARA and were not included. At the time of approval, Staff committed to completing a review of Zone 14 as part of the 2021 work plan. A copy of the CSGW submission is included as Attachment B.

With respect to aggregate operations, the Township Official Plan (OP) specifically outlines what is to be contained within the Zoning By-law. These OP policies are drawn from the Region of Waterloo Official Plan (ROP) and ultimately Provincial Policy. Having completed an update to the OP in 2019, the current policies of the OP align with those contained within the ROP. At such time as future updates are made to the ROP, the Township would be required to review its OP and update as necessary. Subsequently, if required by policy changes/updates, the Zoning By-law would need to be further updated as necessary.

Policy 7.1.1.7 of the OP includes that the Township will regulate uses associated with aggregate extraction through the Zoning By-law as follows:

- a) permit accessory uses associated with aggregate extraction operations and processing activities such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales, parking and office facilities;
- b) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,

- c) notwithstanding Policy 7.1.1.7 b), ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.6 of this Plan and Chapter 8 of the Regional Official Plan.

Given the OP is current, this report looks only at the zoning regulations compared to municipalities in Waterloo Region, abutting Regions, the top 10 aggregate producing municipalities in Ontario and the Aggregate Resources Act (ARA).

REPORT:

Section 20 of the Township zoning by-law contains permitted uses and regulations for Zone 14, the Township extractive industrial zone.

Staff have reviewed the zoning by-laws of all municipalities within the Region of Waterloo, Perth County, Oxford County and the top 10 aggregate producing municipalities as listed by The Ontario Aggregate Resources Corporation (TORAC). Included as Attachment A is a table comparing the Township of Wilmot zoning with the current ARA regulations as well as the aforementioned municipalities.

As seen in the chart, most municipalities either defer to the ARA regulations or duplicate the provisions of the ARA. Within Waterloo Region, other than the City of Cambridge and Wilmot, the other Townships defer to the ARA. The cities of Kitchener and Waterloo do not contain zoning for gravel pits. Of the 22 zoning by-laws reviewed, only West Perth contained regulations more restrictive than the ARA with respect to setbacks from neighbouring residential uses or zones. The ARA requires a minimum setback of 90m whereas West Perth requires a setback of 120m.

While the zoning by-law contains regulations for extractive operations (gravel pits), gravel pits are not pre-emptively zoned within the Township of Wilmot. That is to say, if a gravel pit exists, it was previously subject to a site specific zone change and ARA licensing process.

The Township Official Plan includes specific policies (consistent with Provincial and Regional policies) that determine the process by which a gravel pit may be considered. Reports and studies prepared and reviewed through a zone change application and ARA licensing process ultimately determine if setbacks and buffering beyond what is contained in the zoning and/or ARA regulations are sufficient or should be increased based on the specific situation. In this regard, whatever is contained within the zoning by-law is subject to review and further consideration prior to the establishment of a gravel pit.

At this point, staff would suggest that there is no need to update the zoning by-law. Given the ARA, when more restrictive, supersedes the zoning by-law, there is no immediate need to modify the present zoning by-law.

Through a future housekeeping update to the Zoning By-law, the current Zone 14 regulations could either be updated to reflect the ARA regulations, or, consistent with a number of other

municipalities, simply be removed entirely and replaced with a reference to conformity with the ARA.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Review of zoning by-law regulations ensures appropriate regulations are in place to protect our quality of life and natural environment.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

Review of aggregate zoning by-law regulations to ensure they are current and do not conflict with overarching policies aligns with the sustainable development goal of responsible consumption and production through sustainable management and efficient use of natural resources.

FINANCIAL CONSIDERATIONS:

None.

ATTACHMENTS:

- | | |
|--------------|-------------------------------------------|
| Attachment A | Zoning By-law comparison chart |
| Attachment B | Citizens for Safe Ground Water submission |

Report DS 2021-23 - Attachment A: Comparison of existing municipal zoning regulations for aggregate operations

(Only municipalities with regulations are included in this summary. Blank cells indicated that no specific regulation is included within the applicable zoning by-law)

			Region of Waterloo				Perth County				Oxford County					Top 10 aggregate producing municipalities (2019, The Ontario Aggregate Resources Corporation) (listed 1 to 10 from left to right)										
	Wilmot	Aggregate Resources Act Regulations	Cambridge	North Dumfries (1)	Wellesley	Woolwich (2)	North Perth (3)	Perth East (4)	Perth South (5)	West Perth	Blandford-Blenheim	East Zorra-Tavistock	Norwich	South-West Oxford	Zorra	Ottawa	Kawartha Lakes (6)	Hamilton	Burlington (7)	Halton Hills (7)	North Dumfries (1)	Zorra	Clarington	Puslinch	Severn	Uxbridge
Setback Regulations																										
excavation from property line	15m	15m	15m							15m						15m		15m	30m	15m			15m		15m	15m
excavation from road allowance	30m	30m	30m							30m						30m		30m	30m	15m			30m		30m	30m
excavation from land that is used or zoned for residential purposes		30m	90m							120m								30m					30m		60m	
from a body of water		30m																	15m							
stockpiling aggregate, topsoil or overburden, a processing plant or area or a buiding or structure from a road allowance	30m	30m	15m					15m		90m	30m	30m	30m	30m	30m	30m		30m	30m	15m		30m	30m		60m	
stockpiling aggregate, topsoil or overburden, a processing plant or area or a buiding or structure from property line	15m	30m	30m					4.5m		90m	30m	30m	30m	30m	30m	15m		30m	30m	15m		30m	15m			
stockpiling aggregate, topsoil or overburden, a processing plant or area or a buiding or structure from land that is used or zoned for residential purposes		90m	90m					9.0m		120m	90m	90m	90m	90m	90m			90m				90m	30m		30m	90m
scrap storage area from body of water or property line		30m																								
landscaped buffer along property lines																15m		6.0m						1.5m		
minimum lot frontage					30.5m											30m										
minimum lot area																10ha				20ha						

(1) North Dumfries regulations require that accessory uses be a minimum of 15m from any zone limit. By-law is silent on all other setbacks.

(2) Woolwich regulations require that accessory uses be a minimum of 15m from any zone limit. By-law is silent on all other setbacks.

(3) North Perth references conformity with the license approved under the ARA

(4) Perth East references conformity with the license approved under the ARA

(5) Perth South references conformity with the license approved under the ARA

(6) The City of Kawartha Lakes is an amalgamation of 18 municipalities. A consolidated zoning by-law is currently being prepared

(7) Burlington and Halton Hills are combined as number 4 within the top 10 list

Attn: Harold O’Krafka and Andrew Martin
Re: Wilmot OP Policy Revisions



We (CSGW) would like to show our support for the existing standards regarding aggregate that have been set within the township and urge that these standards be upheld.

We have reviewed the proposed zoning by-law changes and have undertaken a Best Practices review of zoning by-law regulations in other jurisdictions. Cambridge, Brantford, Hamilton and West Perth are examples of municipalities with detailed zoning regulations for quarries. Some include sizeable setbacks of the extraction area from lands zoned residential, buffering requirements, etc. Section 20 (beginning on pg. 81 regarding mineral aggregate zone 14) sets a strong foundation toward protecting Wilmot’s health and safety. However, we request the following revisions and additions that would have the effect of further protecting the wellbeing of our communities and protection of our groundwater. These regulations are essential in order to set strong municipal standards.

We recommend the following:

- 1.) Permitted Uses:
Regulation 20.1.3 be revised to include wash ponds as a prohibited feature. The revised section would read as follows:

“The processing of extracted materials from the site including crushing, screening, washing, sorting and storage of materials, but not including any temporary or permanent asphalt hot mix plant or ready mix concrete plant or wash ponds (in regional recharge areas according to the Source Protection Plan).
- 2.) In Section 20.1.2 the reference to the Pits and Quarries Control Act should be replaced with the Aggregate Resources Act.
- 3.) The numbering of subsections 20.2.4 thru 20.2.7 should be revised to 20.4.4 thru 20.4.7.
- 4.) Subsection 20.2.7 should be deleted and replaced with the “Extraction Area regulations below
- 5.) The following additional regulations should be added to Section 20.4:

Open Storage and storage of aggregate, top soil or overburden shall not be permitted within:	i) 90 m of a residential Zone; ii) 90 m of a lot occupied by an existing residential use;
----------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------

	<ul style="list-style-type: none"> iii) 30 m of any other lot line or Zone line, iv) Notwithstanding the above, earth berms required to buffer the permitted use shall be permitted within the areas. Such berms shall not be permitted within three metres of a lot line or Zone boundary.
Extraction Area:	<ul style="list-style-type: none"> i) No extraction of material from a pit or quarry shall occur within 120 metres of an abutting property that is within a Residential Zone; ii) No extraction of material from a pit or quarry shall occur within 90 metres of any boundary on which the extraction is occurring.
Yard Requirements for Processing of Material:	<ul style="list-style-type: none"> i) no processing of extracted material shall occur within 90 metres of any boundary on which the extraction is occurring, ii) no processing of extracted material shall occur within 120 metres of an abutting property that is within a Residential Zone.
Planting Areas:	All buildings, structures, parking areas, and pit areas, except for a wayside pit, shall be screened from a street, unopened road allowance and from any land zoned Residential by a continuous row of trees consisting of deciduous or coniferous species which will attain a minimum height of 6 metres.
Parking Area and Driveways:	<ul style="list-style-type: none"> i) No parking area and no internal road other than one access road on each lot shall be located within 45 metres of any street or any lot occupied by a dwelling. ii) Vehicular access from a street shall be provided at not more than one location on each lot and shall not be located within 75 metres of a dwelling or a street intersection or within 45 metres of a curve in a street and shall be located so that there are no obstructions to sight within the triangular area contained by the street line and lines joining a point on the access road 9 metres perpendicularly distant from the street line to the points on the street line 9 metres from the entrance of the access road.

Thank you for your time and consideration.

Samantha Lernout
Citizens for Safe GroundWater Inc.

Grand River Conservation Authority

Report number: GM-06-21-49

Date: June 25, 2021

To: Members of the Grand River Conservation Authority

Subject: Environmental Registry Posting 019-2986: Regulatory proposal (phase1) under the Conservation Authorities Act

Recommendation:

THAT Report Number GM-06-21-49 - Environmental Registry Posting 019-2986: Regulatory proposal (phase1) under the Conservation Authorities Act be received as information,

AND THAT Grand River Conservation Authority Report GM-06-21-49 be submitted to the Province through the Environmental Registry.

Summary:

The Province is consulting on proposed regulations that would be made under the *Conservation Authorities Act* to implement changes that were made through Bill 139, 108 and 229. These regulations are to help protect people and property from the risk of natural hazards, the conservation and management of conservation authority owned lands, their role in drinking water source protection and to improve governance and oversight in conservation authority operations.

Report:

In 2015, the Province initiated a review of the *Conservation Authorities Act*. Since then, Bill 139 (2017), Bill 108 (2019) and Bill 229 (2020) have been passed that included several amendments to the Act. The purpose of these amendments were to provide greater transparency, consistency, accountability and governance for Conservation Authorities. Many of these changes have not yet been proclaimed or are to be further defined through regulations.

After the passing of Bill 229 in December 2020, the Ministry of the Environment, Conservation and Parks (MECP) created a working group that included stakeholders who have an interest in conservation authority governance and operations. These stakeholders included representatives from the municipal, agricultural and development industries, five general managers from amongst the 36 conservation authorities (including GRCA) and members of Conservation Ontario. The purpose of the working group was to provide feedback and advice on updates and development to enabling regulations. The MECP stated that it would be release the regulations in two phases over the first half of 2021.

On May 13, 2021 the MECP posted the phase 1 regulations to the Environmental Registry of Ontario for public comment for 45 days (closing on June 27).

The first phase of regulations included the following:

- 1) Mandatory programs and services that a conservation authority would be required to provide.
- 2) A requirement for conservation authorities to enter into agreements with participating municipalities to apply levy dollars for the delivery non-mandatory programs and services.
- 3) The requirement for a transition plan, which will include an inventory of both mandatory and non-mandatory programs and services, the consultation process with participating municipalities to negotiate agreements for non-mandatory programs and services, timelines to achieve plan milestones and regular reporting on the status of the plan's development and implementation to MECP.
- 4) Requirement for conservation authorities to establish a community advisory board, that includes members of the public, to provide advice to the Authority.
- 5) The consolidation of the Conservation Areas regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation. These regulations sets out prohibited activities and activities that require a permit under the Act.

The Ministry of Natural Resources and Forestry (MNRF) will be updating and issuing a public consultation guide regarding proposed updates and changes to the Regulation under section 28 of the *Conservation Authorities Act*. It is anticipated that this document will be released to the public before the end of the summer. A separate Environmental Registry posting will be uploaded and a report with proposed comments will be coming to the Board.

The second phase of proposed regulations will be coming out in the next few months and it will include:

- 1) Details on municipal levies related to mandatory and non-mandatory programs and services.
- 2) Standards and requirements for the delivery of non-mandatory programs and services.

Staff have participated in webinars provided by MECP staff on the proposed phase 1 regulations. To gain greater insight, staff have also met with other conservation authorities and Conservation Ontario. The following report provides a brief summary of the regulations and analysis by GRCA staff. Technical and more detailed comments are attached to this report and will be included in the submission to the MECP.

1. Mandatory Programs and Services

In June 2019, the *More Homes, More Choice Act, 2019* amended the *Conservation Authorities Act* to identify the categories of mandatory programs and services which conservation authorities are required to provide where applicable in their specific jurisdictions. The *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* re-enacted this provision.

These categories of programs and services are related to:

- A. Risk of natural hazards.
- B. Conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title.
- C. Conservation authority duties, functions and responsibilities as a Source Protection Authority under the *Clean Water Act, 2006*.
- D. Lake Simcoe Region Conservation Authority duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*. **Not**

applicable to GRCA

- E. Conservation authority duties, functions and responsibilities under other legislation prescribed by regulation. Proposed to be: ***Not applicable to GRCA***
- i. On-site sewage systems approvals by North Bay-Mattawa Conservation Authority as prescribed under the *Building Code Act, 1992*.
- F. Other programs or services prescribed by the regulation within a year of the end of the transition period. Proposed to be:
- i. Core Watershed-based Resource Management Strategy
- ii. Provincial Water Quality and Quantity Monitoring

These programs and services are mandated by the Province (mandatory) and may be funded by provincial grants and/or conservation authority self-generated revenue (e.g. user fees). Where such revenue sources cannot finance the entire costs of those programs, the costs must be raised through the municipal levy.

A. Risk to Natural Hazards

It is proposed by the MNRF that each conservation authority would be required to implement a program/service to help manage the risk posed by the natural hazards within their jurisdiction, including: flooding erosion, dynamic beaches, hazardous sites as defined in the Provincial Policy Statement (PPS) 2020 and low water/drought as part of Ontario's Low Water response. This program shall be designed to :

- Identify natural hazards;
- Assess risk associated with natural hazards including impacts of climate change;
- Manage risks associated with natural hazards; and
- Promote public awareness of natural hazards.

Managing risks associated with natural hazards may include prevention, protection, mitigation, preparedness and response.

Comments

Overall the scope of this mandatory program/service is comprehensive and very similar to the scope of the GRCA's current program for natural hazards. The GRCA's natural hazard program includes the administration of permits under Section 28, land-use planning input on behalf of the MNRF, flood forecasting and warning, operation and maintenance of flood control infrastructure, ice management services, low water monitoring and communications, management of information (including collection and provision) and communication/public awareness/education.

1. The Province has proposed that the natural hazard mandatory program include land use planning input i.e. Official Plan review using the provincial One Window process. In addition, conservation authorities would provide input to the Province on new or updated floodplain Special Policy Areas (SPAs) and may be involved in *Planning Act* appeals to the Local Planning Appeal Tribunal related to natural hazard policies.

It's our understanding that the One Window process only occurs with upper or single tier municipalities in our watershed and it would involve providing information to the Ministry of Municipal Affairs and Housing which would co-ordinate and determine conservation authority comments on Official Plan policies and mapping along with input from other provincial ministries.

In order for conservation authorities to effectively implement the identification and management of natural hazards, the review of Local/Lower Tier Official Plans (OP) for natural hazards and input into review of applications for new or amended Two Zone floodplain policy areas should be included in this mandatory program category. The land use Official Plan policies and maps are closely aligned with the conservation authority regulation. The administration of natural hazard permits issued by the GRCA under section 28 and consistent policies and maps are essential for a streamlined review and approval process and to avoid disputes on applications at the permit stage. The review of local official plans is currently included as an eligible activity under MNRF provincial funding arrangements (S. 39 grants) and the province should continue to support this program.

2. At this time it is not clear how conservation authorities would participate in the review of new or amended SPAs and Two-Zone Floodplain Policy Areas as part of this mandatory program. There are many SPAs and Two Zone Policy Areas in the Grand River watershed. In both of these floodplain policy areas, conservation authorities provide expert input on water resource engineering and policies to ensure that the land use planning and conservation authorities consideration of permits in the floodplain are aligned and streamlined. The Province, through the Ontario Flooding Strategy, has initiated some work to update limited sections of the technical guide for natural hazards (2002) and this work includes climate change considerations for flood hazards only. This is a good first step and we encourage the Province to prioritize updating the series of all natural hazard technical guidelines to include modernized technical requirements and information. This should include climate change considerations for all hazards as well as policy implementation guidance to enable the consistent and successful implementation of the natural hazard program.
3. Under the proposed regulation municipal levy would only be available for the operation and maintenance of any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation. Municipal levy would not apply to water control infrastructure that does not have a demonstrated flood management or flow augmentation role. The implication of the regulation is that only seven of the GRCA's 27 dams would qualify for levy support. Agreements would be required with the benefiting (or participating) municipalities for the 20 dams located throughout the watershed that would not qualify for levy support through this proposed regulation.

Currently, the Province provides funding support through the Water and Erosion Control Infrastructure (WECl) program. This program provides significant support to the GRCA's maintenance and repair program for our water control infrastructure. We would request that the Province continue to provide this support to the conservation authorities even though municipal levy can be used to support this program. Major repairs to the large dams could require significant funds. The GRCA has reserves to assist with providing funding support, but municipalities may be required to debenture to cover the costs of major maintenance projects.

B. Management of Conservation Authority owned Lands

The mandatory program and services related to the conservation and management of lands owned or controlled by a conservation authority, including any interest in

land registered on title, relate to conservation authority as the owner of its lands but also to land owned by others where the conservation authority has an 'interest' or right related to that other person's property, granted by the property owner.

Each conservation authority will be required to implement the mandatory programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title, within their jurisdiction.

Land uses, such as provision of recreation opportunities and/or environmental education, on conservation authority owned land are not mandatory programs or services- including the management and maintenance of lands for these purposes.

Comments

There are several new requirements proposed for the management of conservation authorities land. These include development of strategies, management plans and policies related to acquisition, disposition, use, classification and property management. The GRCA owns approximately 48,000 acres within the watershed and the proposed regulation will require management plans for all GRCA owned properties. The Province has indicated that in order to maintain program efficiencies, similar classified properties can be grouped together under one management plan.

It is positive that the Province has recognized the importance of land management and stewardship activities such as forest management, restoration, invasive species management and monitoring etc. as part of the mandatory program. This will ensure these natural areas contribute to a healthy local, regional, watershed and provincial water and natural heritage ecosystem. For example, conservation authority forest management for some woodlands will maintain or improve their natural heritage values and the management of plantations will transition monoculture forests to diverse woodland species and habitats to achieve the natural heritage values identified in the consultation paper.

A gap that will cause some challenges in managing GRCA lands is that this mandatory program/service exclude any support for recreational activities, including our passive land program which provide recreational trails to watershed constituents and visitors from other parts of the province free of charge. The GRCA manages several properties throughout the watershed that provide passive recreational opportunities and whose use is only increasing as populations grow, urban boundaries expand and most recently, increased access due to the pandemic. The majority of the GRCA's passive lands have recreational trails and require the support of maintenance and risk management programs. In order to continue to provide the passive lands program, municipalities may have to enter into an agreement with the GRCA and provide funding to continue with the program or the Authority will have to look for alternative funding, such as user or parking fees to generate funds to properly manage the use of these properties.

The inefficiencies and costs created by having to negotiate multiple agreements or get 100% buy-in to allow non-mandatory activities to be added to municipal levy, implement user fees, collect user fees in remote areas, establish financial tracking mechanisms to distinguish between mandatory versus non-mandatory costs could result in the closure of some properties if the requirements to operate them becomes impracticable.

Currently, any conservation authority lands that were acquired with the assistance of provincial funding require provincial approval to dispose of them. Revenue generated from these sales are required to go into a land sale reserve that is restricted for use by the Province. With the updated mandatory programs and services regulation, GRCA requests that the province also consider updating its disposition and revenue policies related to the sale of conservation authority lands. In particular, to include the option for conservation authorities to utilize the land sale reserve to support the development and implementation of land management strategies, management plans and other property services. The cost to develop these strategies and plan may be significant and it would provide some relief to supporting this program solely on levy dollars.

C. Services related to Source Protection Authority responsibilities under the Clean Water Act, 2006

Under the Clean Water Act, 2006 conservation authorities are required to exercise and perform the power and duties of a drinking water source protection authority. Each conservation authority therefore would be required to implement programs and services related to those responsibilities as source protection authorities under the Act.

The mandatory programs and services identified under this section are generally consistent with current responsibilities the GRCA has as part of the Lake Erie Source Protection Region. However, the consultation guide includes some potential new responsibilities for source protection authorities, such as completing municipal related land use mapping necessary (e.g., managed lands, impervious surfaces) to determine the risk posed by prescribed drinking water threats, and responding to requests to review proposals in wellhead protection areas and intake protection zones. In Lake Erie Region which includes the Grand River watershed, these tasks are undertaken by the municipality as the drinking water system owner, with support from source protection authority staff where requested.

Currently, the Province provides funding support for this program. This new regulation would enable the Province to shift the program funding to municipal levy.

D. Core Watershed-based Resource Management Strategy and Provincial Water Quality and Quantity Monitoring

The Conservation Authority Act also allows for the prescribing of 'other' programs and services not listed in previous mandatory categories. These 'other' programs and services must be prescribed within a year after the end of the transition period. Within this year municipalities and conservation authorities are to create an inventory of their programs and services and enter into agreements with municipalities for municipal funding of non-mandatory programs and services through a municipal levy, where applicable.

The Province has proposed to include two additional mandatory programs; core watershed-based resource management strategy and provincial water quality and quantity monitoring.

A core watershed-based resource management strategy will provide an opportunity to develop and improve integrated planning processes with a longer-term perspective for the delivery of the mandatory programs and services that the GRCA must deliver. To capture the value of the broader watershed and resource management perspective, this strategy will be required to document the current state of the relevant resources (principally water resources) within the GRCA's jurisdiction.

The results of this strategy may inform an adaptive management approach to address the issues or threats that these mandatory programs and service maybe addressing such as mitigating the risk from the impacts of natural hazards.

The Province is also proposing a mandatory program for provincial water quality and quantity monitoring, which all 36 conservation authorities have been participating in on a voluntary basis with the Provincial Water Quality Monitoring Network (stream water quality) for over 50 years and in the Provincial Groundwater Network (groundwater levels and chemistry) for over 20 years. The conservation authorities' role would be to install and maintain equipment, collect samples/data, and send samples to the ministry laboratory for chemical analysis.

Comments

The inclusion of a watershed-based Resource Management Strategy that includes the mandatory programs and may include non-mandatory programs is positive. In the Grand River watershed some municipalities and First Nations draw a portion of or all their drinking water supply from the Grand River or one of its tributaries. The GRCA provides programs that provide watershed and local benefits that are important components of improving the health of watersheds and developing the resilience of our communities in light of climate change. These programs contribute to improvements to the ecosystem, improve water quality, and address pressures associated with various land use activities and should be included in a watershed based strategy e.g. Subwatershed Studies, Rural Water Quality Program, waste water optimization, tree planting etc.

The provincial guide only makes reference to the Provincial Water Quality Monitoring Network and the Provincial Groundwater monitoring network. While these networks are important, in additional networks are operated and necessary to manage water. The guide omits reference to the rain, climate, stream gauge and snow course site networks operated by the conservation authority and information shared with the Province. Also it is important that the federal-provincial hydrometric (stream gauge) network be identified in the guide. The federal-provincial stream gauge network includes 22 of the stream gauges operated in the Grand River watershed. Information from these gauges is important for flood forecasting and warning, low water response and reservoir operations programs. Also many water quality analyses could not be completed without the combination of stream flow and water quality information. Operation of some municipal intakes and sewage treatment plants rely on stream flow and water quality information for compliance with certificate of approval (COA's) for these facilities. In addition, the GRCA operates a continuous water quality monitoring network which is important to monitoring water quality trends, calibrating water quality models relied on by municipalities and to specific municipal COA's for certain municipal water facilities.

The *Conservation Authorities Act* includes a provision that additional programs or services may be included if they are prescribed by the Province in a regulation on or before the first anniversary of the proposed transition date of January 1, 2023. (CA Act Section 21.1.2). The consultation paper appears to state that the regulation of the two additional programs identified may occur after the transition period. The Province is encouraged to release any regulations related to these two programs in the near future in order to ensure they are included in upcoming discussions with watershed municipalities and other stakeholders.

It is also required that the Province clarify that the tables provided in the consultation guide of non-mandatory programs/services and corresponding funding mechanisms are examples and not a comprehensive list.

2. Non-Mandatory Programs and Services

The MECP is proposing to create one regulation that would require conservation authorities and participating municipalities to enter into agreements on the use of municipal levies to finance in whole or in part the non-mandatory programs and services. Also, it is proposed that a transition plan for conservation authorities/municipal agreements would be developed and implemented.

Municipal Agreements:

The proposed Agreements and Transition Period regulation could require that the agreements do the following:

- Include a provision that the participating municipality agrees to pay its apportioned levy for the non-mandatory program or service.
- Set out the termination date of the agreement.
- Certain time periods may also be specified for the purposes of reviewing and renewing any such agreements that are reached.
- Include provisions governing early termination and governing notice and resolution of breaches of the agreement.
- Include transparency provisions (e.g., that agreements are available to the public online).

The Ministry is proposing that agreement arrangements between conservation authorities and municipalities could be flexible according to program or service circumstances (i.e. an agreement for a program or service could be with one or more participating municipalities or could be separate agreements per participating municipality including all the conservation authority-determined programs or services that a municipality may agree to fund, etc.). The flexibility is intended to support efficiency, expedite the agreement(s) and be cost effective in any potential legal or accounting fees.

Comments

It is important that MECP ensure this proposed regulation is written at a high level in order to capture the essential principles but that the regulation also maintain the flexibility needed to ensure that conservation authorities and municipalities are able to negotiate effective agreements in a timely manner.

The regulation should not preclude a conservation authority from entering into an agreements for the funding of non-mandatory program and services with non-participating municipalities within the watershed.

The GRCA has a number of adjacent conservation authorities and where possible, efforts will be made to coordinate the negotiations of non-mandatory programs and service agreement with the shared municipalities. This will help with efficiencies of negotiations and increase consistency amongst the conservation authorities with the shared municipalities.

The GRCA will also work with municipalities to consolidate non-mandatory program and services into one agreement, where possible. This will help with the tracking and reporting requirements moving forward once the agreements have been signed.

3. Transition Plan

The Province is proposing to establish a requirement of a transition plan for conservation authorities/municipal agreements to be developed and submitted to the MECP by December 31, 2021. As the plan is implemented quarterly status reports are required to be submitted to the Ministry. Any changes to the transition plan must also be submitted.

The proposed regulation would require each conservation authority to develop and implement a transition plan that includes:

- A workplan and timeline outlining the steps the conservation authority plans to take to develop and enter into agreements with its participating municipalities.
- The preparation of an inventory of all of the authority's programs and services, with clear indication for each program and service which of the three categories it fits into (mandatory programs and services where municipal levy could be used without any agreement; non-mandatory programs and services at the request of a municipality with municipal funding through a MOU; non-mandatory programs and services an authority determines are advisable), and how they are funded (e.g., provincial, federal, municipal funding, municipal levy, and self generated revenue).
- The consultation process with participating municipalities on the inventory.
- A list of any new mandatory programs and services the authority will need to provide to meet the requirements of the mandatory program and services regulation.
- A list of non-mandatory programs and services for which the authority will seek municipal agreement to fund via municipal levies, including estimated amounts requested/required from the participating municipalities to do so.
- A list of non-mandatory programs and services that do not require municipal agreements (if the programs and services are funded by revenue that is not from a municipal levy).
- Steps taken and/or to be taken to enter into these agreements.
- Make the plan available to the public (posted on website)
- New proposed financial structure to be in place for the authority and municipal fiscal year of 2023.

Comments

The GRCA has 21 participating municipalities within the watershed. Along with developing and implementing the transition plan, the MECP is also requiring quarterly reporting on the status of the plan implementation. In order to meet the requirement of having this new financial structure in place for the 2023 budget, municipal agreements will have to be completed in late spring/early summer of 2022 to allow for enough time to complete the GRCA budget process. The timeline the Province has proposed is highly ambitious, but staff will work towards meeting this target. It is appreciated that the MECP is proposing to include the granting of extensions to the regulation through a written request to the Ministry.

In order to meet proposed timelines, the process for proclaiming the regulations must continue to move forward. It is also important that the Province release the Phase 2 consultation document/regulations as it is important for conservation authorities to be able to present the full picture to municipalities when negotiating for non-mandatory program agreements. Finally, the Province must clearly indicate whether it will continue to support/fund Source Water Protection past March 2022. Source Water Protection

responsibilities will now be identified as a mandatory program and the incorporation of this program into the operational levy would have an impact on the allocation of the levy to other programs.

4. Community Advisory Boards

The Province is proposing to proclaim a section of the *Conservation Authorities Act* that would enable a Lieutenant Governor in Council (LGIC) regulation governing the establishment of advisory boards, including the ability to require conservation authorities to establish one or more advisory boards and prescribing related requirement with respect to composition, functions, powers, duties, activities and procedures.

Comments

Currently, there are several opportunities for the public and other stakeholders to provide comments and input on a variety of topics related to the GRCA. The Province should consider the opportunity for conservation authorities to be exempt from this requirement if they are able to demonstrate that they meet the objectives of this regulation through other committee/public opportunities for engagement.

The operational requirements for the Community Advisory Board will be similar to the administrative and staffing support of the Board of Directors. The financial support for the Community Advisory Board should be considered a mandatory program and service so that it will be supported through the levy.

5. Section 29 Minister's Regulation (CA Landholdings)

Once the new section 29 of the *Conservation Authorities Act* is proclaimed, a Minister's regulation is proposed to consolidate the current individual authority section 29 'Conservation Area' regulations regarding activities on lands owned by conservation authorities into one regulation.

Current section 29 regulations manage activities on all authority owned land including the used by the public of the lands and services available; the prohibition of certain activities; setting fees for access and use of lands including recreation facilities; administering permits for certain land uses; and protecting against property damage and for public safety.

Comments

Over the past decade, the GRCA has documented increased challenges with the management of its properties. With the increasing population and urbanization around the GRCA's land holdings, there has been a notable increase in use and misuse. While the majority of GRCA property users are respectful of the space, there has been an increase in unauthorized access, use and property damage. It is requested that the Province consider a working group to discuss the challenges that conservation authorities are dealing with on the increased use/misuse of property and help to facilitate solutions.

With the consolidation of the section 29 regulations to one regulation this will help to improve consistency amongst the 36 conservation authorities.

Conclusion

Increasing transparency and clarity in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services is an important step in ensuring a continuing collaborative working relationship between conservation authorities and municipalities.

GRCA supports the Province's intent to require conservation authorities to incorporate modern transparency standards into their operations. For example, posting transition plans and non-mandatory service agreements for the public (website) and ensuring that municipalities and conservation authorities review agreements for non-mandatory programs and services after a set period of time (6-8 year review period is preferred to provide financial stability to programs and services).

The timelines proposed in the consultation guide about the development and implementation plan are ambitious. The GRCA has 21 participating municipalities that will require agreements for any non-mandatory programs. Every effort will be made to meet the proposed timelines; however, we are pleased to see that exceptions will be considered. To be able to enter into negotiations with municipalities with as much clarity as possible as relates to both classification of programs and phase two regulation guidelines is important to ensuring successful and efficient negotiations. The GRCA has established a Transition Reserve that will assist with the financial costs to developing and implementing the required transition plan.

The Made-in-Ontario Environment Plan includes the following statement about the core role of conservation authorities: Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources.

In addition to the core mandate, the GRCA undertakes importance watershed-based programs that provide a wide range of benefits to watershed residents. Conservation Authority programs and services protect water, provide natural spaces and build watershed resilience. This investment helps watershed residents and the province to avoid future costs around challenges such as flood damages, business disruptions and public health issues. The rapidly growing population in the GRCA watershed is relying on clean and sustainable water, breathable air, green spaces, healthy soils, forests, wetlands and a rich mix of wildlife, birds and fish for drinking water, food, fuel, commerce and industry, public health and many other uses. Being in nature restores people and helps them to stay active and healthy.

Financial implications:

At this time, the financial impacts of the new regulations are uncertain.

Other department considerations:

Not applicable

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PART ONE: Programs and Services Delivered by Conservation Authorities

1. Mandatory Conservation Authority Programs and Services Regulation

A. Mandatory Programs and Services Related to the Risk of Natural Hazards	5	<p>It is proposed by the Ministry of Natural Resources and Forestry that each conservation authority would be required to implement a program or service to help manage the risk posed by the natural hazards within their jurisdiction, including: flooding, erosion, dynamic beaches, hazardous sites as defined in the Provincial Policy Statement, 2020 (PPS, 2020) and low water/drought as part of Ontario's Low Water response. This program shall be designed to:</p> <ul style="list-style-type: none"> • identify natural hazards; • assess risks associated with natural hazards including impacts of climate change; • manage risks associated with natural hazards; and • promote public awareness of natural hazards. <p>Managing risks associated with natural hazards may include prevention, protection, mitigation, preparedness and response.</p>	See GRCA Board Report for additional comments on this section.
	6	<p>Mandatory Programs and Services related to the Risk of Natural Hazards include:</p> <ol style="list-style-type: none"> 1. Administration of permits issued under section 28.1 of the Conservation Authorities Act, including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities' role in commenting on Environmental Assessment Act, Drainage Act, Aggregate Resources Act, Niagara Escarpment Planning and Development Act proposals.) 	<p>It appears that this list of coordinated involvement in other review or approval processes has inadvertently missed the Planning Act and future documents should include this reference. The province should ensure that conservation authorities are able to continue to comment on all natural hazard related planning or development applications.</p> <p>The most transparent and effective method to advise landowners, municipalities and other stakeholders of natural hazards often occurs through conservation authority involvement in other approval processes. GRCA supports this proactive approach to identify natural hazards at the earliest stages of project planning, changes in land use, and other initiatives.</p>
		<ol style="list-style-type: none"> 2. Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the Planning Act (excluding policies associated with wildland fires) in accordance with 	In addition to the One-Window approach and input and review of floodplain Special Policy Areas (SPAs), early involvement in other planning and technical processes should be included as components of the mandatory program.

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		<p>Provincial One Window Planning Service protocols, including, when appropriate, Planning Act appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.</p>	<p>In order for conservation authorities to effectively implement the identification and management of natural hazards, the review of Local/Lower Tier Official Plans (OP) for Natural Hazards and input into review of applications for new or amended Two Zone floodplain policy areas should be included as mandatory programs. The review of local OPs is currently included as an eligible activity under MNRF provincial funding arrangements (S. 39 Grants). The province should continue to fund these reviews.</p> <p>The land use Official Plan policies and maps are closely aligned with the conservation authority regulation. The administration of natural hazard permits issued by the GRCA (S. 28 of the Conservation Authorities Act) and consistent policies and maps are essential for a streamlined review and approval process and to avoid disputes on applications at the end of an approval process i.e. permit stage. In many circumstances the Local/lower tier official plans include more detailed natural hazard policies and maps. Early and direct input with municipalities and the public through the local OP review process will ensure issues are addressed before the approval of the local plan.</p> <p>In some areas of the GRCA watershed, SPAs are included in the local/ lower tier Official Plan and the One Window process to review SPAs wouldn't apply in these circumstances e.g. City of Waterloo, City of Cambridge. There are many Two Zone Policy Areas in the Grand River watershed. In both of these floodplain policy areas, conservation authorities provide expert input on water resource engineering and policies to ensure that the land use planning and conservation authorities consideration of permits in the floodplain are aligned and streamlined.</p> <p>The province has outlined the components of the mandatory programs for natural hazards and is proposing that this include assessing risks associated with natural hazards including impact and the potential impact of changing climatic conditions on natural hazards. Natural hazard examples are flooding, erosion, unstable soils etc. We strongly encourage the province to prioritize updating the series of all provincial natural hazard technical guidelines to include modernized technical requirements and information. These updates should include climate change</p>

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			considerations for all hazards as well as policy implementation guidance for SPAs, Safe Access etc. This will enable the consistent and successful implementation of the natural hazard program. Updating the provincial safe access guidelines (2002) is necessary to clarify the flooding depths and velocities that are acceptable for public safety i.e. ingress and egress for people, vehicles and municipal and provincial emergency responders.
	6	3. Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.	<p>The current provincial document is a guideline. If the province is proposing new standards this should be undertaken through a technical review and consultation process.</p> <p>The provincial Flood Forecasting and Warning Guidelines provide details on the elements of a flood forecasting and warning system. These guidelines are currently being updated by the province. Completion of updated guidelines is important to the provincial flooding strategy and to the implementation of Flood Forecasting and Warning as a core mandatory service.</p> <p>Monitoring should be included with Flood Forecasting and Warning as it is under the low water program. Monitoring programs associated with flood forecasting and warning are needed to deliver this service.</p>
	6	4. Operation and maintenance of: <ul style="list-style-type: none"> any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation; any erosion control infrastructure owned or controlled by the conservation authority; the completion of operational and asset management plans; and infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans. 	<p>Currently the WECL program funds decommissioning of dams. It's requested that funding for decommissioning of dams be continued and apply to all dams operated by a conservation authority.</p> <p>Classification of Water Control infrastructure is recommended. The following three categories are suggested:</p> <ol style="list-style-type: none"> Purpose built flood control infrastructure with a flood and/or flow augmentation function, Water control infrastructures that provide a level of benefit from a flood, ice management or flow augmentation should be considered for provincial WECL funding provided the above noted benefits can demonstrated or quantified.

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			<p>3. Flood control infrastructure that has no or very little benefit from a flood or flow augmentation function or role. This sort of infrastructure may not be eligible for provincial funding with the exception of funding related to decommissioning of this type of infrastructure. This sort of infrastructure may provide a local amenity to the community or support a local municipal benefit such as fire suppression. Separate MOU agreements are anticipated for this type of infrastructure with the participating municipalities/local municipality. If the conservation authority (CA) owns the lands surrounding the dam and reservoir then it would be included in the land management strategy of the CA under the local CA’s land management program.</p> <p>The existing provincial Water and Erosion Control Infrastructure (WECI) committee could assist with analysis of actual funding. The funding allocation model has worked well, and it’s expected that an analysis would show the current funding rules are working and purpose-built water control structures receive most of the funding. There are benefits to keeping the current funding rules and guidelines as it creates flexibility. In years where there may be less demand for funding of maintenance of the larger purpose-built infrastructure, there would be flexibility to fund projects for lower priority water control infrastructure.</p> <p>Transition plans should allow time for classification of water control infrastructure into the three categories suggested in the above and allow CA’s and municipalities adapt to the new funding model. The Provincial WECI committee could assist with development of a transition plan.</p> <p>It is important to recognize floodplain mapping assists dam owners to create operational and emergency preparedness plans contributing to improved dam safety across the province and management of the flood hazard.</p> <p>The Independent Advisor’s Report on Flooding, Doug McNeil’s report and The Provincial Flood strategy should be referenced when developing policy and transition plans regarding flood control infrastructure. It’s important to respect the</p>

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			intended outcomes of the Provincial Advisor’s Report and the Provincial Flood Strategy when considering changes to the WECl program and funding rules.
	6	<p>5. Ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:</p> <ul style="list-style-type: none"> • development and updating of plans; • control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and • addressing ice-related erosion. 	<p>It is positive to see the importance of ice management recognized.</p> <p>Ice breaker services are typically provided by the Federal government (Coast Guard) in response to a provincial request from the municipalities. The CA role is to advise municipalities when a request for coast guard assistance is prudent and having a clear process in place is a CA responsibility. Revising the wording from icebreaker services to ice management services would provide clarity. The GRCA doesn’t provide some of the services listed under ice management e.g. control of ice (blasting), addressing ice-related erosion on private land.</p>
	7	6. Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.	<p>Low water response was not included in the table of mandatory programs. This is a MNRF led program that CA delivers, the table on page 18 should be amended to include Low Water Response.</p> <p>The current provincial document is a guideline. If the province is proposing new standards this should be undertaken through a technical review and consultation process. A review of the current guidelines is recommended to incorporate the province’s new water quantity framework for the permit to take water program with the low water response program.</p> <p>MNRF is the author of the low water response guideline, MECP is responsible for the Permit to Take Water program and the new provincial Water Quantity management framework. When the original low water response program was created there was a Provincial Water Directors Committee. That committee no longer exists but there is a need to integrate approaches to water management across ministries. It’s recommended the province consider reconvening the Provincial Water Directors Committee to facilitate cooperation and coordination of approaches to water management across ministries.</p>
	7	7. Collection, provision, and management of information as needed to support the conservation authorities	This section captures many of the aspects needed to cover natural hazards and water management planning. In addition to the items noted other components

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		<p>to:</p> <ul style="list-style-type: none"> • delineate and map hazard areas; • develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, including shorelines and rivers; • study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard); • study stream morphology; • study the potential impact of changing climatic conditions on natural hazards; and • study design to mitigate natural hazards. 	<p>would be part of this program such as development of new information e.g. engineered flood modelling, public consultation, development of strategies to identify and share natural hazard areas and information. Regulated features that would be included in this list are lakes and wetlands.</p> <p>Engineering or technical models are important tools not only to the hazard program but also to the Source Water and Watershed management programs. Models are needed along with monitoring data to make or recommend decisions with respect to water management. Management and maintenance of models is an important consideration as part of the delivering a hazard management and watershed strategy programs and services.</p>
	7	8. Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.	It is important that provincial hazard management technical guidelines are updated to reflect current technology and approaches use to define hazards. The current provincial guidelines need to be updated to reflect current technology and approaches.
B. Mandatory Programs and Services Related to the Management of Conservation Authority Land	7		See GRCA Board report for comments on this section.
	9	<p>5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:</p> <ul style="list-style-type: none"> • Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural heritage management. 	GRCA supports inclusion of the development of management plans for GRCA landholdings and land management and stewardship activities such as forest management, restoration, invasive species management and monitoring as part of the mandatory program. This will ensure these natural areas contribute to a healthy local, regional, watershed and provincial water and natural heritage ecosystem. For example, conservation authority forest management for some woodlands will maintain or improve on their natural heritage values and the management of

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		<ul style="list-style-type: none"> Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring). Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties. Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan. 	plantations will transition monoculture forests to diverse woodland species and habitats to achieve the natural heritage values identified in the consultation paper.
C. Mandatory Programs and Services Related to Source Protection Authority Responsibilities under the Clean Water Act, 2006	10	<p>The Province’s Clean Water Act, 2006 is part of a multi-barrier approach to ensure safe and sustainable drinking water for Ontarians. We continue to ensure that our drinking water sources are among the best protected in the world through requiring collaborative, watershed-based source protection plans that are locally driven and based in science and focused on prevention. Source protection plans contain a series of locally developed policies that reduce, eliminate or manage the risks of various activities to sources of drinking water.</p> <p>Under the Clean Water Act, 2006 conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority. Each conservation authority therefore would be required to implement programs and services related to those responsibilities as source protection authorities under the Clean Water Act, 2006.</p>	See GRCA Board Report for additional comments on this section.
	11	Mandatory Programs and Services for Conservation Authorities related to Source Protection Authority Responsibilities under the Clean Water Act, 2006 are as follows:	The proposal includes some potential new responsibilities for some source protection authorities, such as completing municipal related land use mapping necessary (e.g., managed lands, impervious surfaces) to determine the risk posed by prescribed drinking water threats.

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		<p>2. Preparing amendments to assessment reports and source protection plans (Sections 34, 35 and 36 of the Clean Water Act, 2006)...</p> <ul style="list-style-type: none"> Completing related land use mapping necessary (e.g. managed lands, impervious surfaces) to determine the risk posed by various prescribed drinking water threats, new local or provincially-identified threats, and to address changes to the Clean Water Act, 2006, O. Reg. 287/07: General Regulation or Director's Technical Rules made by the Province... 	<p>In Lake Erie Region which includes the GRCA, these tasks are undertaken by the municipality as the drinking water system owner, with support from source protection authority staff where requested.</p> <p>The proposed regulation should allow for municipalities or conservation authorities to complete these tasks in accordance with the approved source protection plan policies or by agreement.</p>
	11	<p>3. Implementing source protection plan policies (Sections 38 and 45 of the Clean Water Act, 2006, and section 33 of O. Reg. 287/07)...</p> <ul style="list-style-type: none"> Responding to requests to review proposals in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water where required (such as under the Planning Act, Environmental Assessment Act or associated applications under the Environmental Protection Act and Ontario Water Resources Act). 	<p>This section of the proposal includes some potential new responsibilities for some source protection authorities, such as responding to requests to review proposals in wellhead protection areas and intake protection zones.</p> <p>In Lake Erie Region which includes the GRCA, these tasks are undertaken by the municipality as the drinking water system owner, with support from source protection authority staff where requested.</p> <p>The proposed regulation should allow for municipalities or conservation authorities to complete these tasks in accordance with the approved source protection plan policies or by agreement.</p>
F. Mandatory Programs and Services Prescribed in Regulation	16	<p>Introduction:</p> <p>The Conservation Authorities Act also allows for the prescribing of 'other' programs and services not listed in previous mandatory categories. These 'other' programs and services must be prescribed within a year after the end of the transition period. Within this year municipalities and conservation authorities are to create an inventory of their programs and services and enter into agreements for municipal funding of non- mandatory programs and services through a municipal levy, where applicable.</p>	<p>See GRCA Board Report for additional comments on this section.</p>
	16	<p>1. Core Watershed-based Resource Management Strategy:</p> <p>A watershed-based resource management strategy can provide a means to develop an improved integrated planning process with a longer-term perspective for the delivery of the mandatory programs and services that all conservation authorities must deliver. The results may inform an adaptive management approach to address the issues or threats</p>	<p>The inclusion of a watershed-based Resource Management Strategy that includes the mandatory programs and can include non-mandatory programs is positive. The GRCA provides programs that provide watershed and local benefits that are important components of improving the health of watersheds developing the resilience of our communities in light of climate change. These programs contribute</p>

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		<p>that these mandatory programs and services may be addressing such as mitigating the risk from the impacts of natural hazards. A successful strategy should also help ensure effective and efficient use of funding, especially of the municipal levy.</p> <p>To capture the value of the broader watershed and resource management perspective that conservation authorities have, the ministry is proposing that each conservation authority be required to develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within their jurisdictions in the context of the mandatory programs and services described in this section of the Guide.</p> <p>The benefit to having a watershed-based resource management strategy is that it can potentially:</p> <ul style="list-style-type: none"> • Identify changes over time, causal relationships, issues, and stressors for input into a plan of action; • Identify the best, most cost-effective management approach to mitigate the risk or issue; • Propose key or strategic management activities; • Monitor the authority’s performance in meeting any key management activities; and • Monitor outcomes of proposed key or strategic management activities. <p>Aspects of watershed-based resource management are already embedded in the proposed mandatory programs and services listed in the above sections of this Guide. Conservation authorities currently undertake much of this work, generally related to natural hazard management, with extensive current monitoring, data collection, management and modelling used to track conditions and with existing technical studies.</p> <p>For example, the mandatory programs and service for the risk of natural hazards requires conservation authorities to undertake watershed-based collection, provision, and management of information as needed, including to study:</p>	<p>to improvements to the ecosystem, improve water quality, and address pressures associated with various land use activities. GRCA supports the inclusion of programs that provide information and benefits beyond municipal boundaries in this Strategy e.g. Subwatershed Studies, Rural Water Quality Program, natural heritage systems, tree planting etc.</p> <p>This is also important as a big picture strategy can help support prioritizing infrastructure funding opportunities to get the best value for taxpayer dollars which is an important outcome of this strategy.</p> <p>This approach aligns well with the current Grand River water management plan. As stated in other comments aspects of the monitoring program have been recognized however there are gaps in the water quantity monitoring identified in the proposal.</p> <p>An important component of implementing a watershed-based resource management strategy is a technical advisory committee. The water managers committee in the Grand River Watershed has been an important and effective committee over several decades and was important to the creation of the GRCA watershed wide water management plan. The water managers committee is composed of municipal, provincial and federal water managers that have a stake or interest in water management in the Grand River watershed and Lake Erie. It’s important to recognize the need for technical committees which are separate and distinct from the community advisory committee described in the proposal.</p>

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		<ul style="list-style-type: none">• surface water flows and levels (e.g. low/peak flow, water budget, surface / groundwater interactions, flood hazard);• stream morphology; and• the potential impact of changing climatic conditions on natural hazards. <p>The resource management strategy could also be informed by the development of the mandatory authority land acquisition and disposition strategy or policy detailed above. As part of this, an authority may, for example, review information from an existing watershed plan or study for acquiring natural hazard land, or assess municipal plans that delineate natural heritage systems for acquiring heritage features or review Ministry of Natural Resources and Forestry information on wildlife corridors to connect authority owned land with other lands.</p> <p>Another example that may contribute to the strategy are “watershed characterizations” completed for source protection plans under the Clean Water Act, 2006.</p> <p>The Ministry is proposing that the core watershed-based resource management strategy could include the following components:</p> <ul style="list-style-type: none">• guiding principles and objectives;• characterization of the current state and management of the natural resources related to the mandatory programs and services, in specific watersheds (if appropriate) or at the authority’s jurisdictional scale;• scope of the strategy;• details of existing technical studies, monitoring frameworks, relevant provincial policy and direction;• analysis and plan of potential actions for more effectively implementing the mandatory programs and services on an integrated basis; and• annual reporting on the accomplishments, outcomes, impacts of the strategy. <p>The strategy would include provisions for review and periodic updating to support the design and implementation of the mandatory programs and services the strategy is intended to support.</p>	

	18	<div><div><div>Mandatory Programs and Services that would be incorporated in the strategy:</div><table><tr><th>PROGRAM AND/OR ACTIVITY</th><th>CONSERVATION AUTHORITY (CA) ROLE</th><th>POTENTIAL FUNDING MECHANISMS</th></tr><tr><td colspan="3">RELATED TO THE RISK OF NATURAL HAZARDS</td></tr><tr><td>Provincial Flood Forecasting and Warning Program</td><td>Ministry of Natural Resources and Forestry (MNRF) lead, CA delivers</td><td>MNRF Grant, Municipal Levy</td></tr><tr><td>Flood and Erosion Control Infrastructure Operation</td><td>CA Lead</td><td>MNRF Grant, Municipal Levy,</td></tr><tr><td>Natural Hazard (floodplain etc.) Mapping For Land Use Planning</td><td>Municipal lead, CA delivers</td><td>MNRF Grant, Municipal Levy,</td></tr><tr><td>S.28 Permitting</td><td>CA Lead</td><td>Municipal Levy, Permit Fees</td></tr><tr><th>PROGRAM AND/OR ACTIVITY</th><th>CONSERVATION AUTHORITY (CA) ROLE</th><th>POTENTIAL FUNDING MECHANISMS</th></tr><tr><td>Studies and Supporting Natural Hazard Program</td><td>CA lead</td><td>MNRF Grant, Municipal Levy,</td></tr><tr><td colspan="3">RELATED TO THE CONSERVATION/MANAGEMENT OF AUTHORITY OWNED LANDS</td></tr><tr><td>Land Acquisition Strategy or Policy</td><td>CA lead</td><td>Municipal Levy, Self-generated revenue</td></tr><tr><td>Land Management for the Protection of Natural Heritage</td><td>CA Lead</td><td>Municipal Levy, Self-generated revenue</td></tr><tr><td colspan="3">“OTHER” MANDATORY PROGRAMS AND SERVICES</td></tr></table></div></div> <div><div>A review of the Programs and Services will be undertaken over the next few months as the Transition Plan is developed and through MOU discussions. Some examples of areas of clarification are noted below:</div><div>In addition to the floodplain mapping noted in this chart under municipal roles, the Natural Hazard mapping created by conservation authorities would also be included in the strategy as part of the mandatory program. These maps include all natural hazards e.g. floodplain, erosion, shoreline etc.</div><div>Comments related to the water quantity monitoring program are noted below. Activities and infrastructure associated with water quantity monitoring is eligible for funding through MNRF grants through the mandatory flood forecasting and warning program.</div></div>	PROGRAM AND/OR ACTIVITY	CONSERVATION AUTHORITY (CA) ROLE	POTENTIAL FUNDING MECHANISMS	RELATED TO THE RISK OF NATURAL HAZARDS			Provincial Flood Forecasting and Warning Program	Ministry of Natural Resources and Forestry (MNRF) lead, CA delivers	MNRF Grant, Municipal Levy	Flood and Erosion Control Infrastructure Operation	CA Lead	MNRF Grant, Municipal Levy,	Natural Hazard (floodplain etc.) Mapping For Land Use Planning	Municipal lead, CA delivers	MNRF Grant, Municipal Levy,	S.28 Permitting	CA Lead	Municipal Levy, Permit Fees	PROGRAM AND/OR ACTIVITY	CONSERVATION AUTHORITY (CA) ROLE	POTENTIAL FUNDING MECHANISMS	Studies and Supporting Natural Hazard Program	CA lead	MNRF Grant, Municipal Levy,	RELATED TO THE CONSERVATION/MANAGEMENT OF AUTHORITY OWNED LANDS			Land Acquisition Strategy or Policy	CA lead	Municipal Levy, Self-generated revenue	Land Management for the Protection of Natural Heritage	CA Lead	Municipal Levy, Self-generated revenue	“OTHER” MANDATORY PROGRAMS AND SERVICES		
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		Water Quantity and Quality Monitoring	Ministry of the Environment, Conservation and Parks lead, CAs monitoring/data	Municipal Levy	
	19	<p>Potential Non-Mandatory Extension of the Strategy’s Scope</p> <p>The ministry further recognizes that there is significant variation in the circumstances of individual conservation authorities and the programs and services they offer. Depending on the circumstances of a conservation authority, such a resource management strategy could be extended to cover a broader range of natural resource areas than the core mandate of mandatory programs and services set out in this Guide.</p> <p>Additional non-mandatory resource management components could be included in the strategy and be based in a similar process of resource assessment, technical studies and/or monitoring including using existing information (for example in municipal plans or leveraged from the natural hazard or other mandatory programs), and thus expand the benefit of the strategy’s integrated perspective.</p> <p>As noted above, if municipal funding is required to finance (in whole or in part) the development of such additional components, such as non-mandatory resource management components there are two mechanisms: if the non-mandatory program is one being delivered by the authority on behalf of a participating municipality through a MOU, the MOU could be amended accordingly. Similarly, where the component of the strategy is to support a non-mandatory program or service the authority has determined is advisable to further the purposes of the Act, the authority’s agreement with participating municipalities can ensure the necessary funding for the strategy to play that role.</p> <p>Funding from others (such as other provincial grant programs, federal government programs, foundations or funding from conservation organizations etc.) could also support</p>			<p>During the consultation period for this posting, officials from the province indicated that the “Potential Non-Mandatory Extension of the Strategy’s Scope” tables that outline specific programs and services, roles and funding mechanisms for mandatory, non-mandatory and other advisable programs and services should be considered as a list of example programs or activities, roles and funding option. The province needs to confirm that these are examples.</p>

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		<p>the development of non-mandatory resource management monitoring/studies to add into an authority’s watershed-based resource management strategy.</p> <p>Funding partners may want to consider whether as part of paying for a non-mandatory program and service the authority would need to include it in the strategy, so as to provide the integrated perspective to the design and implementation of that non- mandatory program or service.</p>	

	19	Non-Mandatory Programs and Services on Behalf of a Municipality <i>(examples)</i> <table><tr><th>PROGRAM AND/OR ACTIVITIES</th><th>CONSERVATION AUTHORITY ROLE</th><th>POTENTIAL FUNDING MECHANISMS</th></tr><tr><td colspan="3">RELATED TO PRIVATE LAND STEWARDSHIP EXTENSION SERVICES</td></tr><tr><td>Restoration and Stewardship (Urban, Rural, Agriculture)</td><td>CA lead/delivery</td><td>Municipal Agreement/MOU Other, (OMAFRA Grants)</td></tr><tr><td>Tree Planting and Forest Management</td><td>CA lead/delivery</td><td>Agreement/ MOU</td></tr><tr><td>Wetland Enhancement and Restoration</td><td>CA lead/delivery</td><td>Agreement/ MOU</td></tr><tr><td>Invasive Species Management</td><td>CA lead/delivery</td><td>Agreement/ MOU, Other</td></tr><tr><td colspan="3">ON BEHALF OF A MUNICIPALITY RELATED TO PLANNING, LAND USE</td></tr><tr><td>Sub-watershed planning</td><td>Municipal lead, CA delivery</td><td>Municipal MOU</td></tr><tr><td>Stormwater Management</td><td>Municipal lead, CA delivery</td><td>Municipal MOU</td></tr><tr><td>Development Services (to municipalities)</td><td>Municipal lead, CA delivery</td><td>Municipal MOU</td></tr><tr><td>Natural Heritage Mapping</td><td>Municipal lead, CA delivery</td><td>Municipal MOU</td></tr><tr><td>Emergency Management Services (EMS) Mapping</td><td>Municipal lead, CA delivery</td><td>Municipal MOU</td></tr></table>	PROGRAM AND/OR ACTIVITIES	CONSERVATION AUTHORITY ROLE	POTENTIAL FUNDING MECHANISMS	RELATED TO PRIVATE LAND STEWARDSHIP EXTENSION SERVICES			Restoration and Stewardship (Urban, Rural, Agriculture)	CA lead/delivery	Municipal Agreement/MOU Other, (OMAFRA Grants)	Tree Planting and Forest Management	CA lead/delivery	Agreement/ MOU	Wetland Enhancement and Restoration	CA lead/delivery	Agreement/ MOU	Invasive Species Management	CA lead/delivery	Agreement/ MOU, Other	ON BEHALF OF A MUNICIPALITY RELATED TO PLANNING, LAND USE			Sub-watershed planning	Municipal lead, CA delivery	Municipal MOU	Stormwater Management	Municipal lead, CA delivery	Municipal MOU	Development Services (to municipalities)	Municipal lead, CA delivery	Municipal MOU	Natural Heritage Mapping	Municipal lead, CA delivery	Municipal MOU	Emergency Management Services (EMS) Mapping	Municipal lead, CA delivery	Municipal MOU	<p>This table outlines example or potential programs that may be provided for a municipality through a MOU. It is important to note that some programs listed in these tables may have components related to mandatory programs. For example, subwatershed studies include identification of natural hazards such as floodplains and water quantity control requirements to avoid flooding after development occurs, and ensuring flows are managed to avoid erosion in receiving watercourses.</p> <p>Emergency Management Services (EMS) Mapping and Municipal Emergency response plans are the responsibly and lead by the municipality. Flood extent mapping and flood zone mapping are components of a Flood Forecasting and Warning system and led by the CA.</p>
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		<div><div>Non-Mandatory Programs and Services an Authority Determines Are Advisable</div><table><tr><th>PROGRAM AND/OR ACTIVITIES</th><th>CONSERVATION AUTHORITY ROLE</th><th>POTENTIAL FUNDING MECHANISMS</th></tr><tr><td colspan="3">AS AN AUTHORITY DETERMINES IS ADVISABLE</td></tr><tr><td>Non-Mandatory Research</td><td>CA Lead</td><td>Municipal Agreement, Other</td></tr><tr><td>Development Services to Landowners and Others</td><td>CA Lead</td><td>Municipal Agreement, Fees</td></tr><tr><td>Ecological Monitoring Outside of Conservation Authority Owned Land</td><td>CA Lead</td><td>Municipal Agreement, Other</td></tr><tr><td>“May do’ Roles Under other Provincial Acts (e.g. commenting roles)</td><td>CA input Other Ministry mandates</td><td>Municipal Agreement, Other – Grants</td></tr><tr><td colspan="3">ON CONSERVATION AUTHORITY OWNED LAND</td></tr><tr><td>Purchase of Land for a CA</td><td>CA Lead</td><td>Municipal Agreement, Self- generated revenue, Other</td></tr><tr><td>Resource Development on CA Owned land (Forest Management, Hydro Generation)</td><td>CA Lead</td><td>CA Self-generated revenue, Other (Managed Forest Tax Incentive Program)</td></tr><tr><td>Land Management on CA Owned Land for Recreation Purposes</td><td>CA Lead</td><td>CA Self-generated revenue, Other</td></tr><tr><td>Land management on CA Owned Land for Education, Training and Cultural Purposes.</td><td>CA Lead</td><td>CA Self-generated revenue, Other</td></tr></table></div>	PROGRAM AND/OR ACTIVITIES	CONSERVATION AUTHORITY ROLE	POTENTIAL FUNDING MECHANISMS	AS AN AUTHORITY DETERMINES IS ADVISABLE			Non-Mandatory Research	CA Lead	Municipal Agreement, Other	Development Services to Landowners and Others	CA Lead	Municipal Agreement, Fees	Ecological Monitoring Outside of Conservation Authority Owned Land	CA Lead	Municipal Agreement, Other	“May do’ Roles Under other Provincial Acts (e.g. commenting roles)	CA input Other Ministry mandates	Municipal Agreement, Other – Grants	ON CONSERVATION AUTHORITY OWNED LAND			Purchase of Land for a CA	CA Lead	Municipal Agreement, Self- generated revenue, Other	Resource Development on CA Owned land (Forest Management, Hydro Generation)	CA Lead	CA Self-generated revenue, Other (Managed Forest Tax Incentive Program)	Land Management on CA Owned Land for Recreation Purposes	CA Lead	CA Self-generated revenue, Other	Land management on CA Owned Land for Education, Training and Cultural Purposes.	CA Lead	CA Self-generated revenue, Other	
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	20	<p>2. Provincial Water Quality and Quantity Monitoring, including:</p> <ul style="list-style-type: none"> a. Provincial stream monitoring program b. Provincial groundwater monitoring program <p>At this time, the ministry is proposing mandatory programs and services for conservation authorities related to water quality and groundwater quantity monitoring to be prescribed in this category with the possibility of additional programs and services prescribed later within the timeframe enabled by the Conservation Authorities Act.</p> <p>The ministry is responsible for long term monitoring of water quality of both groundwater and surface water and groundwater levels across the province to understand the state of the environment, to track changes over time, and to have the information available to support work to investigate environmental issues as they arise. The data obtained and analyzed provides scientific support for policy creation and amendment and for environmental assessments and permissions (Environmental Compliance Approvals and Permits to Take Water).</p> <p>All 36 conservation authorities currently participate in the ministry's programs related to monitoring water quality and groundwater quantity on a voluntary basis: with the Provincial Water Quality Monitoring Network (stream water quality) for over 50 years and in the Provincial Groundwater Monitoring Network (groundwater levels and chemistry) for over 20 years.</p> <p>The ministry manages the water monitoring programs by providing technical leadership, coordination, guidance, data administration, laboratory analysis, instrumentation and training to support the conservation authority role in this work. Conservation authorities install and maintain equipment, collect samples/data, and send samples to the ministry laboratory for chemical analysis.</p>	<p>This section is solely focused on the monitoring program MECP delivers with assistance from the conservation authorities (CAs). The monitoring programs delivered by MNRF with assistance of CAs and the monitoring programs delivered by CAs have been omitted.</p> <p>The CAs operate, rain gauge networks, climate monitoring networks (air temperature, wind, solar radiation), snow survey sites, reservoir monitoring gauges and river monitoring gauges. These monitoring networks are needed to support the flood forecasting and warning program to monitor trends over time for watershed management climate and stream flow trending and to support several water management analysis and modeling including water quality modeling and analysis.</p> <p>The MNRF administers the Federal Provincial cost share agreement for hydrometric stations (stream gauge). The annual program budget is approximately 6 million dollars. The stream gauges operated under this agreement are needed to deliver the flood forecasting and warning program, the low water response program, support the dam safety program. In addition, information is needed for model calibration and verification to: administer the permit to take water program, provide information to complement the water quality monitoring programs and to complete water quality analysis and support compliance with MECP certificates of approval issued to water takers and municipal sewage treatment plant operators. It is important the Federal and Provincial cost share agreement be recognized in the proposal.</p> <p>The GRCA also operates a continuous water quality monitoring network which is important to MECP in their review and approval of municipal sewage treatment plant Certificate of Approval process. This network is important to monitor the water quality trends in the river and to calibrate and verify the GRCA's Grand River Simulation Model (GRSM) water quality model used to simulate water quality conditions in the river and used to help answer questions around assimilative capacity of the river and appropriate treatment requirements for municipal sewage treatment plant for MECP and municipalities. While operation and costs associated with this monitoring may fall under non mandatory programs and services it's</p>

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		<p>Mandatory Programs and Services for Provincial Water Quality and Quantity Monitoring for conservation authorities include:</p> <p>a) Provincial stream monitoring program</p> <ul style="list-style-type: none">• Collection of stream water samples and submission to the ministry for water chemistry analysis.• Collection of in-situ water quality data using equipment provided by the ministry including deploying and calibrating equipment, liaising with the ministry on equipment maintenance and repair, and providing the ministry with the data collected.• Collection of additional water samples in areas that participate in the current pesticide monitoring program or may participate in a future parameter specific initiative.• Participation in annual program meetings, regional meetings and training sessions as required. <p>b) Provincial groundwater monitoring program</p> <ul style="list-style-type: none">• Groundwater level, precipitation, barometric pressure and soil moisture data downloaded and provided to the ministry.• Collection of groundwater samples and submission to the ministry for water chemistry analysis according to program protocols.• Maintenance and participation in the repair of program wells and associated equipment.• Confirmation that Landowner Agreements between conservation authorities and private landowners are in place for program wells that are on private lands.• Maintenance of groundwater collection sites.• Participation in program committee meetings, regional meetings and training sessions as required.• Participation in the Protocol-for-Actions (Exceedance Protocol) when a program well reports an exceedance of an Ontario Drinking Water Quality Standard.• Participation in the decommissioning or construction of monitoring wells that are part of the program.	<p>important to recognize the integration of these networks to the watershed scale resource management strategy and the importance to the Source Water Protection Program in the Grand River watershed where several municipalities and Six Nations of the Grand River rely on the Grand River as a source of drinking water. Information and analysis supported by this monitoring network leads to cost effective solutions important to the local economy.</p> <p>Future provincial documents related to this section of the proposal should include the full range of monitoring programs.</p>

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Conservation Authority Costs Not Related to Delivery of Programs and Services	22		See GRCA Board Report for comments on this section.
2. Non-Mandatory Conservation Authority Programs and Services			
A. Regulation for Municipal Agreements and transition period	23	Regulatory authority for agreements for municipal funding of non-mandatory programs and services and the regulatory authority for a transition period/plan to develop the agreements is proposed to be combined into one Minister’s regulation - Regulation for Municipal Agreements and Transition Period.	
		<p>Municipal Agreements</p> <p>The un-proclaimed amendments to the Conservation Authorities Act provide requirements for the agreements between conservation authorities and participating municipalities for the use of municipal levies to finance in whole or in part the non- mandatory programs and services that the authority has determined are advisable to further the purposes of the Act.</p> <p>The proposed Agreements and Transition Period regulation could require that the agreements do the following:</p> <ul style="list-style-type: none"> • Include a provision that the participating municipality agrees to pay its apportioned levy (determined under sections 25 or 27 of the Act in accordance with the regulations) for the non-mandatory program or service. • Set out the termination date of the agreement. <ul style="list-style-type: none"> ○ Certain time periods may also be specified for the purposes of reviewing and renewing any such agreements that are reached, such as review by the parties to the agreement at intervals to align with municipal elections and subsequent conservation authority appointments with some consideration to the authority and municipal budget cycles (e.g., 6 months after municipal election). 	See GRCA Board Report for additional comments on this section.

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		<ul style="list-style-type: none"> • Include provisions governing early termination and governing notice and resolution of breaches of the agreement. • Include transparency provisions (e.g., that agreements are available to the public online). <p>The ministry is proposing that agreement arrangements between conservation authorities and municipalities could be flexible according to program or service circumstances (i.e. an agreement for a program or service could be with one or more participating municipalities or could be separate agreements per participating municipality including all the conservation authority-determined programs or services that a municipality may agree to fund, etc.). The flexibility is intended to support efficiency, expedite the agreement(s) and be cost effective in any potential legal or accounting fees.</p>	
	24	Transition Plans	See GRCA Board Report for comments on this section
PART TWO: Governance and Oversight of Conservation Authorities			
1. Regulation to Require “Community” Advisory Boards	27		See GRCA Board Report for comments on this section.
PART THREE: Other Regulatory Matters			
1. Section 29 Minister’s Regulation	29		See GRCA Board Report for comments on this section.

A photograph of a large yellow sign for the Township of Wilmot. The sign features a central illustration of a building with a clock tower. Above the building, the text 'TOWNSHIP OF WILMOT' is visible. Below the building, the text 'CASTLE BRIDGE' is prominently displayed, with 'AND ADMINISTRATION' written in smaller letters underneath. The sign is set against a backdrop of a building and several Canadian flags. In the foreground, there are some flowers.

Annual Report

Township of Wilmot – June 1, 2019 to May 31, 2020
June 1, 2020 to May 31, 2021



Waterloo Area
Municipal Ombuds Office

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THE OMBUDSMAN'S MESSAGE

This Report is the fourth and fifth we have made to Council in Wilmot. The Waterloo Area Municipal Ombuds Office began operation on September 1, 2016, and now provides service to the Region, the City of Waterloo and the Townships of Wilmot and Woolwich. This reporting period runs from June 1, 2019, to May 31, 2020, and June 1, 2020, to May 31, 2021, a period of twenty-four (24) months. Due to the disruptions caused by COVID-19 in the spring of 2020 we overlooked the Annual Report and include it here.

The Ombuds Advisory Committee meets periodically when there are business issues to discuss or to receive the Annual Report.

There were no inquiries or complaints to the office between June 1, 2019, and May 31, 2020. This may be accounted for because many citizens were preoccupied with COVID-19 and its implications which took their attention away from concerns pertaining to administrative justice.

The office received one (1) inquiry between June 1, 2020, and May 31, 2021, which is one more than the year before. An inquiry is where the office determines either that it lacks jurisdiction or refers a matter back to the Township because it is premature.

This inquiry was from the Provincial Ombudsman. Their inquiry was whether our office had jurisdiction over the Integrity Commissioner of the Township. We determined that the Integrity Commissioner only has authority to recommend to Council, which has the final say over the substance of the issue. Having reviewed the Code of Conduct, we concluded that no one has oversight over the Integrity Commissioner, and there is no complaint process in place in respect of the Integrity Commissioner.

The Waterloo Area Municipal Ombuds Office Policy does not exempt the Integrity Commissioner from review; however, the substantive subject matter of the Integrity Commissioner's inquiry is not reviewable -- only the administrative process that the Integrity Commissioner followed in arriving at their decision.

A complaint is where the initial view of the matter indicates it is within jurisdiction and the Complainant files a Complaint, Consent and Confidentiality Form, allowing us to take the matter up with a municipal official. We did not receive completed complaint forms.

We consider these two years to be anomalous. The profound impact of COVID-19 restrictions diverts many from their usual habits and concerns.

Looking forward for the upcoming year, I will be in contact with the Ombuds Advisory Committee (the municipal Clerks) about how we can improve the profile of the Office. Our Office will offer front line and supervisory conflict management training to assist in the resolution of issues at the earliest possible time.

The Waterloo Area Ombuds Office will look for ways to ensure that the Office is accessible, useful and relevant to the residents of Wilmot Township.

A handwritten signature in black ink, reading "Richard A. Russell". The signature is written in a cursive style with a large, stylized 'R' and 'A'.

Richard A. Russell B.A., LL.B., C. Med. C. Arb.
Ombudsman, Waterloo Area Municipal Ombuds Office

ABOUT OUR OFFICE

Waterloo Area Municipal Ombuds Office

What is an Ombudsman?

An ombudsman is an Officer of Council responsible for looking into whether administrators are properly applying the by-laws and policies of the municipal corporation. While the ombudsman has no power to overturn decisions, they do make recommendations and can bring matters to the highest levels of the Region for consideration.

The ombudsman has the authority to consider complaints that administrators are misusing their power, failing to use their discretion or acting unfairly. They will conduct a thorough and fair investigation and make findings based on evidence.

An ombudsman will also provide information and guidance to citizens and work between Regional administration and individuals to solve problems informally when possible.

An ombudsman provides an Annual Report to Council with recommendations for any changes to policies or practices that he or she feels are needed.

Jurisdiction

The Waterloo Area Municipal Ombuds Office derives its legal authority from the Ombudsman Act of Ontario, which under section 14 (4.3) sets out the jurisdiction of the municipal Ombudsman. In effect the Municipal Ombudsman has all of the same rights to investigate as would the Provincial Ombudsman.

Our Philosophy

“Partnering With”, rather than “Oversight Of” is the service orientation that we have sold. We view Complaints as a Resource that municipalities can learn and grow from. We are remedial and not punitive in our orientation toward the institutional clients.

Scope of Services

Matters that ARE within the Ombuds' Mandate to Investigate are:

1. Where the Region/City or Township has not followed appropriate procedures in arriving at a decision;
2. Where the Region/City or Township has acted in a way that is contrary to its own rules, procedures or By-laws;
3. Where the Region/City or Township has made a decision that is outside of its powers to make;
4. Where the Region/City or Township has failed to take a specific action that it is required to under its rules, procedures or By-laws;
5. Any decision or recommendation made, act done or omitted to be done in the course of the administration of the Region/City or Township, so long as it does not fall under the list of matters that are *not within our mandate to investigate* (see below).

Matters that are NOT within the Ombuds' Mandate are:

1. Any Region/City or Township decision, recommendation, act or omission in respect of which there is a right of appeal, review or objection to any court or tribunal, until that right of appeal, review or objection has been exercised, or the time for the exercise of that right has expired;
2. Cases where the inquirer has not taken their complaint to the Region/City or Township first;
3. Decisions, recommendations, acts or omissions of a legal advisor or counsel to the Region/City or Township;
4. Complaints regarding closed meetings of Council;
5. Complaints that are within the mandate of the Integrity Commissioner;
6. Complaints where the subject matter is deemed to be trivial, frivolous, vexatious or an abuse of the Ombuds Office process or which are not made in good faith, in the opinion of the Ombuds Office;
7. Cases *where more than one (1) year has passed* since the inquirer learned of the facts on which the complaint or inquiry is based, unless special circumstances exist.
8. Issues related to labour and employment matters.

Process

Inquirers must provide (within one year as above) a completed and signed Complaint Form with consent to disclose such evidence and information as is necessary to conduct a full, fair and impartial inquiry or investigation. Complaints and Inquiries **must** originate with the affected party; the Ombuds does not accept complaints from interested, but unaffected third parties.

Initial Review

An Initial Review is conducted to decide whether a file may be investigated. During the Review, the following questions are considered:

- Did the inquirer already go through the Region/City or Township's internal complaint process? If not, the inquirer will be referred to the appropriate Region/City or Township office;
- Is the complaint or concern within the Ombuds Office's mandate?

Inquirers and the respondent, where appropriate, are advised of the outcome of the Initial Review.

An Initial Review may result in the inquirer and the Region/City or Township being advised that the issue may be investigated. It may also result in an Initial Review Letter advising the Inquirer (and respondent if appropriate) that the file is being closed because the inquiry is not within the Ombuds Office mandate, together with a referral to the appropriate body to lodge a complaint, wherever possible.

Early Resolution

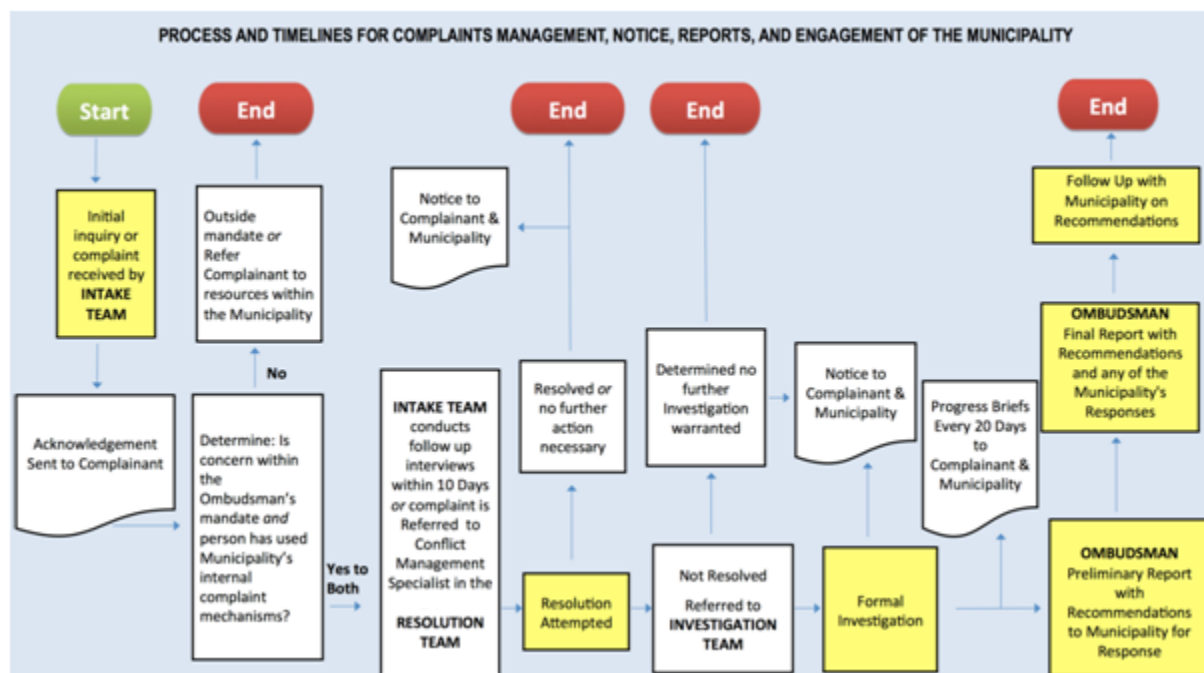
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict Management Professional.

Investigation

If a resolution is not possible, the matter will be referred back to the Investigator who will continue investigating the complaint and who may contact the inquirer and the Region/City or Township to schedule interviews and gather information.

The Report will contain the Investigator's findings, either recommending a remedy for the concern to the Region/City or Township or rejecting the complaint. In either case, the Report will contain reasons for the decision. Ombuds Offices cannot order a municipality or an inquirer to take any steps, but may make recommendations with persuasive reasons. Such recommendations are often followed.

Process Flowchart



Privacy at Waterloo Area Municipal Ombuds Office

Waterloo Area Municipal Ombuds Office collects personal information from Inquirers and Member Regions, Cities or Townships for the purpose of resolving disputes. Waterloo Area Municipal Ombuds Office ensures that the personal information of our clients remains confidential and secure. This Privacy Policy ("Policy") describes the ways Waterloo Area Municipal Ombuds Office is committed to ensuring that all private and confidential information is protected for both the Inquirer and the Member Region, City or Township. This Policy is intended to ensure that the privacy of individuals is protected in the use, collection, disclosure, and storage of personal and/or confidential information by Waterloo Area Municipal Ombuds Office. This Policy complies with and supplements the guidelines and mandates of Canada's federal private sector privacy law, the Personal Information Protection and Electronic Documents Act.

Waterloo Area Municipal Ombuds Office will manage personal information in an open and transparent way. This Policy will be available to anyone free of charge.

Waterloo Area Municipal Ombuds Office Commitment

Waterloo Area Municipal Ombuds Office is committed to keeping all personal information private and confidential. With written consent, we will collect personal information from the Member Region, City or Township and the Inquirer in order to investigate the complaint. Any and all information collected from the Member Region, City or Township and the Inquirer will only be used for the purpose of determining the proper resolution and/or recommendations. Waterloo Area Municipal Ombuds Office is committed to protecting the security of the files it maintains and there are security measures implemented in order to maintain the security.

Information Collected

While the personal information that Waterloo Area Municipal Ombuds Office collects depends on the nature of the complaint, the personal information may include your home address and telephone number, and any and all personal and identifiable information that is obtained by the region, city or town about the Inquirer. We collect personal information from the Inquirer, the Member Region, City or Town, and others as necessary, to facilitate the investigation and resolution of a complaint. We will limit the amount and type of personal information we collect by ensuring we only collect such information that is reasonably necessary and directly related with the complaint in dispute. All personal information will be collected by lawful and fair means.

Accountability

Waterloo Area Municipal Ombuds Office is accountable for all personal information in its possession or control. Policies and procedures have been established to comply with this Policy.

Consent Required

We will not collect, use, or disclose any personal information without first obtaining consent, except where required or permitted by law. Consent may be withdrawn at any time. Further assistance in resolving the complaint may not be available if consent is withdrawn.

Use of Personal Information

Waterloo Area Municipal Ombuds Office will only use or disclose your personal information for the intended and identified purposes and reasons for which the information was collected, except where required and permitted by law. Waterloo Area Municipal Ombuds Office will take such reasonable steps as necessary to ensure that the personal information collected is accurate, complete, relevant, and up to date. We will inform individuals of the purpose for which personal information will be used before or when they consent to its collection.

Access to Personal Information

A person may access their personal information held by Waterloo Area Municipal Ombuds Office that has been provided to us and is in our possession. Parties should contact their region, city or town directly to access their personal information provided to us by that Member Region, City or Town in the course of our dispute resolution process.

Website

Our online website www.civcombuds.ca is hosted on servers that are owned and managed by a third party.

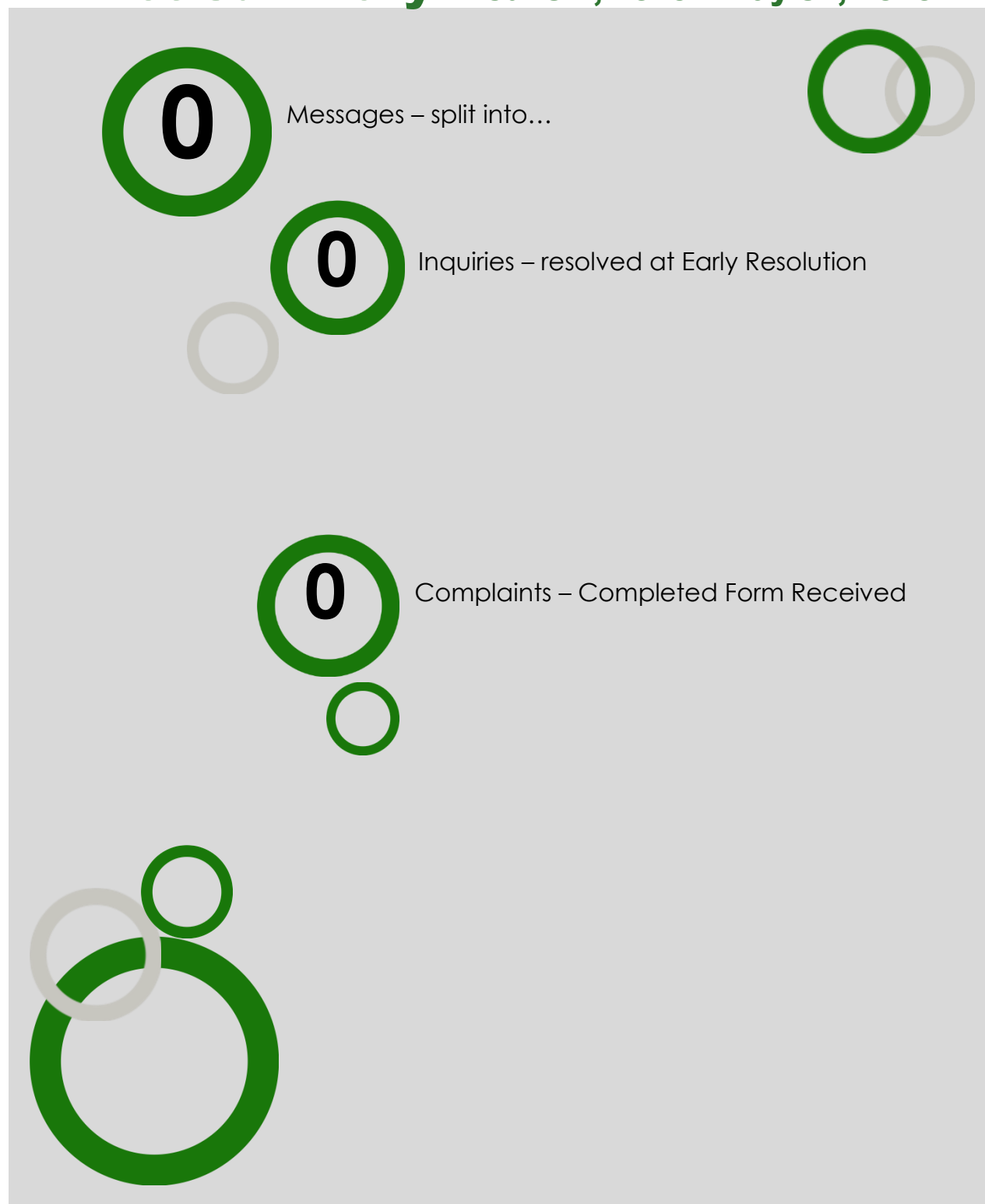
Security

Waterloo Area Municipal Ombuds Office has taken the proper and necessary steps to ensure all information pertaining to our clients' files is secured and protected against theft, unauthorized use, modification, and loss. Security-protected databases are used to store online files, and specific security measures are used to ensure the files are monitored through multiple security scans of the online content as well as numerous checks to prevent common website hacks like cross-site scripting, SQL injection, brute-force password attacks, etc.

Breach of Privacy

A complaint about a breach of privacy must be in writing, and directed to Waterloo Area Municipal Ombuds Office. The individual making the privacy complaint must give Waterloo Area Municipal Ombuds Office sixty (60) days to respond.

Wilmot Summary – June 1, 2019 – May 31, 2020



Township of Wilmot – June 1, 2019 – May 31, 2020 :

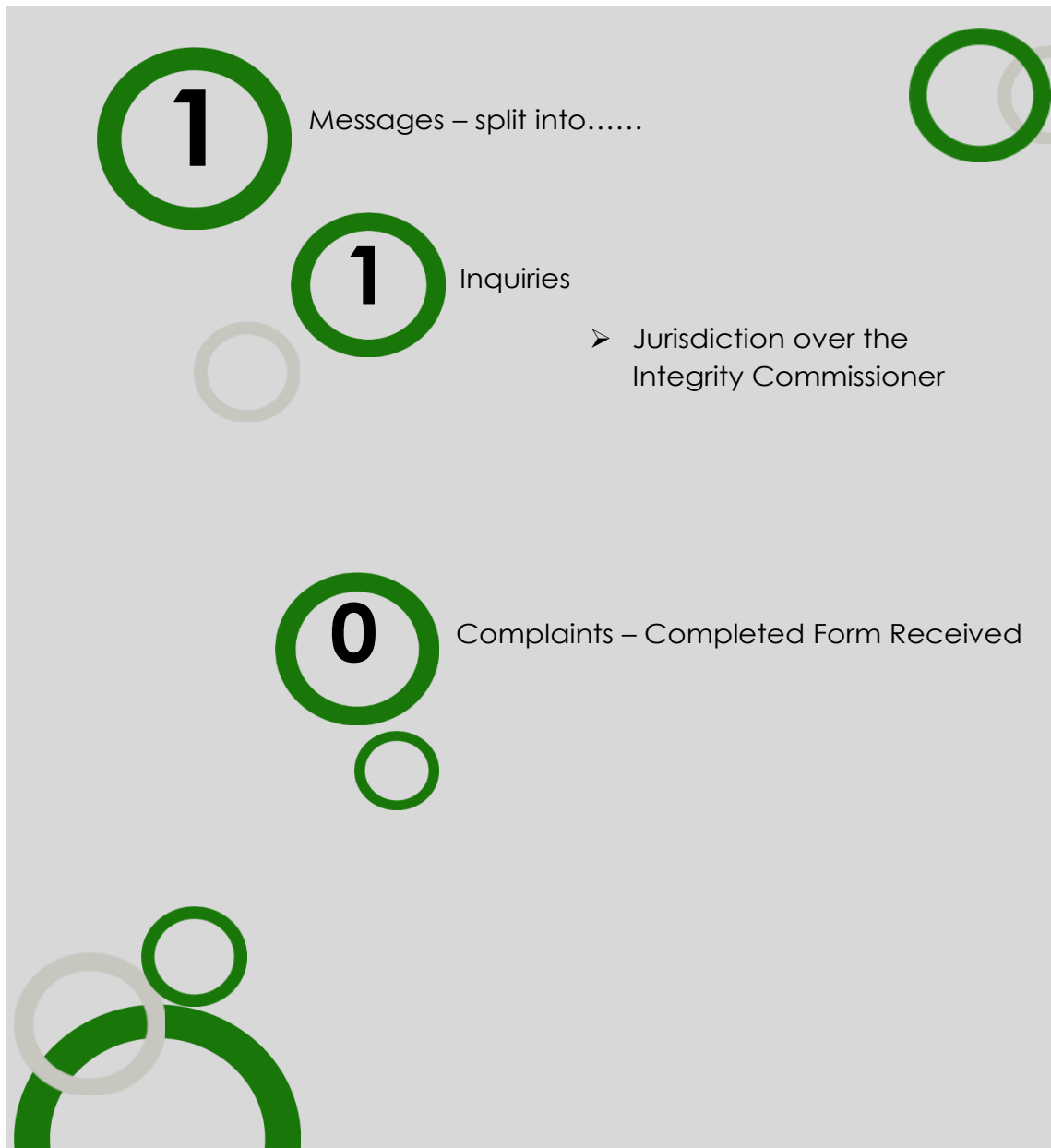
Inquiries: Zero (0)

The Ombuds Office defines an inquiry as a contact with a person about an issue which may or may not fall within the Office's jurisdiction. These are often in the nature of "touches" where we act as a conduit from the Inquirer to the appropriate resource to resolve their issue(s). The threshold is that with inquiries the individual is not asked to provide a Complaint, Consent and Confidentiality Submission Form which permits us to talk with persons on the other side of a complaint. Typically these are dealt with by our Intake & Early Resolution Consultant with little input from the Ombudsperson.

Complaints: Zero (0)

A Complaint is defined by the Ombuds Office as an allegation that may or may not be within the jurisdiction of the Waterloo Area Municipal Ombuds Office but which requires further fact finding to determine in what way the Office may assist. It usually involves the completion of the Complaint, Consent and Confidentiality Submission Form outlining in writing the nature of the complaint, and giving the Office permission to begin to gather information, disclose information to civic officials, facilitate discussions, make suggestions and recommendations, as well as to investigate as required.

Wilmot Summary – June 1, 2020 – May 31, 2021



Township of Wilmot – June 1, 2020 – May 31, 2021:

Inquiries: One (1)

The Ombuds Office defines an inquiry as a contact with a person about an issue which may or may not fall within the Office's jurisdiction. These are often in the nature of "touches" where we act as a conduit from the Inquirer to the appropriate resource to resolve their issue(s). The threshold is that with inquiries the individual is not asked to provide a Complaint, Consent and Confidentiality Submission Form which permits us to talk with persons on the other side of a complaint. Typically, these are dealt with by our Intake & Early Resolution Consultant with little input from the Ombudsperson.

1. The Ontario Ombudsman's Office called asking if we had jurisdiction over the Integrity Commissioner of Wilmot. The Ombudsman for the Township of Wilmot reviewed documents, as well as the Wilmot Ombudsman Policy and concluded that:
 - The Code of Conduct does not afford any opportunity for a citizen to have either the decision or the process (conduct) of the Integrity Commissioner reviewed;
 - Substantive decisions of the Integrity Commissioner are recommendations to Council and Council alone reviews the substantive decision and their decision is final;
 - There is no provision within the contract between the Consultant and the Township which provides for a complaint process between a complainant and the Consultant;
 - The Waterloo Area Municipal Ombuds Office Policy does not exempt the Integrity Commissioner from review. As an administrative recommending body the Integrity Commissioner's process is subject to review by the Ombudsman, *however* the substantive subject matter of the Integrity Commissioner's Inquiry is not reviewable by the Ombuds Office, *only the administrative process which he/she followed.*

We advised that our office would review the complaint regarding the Integrity Commissioner to determine whether the complaint deals with the process followed or the conclusions drawn. If the former, we would advise the Complainant that we can investigate, if the latter we would confirm that it is an excluded ground under our policy and the body with appropriate jurisdiction is Council.

We asked that the Ontario Ombudsman's office advise the Complainant of the above so that they would have a clear understanding of how our office may be able to assist.

Complaints: Zero (0)

A Complaint is defined by the Ombuds Office as an allegation that may or may not be within the jurisdiction of the Waterloo Area Municipal Ombuds Office but which requires further fact finding to determine in what way the Office may assist. It usually involves the completion of the Complaint, Consent and Confidentiality Submission Form outlining in writing the nature of the complaint, and giving the Office permission to begin to gather information, disclose information to civic officials, facilitate discussions, make suggestions and recommendations, as well as to investigate as required.



Contact Information

<http://www.civcombuds.ca>

36 Dundas Street, Dundas, ON L9H 1A2

Local: 905-627-2033 | Toll Free: 1-888-224-2488

Fax: 905-627-5362

Email: ombuds@civcombuds.ca

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2021-38

A BY-LAW TO AMEND DEVELOPMENT CHARGES BY-LAW 2019-42

WHEREAS section 19 of the *Development Charges Act, 1997* S.O. 1997, c.27, as amended (“the Act”) provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the Township of Wilmot (hereinafter called “the Council”) has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the Township of Wilmot, being By-law 2019-42;

AND WHEREAS, in accordance with the Act, a development charges background study has been completed in respect of the proposed amendment;

AND WHEREAS the Council of the Corporation of the Township of Wilmot has given notice and held a public meeting in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. By-law 2019-42 is hereby amended as follows:

a. The following definitions are added to subsection 1.1 of the By-law:

“institutional,” for the purposes of subsection 3.15, means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*.
- (c) By any institution of the following post-secondary institutions for the objects of the institution:

- (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act*, 2017;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;

“non-profit housing development,” for the purposes of subsection 3.16, means development of a building or structure intended for use as residential premises by:

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“rental housing,” for the purposes of subsection 3.15, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

- b. Section 2 is deleted and replaced with the following:

2. **DESIGNATION OF SERVICES**

- 2.1 The categories of services and classes of service for which development charges are imposed under this By-law are as follows:

Services

- (a) Road and Related Services;
- (b) Fire Protection Services;
- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Wastewater Services; and
- (f) Water Services.

- c. The following paragraph is added subsection 3.3 of the by-law:

- 3.3 (b) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

- d. Subsections 3.5 is deleted and replaced with the following:

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
- (a) the enlargement to an existing residential dwelling unit;
 - (b) the creation of the first two additional Dwelling Units in, or ancillary to, and existing Single Detached Dwelling; or
 - (c) the creation of the first additional Dwelling Unit in, or ancillary to, an existing Semi-Detached, Townhouse or Apartment building.

- (d) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

- e. Subsections 3.7 is deleted and replaced with the following:

3.7 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

- (a) Lands, buildings or structures used or to be used for a place of worship or for the purposes of a churchyard or cemetery exempt from taxation under the Assessment Act;
- (b) A Home Occupation;

- (c) An accessory building, provided that the total Gross Floor Area of the Accessory Building or Buildings on the site does not exceed the total Gross Floor Area of the applicable main use, buildings, Dwelling Units or Lodging Units;
- (d) Farming, excluding a Farm Occupation.

f. The following subsections be added to the by-law:

- 3.15 Notwithstanding subsection 3.13, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
- 3.16 Notwithstanding subsection 3.13, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
- 3.17 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 3.13, 3.15 and 3.16 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made, including interest as provided in the Township's Council approved Development Charge Interest Policy. Where both planning applications apply development charges under subsections 3.13, 3.15 and 3.16 shall be calculated on the rates, including interest as provided in the Township's Council approved Development Charge Interest Policy, set out in Schedule "B" on the date of the later planning application.

g. Schedules A and B are deleted and replaced with the attached.

2. **This By-law shall come into effect on the date of passage.**

PASSED this 12th day of July, 2021.

Mayor

Township Clerk

SCHEDULE "A" TO
BY-LAW 2019-42
COMPONENTS OF SERVICES DESIGNATED IN SECTION 2.1

100% Eligible Services

Transportation Services

- Roads
- Bridges and Culverts
- Public Works Facilities
- Public Works Rolling Stock
- Growth-Related Studies

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Fire Small Equipment and Gear
- Growth-Related Studies

Parks and Recreation Services

- Parkland Development
- Vehicles and Equipment
- Indoor Recreation Facilities
- Growth-Related Studies

Library Services

- Library Facilities
- Growth-Related Studies

Municipal Water and Wastewater Urban Service Area (New Hamburg and Baden)

Wastewater Services

- Wastewater Systems
- Growth-Related Studies

Water Services

- Water Systems
- Growth-Related Studies

Schedule "B"
To By-law 2019-42
Schedule of Development Charges

Service	Residential: Single and Semi- Detached Dwelling	Residential: Apartments - 2 Bedrooms+	Residential: Apartments - Bachelor and 1 Bedroom	Residential: Townhouse Dwelling	Residential: Lodging Units	Non- Residential: Industrial (per sq.ft. of Gross Floor Area)	Non- Residential: Commercial/ Institutional (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads and Related Services	\$7,864	\$5,353	\$3,311	\$5,990	\$2,791	\$2.11	\$4.43
Fire Protection Services	\$2,028	\$1,380	\$854	\$1,544	\$719	\$1.96	\$1.19
Parks and Recreation Services	\$5,577	\$3,796	\$2,348	\$4,248	\$1,979	\$0.48	\$0.48
Library Services	\$207	\$141	\$87	\$157	\$73	\$0.02	\$0.02
Total Municipal Wide Services	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Urban Services							
Wastewater Services	\$6,093	\$4,147	\$2,565	\$4,640	\$2,162	\$1.63	\$3.42
Water Services	\$1,391	\$947	\$585	\$1,059	\$493	\$0.37	\$0.78
Total Urban Services	\$7,483	\$5,094	\$3,150	\$5,699	\$2,655	\$2.01	\$4.20
Grand Total Rural Area	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Grand Total Urban Area	\$23,159	\$15,764	\$9,750	\$17,638	\$8,217	\$6.58	\$10.31