



TOWNSHIP OF WILMOT

Council Meeting Agenda

Monday, May 13, 2019

Regular Council Meeting

Council Chambers

7:00 P.M.

1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)
2. MOTION TO RECONVENE IN OPEN SESSION (IF NECESSARY)
3. MOMENT OF SILENCE
4. LAND ACKNOWLEDGEMENT
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 Meeting Minutes April 29, 2019

Recommendation

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

Council Meeting April 29, 2019.

8. PUBLIC MEETINGS
9. PRESENTATIONS/DELEGATIONS
 - 9.1 Waterloo-Oxford Relay for Life, Alayna Bailey and Tiffany Brubacher

- 9.2 New Dundee Victoria Day Celebrations and Fireworks Committee, Gord Perrin and Jennifer Tate**
- 9.3 Breakfast in the Park, Cruise Nights in Baden and Car Show – Country Gardens – Ron Weber**
- 9.4 Canada Day Festivities and William Scott Festival (Soap Box Derby), Angie Hallman**
- 9.5 REPORT NO. FIN 2019-22
Municipal Accommodation Tax**

Recommendation

THAT the Council of the Township of Wilmot approves the establishment of a bylaw for implementation of a mandatory 4% Municipal Accommodation Tax for hotels in the Township of Wilmot effective July 1st, 2019; subject to equivalent approvals by the other lower tier municipalities in Waterloo Region; and further

THAT Council approve the 50% (WRTMC) / 40% (Township) / 10% (Region) revenue sharing model as outlined within this report; and further

THAT staff be directed to update the Reserve Fund By-Law to segregate the Township's portion of the Municipal Accommodation Tax revenue for specific purposes to be determined; and further

THAT the Clerk and Director of Finance / Treasurer be delegated authority to enter into an agreement with the Waterloo Regional Tourism Marketing Corporation to collect the revenues on behalf of the Waterloo Region area municipalities and for the use of 50% of the Municipal Accommodation Tax funds by WRTMC; and further

THAT staff and WRTMC report back in 2020 to Council on the progress of the new Municipal Accommodation Tax; and

THAT a joint study be undertaken by WRTMC and the Municipal partners in 2022 with respect to the effectiveness of the program to inform potential program refinements at that time.

9.5.1 Municipal Accommodation Tax – Minto Schneider

10. REPORTS

10.1 CLERKS

10.1.1 REPORT CL 2019-21

Proposed Procedural By-law

Recommendation

THAT the proposed Procedural By-law as per Report CL 2019-21 be endorsed.

10.1.2 REPORT NO. CL 2019-22

Regional Governance Review – Open House Feedback

NOTE: Community Responses/Feedback are attached in a separate document

Recommendation

WHEREAS the Ontario Government is reviewing the governance, decision-making and service delivery functions of eight (8) regional municipalities and Simcoe County including Waterloo Region;

AND WHEREAS among the options being considered is amalgamation or dissolution of the two-tier governance model;

AND WHEREAS independent studies to date have referenced that amalgamation does not save money and actually decreases civic engagement;

AND WHEREAS the CAO's within the Region of Waterloo have an ongoing, long-standing practice of evaluating and implementing service delivery improvements that benefit the residents of Waterloo Region;

NOW THEREFORE BE IT RESOLVED THAT the Township of Wilmot Council supports a two-tier governance model that fosters civic engagement, collaboration and efficient service delivery, while allowing the Township of Wilmot to deliver the services desired by our constituents through this accountable and transparent model, and;

THAT staff be directed to forward, for information, all unaltered comments, feedback, the resolution and staff report, as well as a copy of the Provincial Governance Review

Information Package to Minister Clark and the Special Advisors, Mr. Ken Seiling and Mr. Michael Fenn.

10.1.3 REPORT NO. CL 2019-23

Property Standards Committee Terms of Reference - Amendment

Recommendation

THAT Council ratify the consensus decision to amend the Property Standards Committee Terms of Reference to include the Line Fences Act, 2006 and the role of the Committee to serve as Fence Viewers.

10.1.4 REPORT CL 2019-24

Traffic and Parking By-law Amendments

Recommendation

THAT By-law No. 2019-22 be adopted in respect to a 24-hour time limit for on-street parking of trailers; and

THAT staff investigate how a snow event declaration can be incorporated into the operations of the Township, including how overnight on-street parking prohibitions during the winter months would be incorporated.

10.2 FINANCE

10.2.1 REPORT FIN 2019-23

Senior Government Funding Updates and the Investing in Canada Infrastructure Program (ICIP)

Recommendation

THAT Finance Report FIN 2019-23, prepared by the Director of Finance / Treasurer, outlining various Senior Government Funding Programs be received for information purposes;

AND FURTHER THAT, the Treasurer be authorized to submit an application to the Investing in Canada Infrastructure Program (ICIP) to support the Class Environmental

Assessment, Design and Replacement of Bridge 34/T-B, also known as the Bridge Street Bridge.

10.4 DEVELOPMENT SERVICES

10.4.1 REPORT DS 2019-13

Zone Change Application 05/09

Rick Tomic

Part of Lot 5, Concession 4, Block A

Being Parts 1 and 2, Plan 58R-15690

1257 Bridge Street and 967641 Oxford-Waterloo Road

Recommendation

THAT Council approve Zone Change Application 05/09 made by Rick Tomic, affecting Part of Lot 5, Concession 4, Block A, being Parts 1 and 2, Plan 58R-15690, to rezone a portion of the subject property from Zone 1 (Agricultural) to Zone 8 (Commercial) subject to Section 22.196.

11. CORRESPONDENCE

12. BY-LAWS

12.1 By-law No. 2019-24 Zone Change Application 05/09

12.2 By-law No. 2019-25 Procedural By-Law

**12.3 By-law No. 2019-26 Traffic and Parking By-Law Amendment with
Respect to On-Street Parking of Trailers**

Recommendation

THAT By-law No. 2019-24, 2019-25 and 2019-26 be read a first, second and third time and finally passed in Open Council.

13. NOTICE OF MOTIONS

14. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS

15. BUSINESS ARISING FROM CLOSED SESSION

16. CONFIRMATORY BY-LAW

16.1 By-law No. 2019-27

Recommendation

THAT By-law No. 2019-27 to Confirm the Proceedings of Council at its Meeting held on May 13, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

17. ADJOURNMENT

Recommendation

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



TOWNSHIP OF WILMOT

Council Meeting Minutes

Monday, April 29, 2019

Regular Council Meeting

Council Chambers

7:00 P.M.

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

Staff Present: Chief Administrative Officer G. Whittington, Director of Clerk's Services D. Mittelholtz, Deputy Clerk T. Murray, Director of Public Works J. Molenhuis, Director of Facilities and Recreation Services S. Nancekivell, Director of Development Services H. O'Krafka, Fire Chief R. Leeson, Director of Finance P. Kelly, Curator / Director of Castle Kilbride T. Loch, Manager of Planning / EDO A. Martin, Senior Municipal By-Law Enforcement Officer E. Merritt, Manager of Accounting A. Romany

- 1. MOTION TO CONVENE INTO CLOSED SESSION**
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- 7. MINUTES OF PREVIOUS MEETINGS**

7.1 Council Meeting Minutes April 15, 2019

Resolution No. 2019-78**Moved by: Councillor C. Gordijk****Seconded by: Councillor A. Hallman**

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

Council Meeting April 15, 2019.

CARRIED.

Councillor A. Hallman asked that the minutes be amended to clarify that her request was for staff provide overtime hours was for both full and part time employees in the future budget report.

8. PUBLIC MEETINGS**8.1 REPORT NO. DS 2019-12****Zone Change Application 06/19****Florin Bodnaras****Lot 61, Plan 627****159 Tannery Street, Baden****Resolution No. 2019-79****Moved by: Councillor C. Gordijk****Seconded by: Councillor B. Fisher**

THAT Council approve Zone Change Application 06/19 made by Florin Bodnaras, affecting Lot 61, Plan 627, to pass a temporary use by-law to permit two dwellings for a period of 9 months be approved, subject to the following:

THAT the implementing by-law specifically limit occupancy to only one dwelling at any time.

CARRIED.

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Local Planning Appeal Tribunal, the Tribunal has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website along with email addresses, if provided.

The Manager of Planning / EDO outlined the report.

Mr. Ferguson, 136 Tannery Street Baden advised Council he was in support of the application.

Mayor L. Armstrong asked if there were questions of a technical nature from Council. There was none.

Mayor L. Armstrong asked twice if anyone else wished to address Council on this matter, and in the absence of any comments, declared the public meeting to be closed.

8.2 REPORT NO. CL 2019-20

Procedural By-law Amendments

Resolution No. 2019-80

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

THAT the Clerk's Services staff be directed to prepare a proposed Procedural By-law and report having regard for the comments received in conjunction with the Public Meeting held at the Regular Council Meeting on April 29, 2019.

CARRIED.

Mayor L. Armstrong declared the public meeting open and stated that Council would hear all interested parties who wish to ask questions, provide comments, and make representations on the draft Procedural By-law.

Persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and you are hereby advised that this information may be posted on the Township's official website along with your email addresses if provided.

The Director of Clerk's Services outlined the report.

Ms. Deb Swidrovich registered delegation provided Council with a PowerPoint presentation and provided comment. Ms. Swidrovich thanked Council for the opportunity to present her comments and thanked staff for the opportunity to have previously commented. Ms. Swidrovich expressed her feedback will help ensure that the public have ample opportunity to read and understand what is being presented and discussed at Council as well as enough time to register as a delegation, should they so wish. Ms. Swidrovich provided detailed point by point comment on certain aspects of the Procedural By-law and provided suggested changes, which were provided to staff for consideration in the proposed By-law.

Councillor J. Pfenning thanked Ms. Swidrovich for her engagement through this process and noted that Ms. Swidrovich's comments are well taken.

Mr. Kevin Thomason, registered delegation, spoke to Council regarding his comments on the draft Procedural By-law. Mr. Thomason, noted that he is pleased with the review of this particular document and the amendments are moving in the right direction; however, stated that more can be done including the development of other guideline and procedures. Mr. Thomason also stressed the importance of transparency and accountability to allow for an easier, more accessible ability to be a delegation at Council. Mr. Thomason, has also provided staff with his written comments.

Councillor J. Pfenning thanked Mr. Thomason for his presentation and noted that there were some points he raised that she had not thought of.

Councillor C. Gordijk asked if the reference material on community engagement he had spoken of could be shared and the Director of Clerk's Services advised Mr. Thomason to send it to her for distribution.

Mayor L. Armstrong asked if any other person wished to address Council on this matter. There were none.

Councillor J. Gerber advised that he would forward his comments directly to the Director of Clerk's Services.

Councillor J. Pfenning advised that she too, would forward her comments.

The Director of Clerk's Services advised that any and all comments received will be referenced in the report that will come forward at the May 13, 2019 Council meeting.

9. PRESENTATIONS/DELEGATIONS

9.1 Sustainable Waterloo Region

Tova Davidson, Executive Director

Councillor C. Gordijk thanked Ms. Davidson for her presentation and asked if she knew why bike usage went down and why is Canada scores so low in term of carbon reduction. Ms. Davidson advised that the cycling numbers she is referring to are generated from their members companies; however, proper infrastructure to promote cycling hasn't caught up yet. She also advised that transit infrastructure requires more work and Canadians love their cars.

Councillor B. Fisher also thanked Ms. Davidson for her presentation and agreed that it is very exciting to see how well the Township is doing. Councillor B. Fisher asked if there are any government incentives for the Township to convert to electric vehicles. Ms. Davidson advised that there are incentives available to assist. Mayor L. Armstrong advised that the Grand River Conservation Authority is looking into acquiring an electric utility vehicle to test for compatibility with their needs and Ms. Davidson also advised that the Region of Waterloo has one electric vehicle in their fleet which they encourage staff to use instead of their own vehicles.

Councillor J. Pfenning, thanked Ms. Davidson for both her presentation at Council and the event Sustainable Waterloo Region hosted last week.

Councillor A. Hallman, thanked Ms. Davidson as well as the CAO, Director of Finance and the Manager of Accounting for their leadership and passion. Councillor A. Hallman asked what an appropriate next step would be and Ms. Davidson advised that the leadership in the Township has a clear understanding of their communities' needs. Ms. Davidson noted that the community should be proud of Wilmot's story and brag about it, she noted that is how to get other people to stand up and take notice. Ms. Davidson advised Council that the work the CAO did in that regard is exactly why the other Townships became members.

9.1.1 REPORT NO. FIN 2019-18

Final Staff Sustainability Committee Annual Report (2018) & Partners for Climate Protection Program

Resolution No. 2019-81**Moved by: Councillor B. Fisher Seconded by: Councillor A. Hallman**

THAT the annual report FIN 2019-18, from the Sustainability Committee be received for information purposes;

THAT the Terms of Reference of the Sustainability Working Group be amended for the structure and membership to include the Executive Director of Sustainable Waterloo Region (or their designate); and

THAT the following resolution prepared by FCM be adopted:

WHEREAS The Federation of Canadian Municipalities (FCM) and ICLEI–Local Governments for Sustainability (ICLEI Canada) have established the Partners for Climate Protection (PCP) program to provide a forum for municipal governments to share their knowledge and experience with other municipal governments on how to reduce GHG emissions;

WHEREAS over 350 municipal governments across Canada representing more than 65 per cent of the population have already committed to reducing corporate and community GHG emissions through the PCP program since its inception in 1994;

WHEREAS the PCP program is based on a five-milestone framework that involves completing a GHG inventory and forecast, setting a GHG reduction target, developing a local action plan, implementing the plan, and monitoring progress and reporting results;

BE IT RESOLVED that the municipality of the Corporation of the Township of Wilmot review the guidelines on PCP Member Benefits and Responsibilities and then communicate to FCM and ICLEI Canada its participation in the PCP program and its commitment to achieving the milestones set out in the PCP five-milestone framework;

BE IT FURTHER RESOLVED that the municipality of the Corporation of the Township of Wilmot appoint the following:

- a) Corporate staff person: Ashton Romany (Contact Number: 519-634-8444, Contact Email: ashton.romany@wilmot.ca)
- b) Elected official: Jennifer Pfenning (Contact Number: 519-998-6029, Contact Email: jenn.pfenning@wilmot.ca)

to oversee implementation of the PCP milestones and be the points of contact for the PCP program within the municipality.

CARRIED.

The Manager / Deputy Treasurer outline the report.

Councillor J. Pfenning advised that she did not have questions; however, she commented that she was pleased to see this and is delighted to join the committee.

9.2 Mike Arndt, Graham Mathew Professional Corporation Audit Presentation

Mr. Arndt thanked Council for the opportunity to present. Mr. Arndt advised that the audit went well, with virtually no adjustments required. He advised that a part of their requirement is to provide a brief opinion. Mr. Arndt advised that the Township is a leader and exemplar for several focus groups on best practices. He also noted that the Township is one of the first municipalities in Ontario to have filed their Financial Information Return, which means there will be no interruption to any funding that the Township receives from the Province. Mr. Arndt advised Council that the strong leadership from the CAO and the Director of Finance, along with the talent of Township staff is the envy of many municipalities.

Mr. Arndt advised that the Township has a surplus again this year, as it has for the past several years, and all surplus is reinvested. Those investments the Township makes has proven valuable. Mr. Arndt advised that arrears on a per capita basis have also decreased, which is a direct result of increased tax collection.

Councillor J. Gerber thanked staff and Mr. Arndt for his report and noted it is a report he looks forward to every year. Councillor J. Gerber noted that the report always highlights how significant the fiscal management of the Township is and the excellent efficiency of staff, he expressed how important presentations such as these are to have on public record.

9.2.1 REPORT NO. FIN 2019-20 2018 Audited Financial Statements

Resolution No. 2019-82

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT Report FIN 2019-20 regarding the 2018 Annual Financial Report be received for information purposes.

CARRIED.

The Director of Finance outlined the report and thanked staff for their continued dedication to the financial stability of the Township.

10. REPORTS

10.1 CLERKS

10.1.1 REPORT CL 2019-22

By-law Enforcement Quarterly Activity Report, January 1st to March 31st, 2019

Resolution No. 2019-83

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

THAT the Enforcement Activity Report for January 1, 2019 to March 31, 2019 be received for information purposes.

CARRIED.

The Senior Municipal Law Enforcement Officer outlined the report.

Councillor C. Gordijk asked for clarification specifically on what 25 signs staff removed and the Senior Municipal Law Enforcement Officer advised that the signs that staff remove are mainly real estate or business signs that are in violation of the By-law. The Senior Municipal Law Enforcement Officer noted that if any of signs are those of a new business, staff reach out and explain the by-law to those businesses. She also advised that if anyone has had their signs removed and calls, they are advised to come in and pick up their signs.

Councillor A. Hallman asked for clarification regarding overnight parking ticket issuance, in particular, if there are any areas that are more problematic than others and the Senior Law Enforcement Officer advised that those specific statistics reflect when the parking ban is in place and the table outlines the complaints.

10.1.2 REPORT NO. CL 2019-16 Addendum

Acceptance of Petition for Drainage Works Stewart Good

**South Part Lot 20, Concession North of Bleams Road
Township of Wilmot**

Resolution No. 2019-84

Moved by: Councillor C. Gordijk Seconded by; Councillor A. Hallman

THAT the Township of Wilmot accept the Notice of Petition for Drainage Works received from Stewart Good for South Part Lot 20, Concession North of Bleams Road, Township of Wilmot; and,

THAT the Clerk be authorized to proceed accordingly under the Drainage Act.

CARRIED.

The Director of Clerk's Services outlined the report and the review that staff had done, she advised that John Kuntze is in attendance should Council have questions

Councillor J. Gerber asked if staff have had the opportunity to discuss this petition with the Drainage Superintendent and staff if so, was it satisfactory. The Director of Clerk's Services advised that the Director of Public Works, Director of Development Services, CAO and Director of Finance along with the Drainage Superintendent and herself met and discussed all concerns. She emphasized that the petition is not meant to be a final drain design, such design is the decision of the appointed Engineer. It was also explained that this petition meets all legislative requirements of a drain petition.

Councillor C. Gordijk asked for clarification on the decision limitations that Council have in terms of the drain design and the Director of Clerk's Services advised that throughout the process, there will be opportunities for Council to participate, for example, appointment of a Drain Engineer. She advised that all stakeholders will also have an opportunity to comment, such as, the Grand River Conservation Authority, the Ministry of Natural Resources and all affected property owners. The Director of Clerk's Services advised that as the process proceeds, Council has the opportunity to review the report, and with the appointed Engineer in attendance, Council can ask questions, she also advised that, following this stage an appeal can be triggered on assessments or on a technical merit. Mr. Kuntze was asked to address Council to speak of the more technical aspects of the question and Mr. Kuntze advised that any member of Council can attend any meeting the appointed Engineer has. Mr. Kuntze also noted that the Drainage Act is a Provincial document and although Council has the ability to deny a petition, but he cautioned that in doing so, it is vital that Council have an extremely valid reason to decline

the petition. Mr. Kuntze also reminded Council that the Province has strong environmental controls in place to protect any and all species, land and waterways. Mr. Kuntze advised that the Grand River Conservation Authority is a key partner in the process and typically they have been opposed to enclosed drains. Council were advised that the next step in the process is for the Clerk to forward, for comment, the petition to the stakeholders, after which time, Council will have the opportunity to review the stakeholder comments and proceed. Mr. Kuntze advised that the process is designed to be as transparent as possible.

Councillor A. Hallman, thanked Mr. Kuntze for the detailed explanation and feels more informed.

Councillor J. Pfenning, also thanked Mr. Kuntze and advised she is satisfied at this point.

10.2 FINANCE

10.2.1 REPORT NO. FIN 2019-19

2019 Final Tax Levy By-Law

Resolution No. 2019-85

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT report FIN 2019-19 prepared by the Manager of Finance / Deputy Treasurer, regarding the 2019 Final Tax Levy By-law be received.

CARRIED.

The Manager of Accounting / Deputy Treasurer outlined the report.

Councillor C. Gordijk asked if this was the same Tax Levy By-law that was previously passed by Council and The Director of Finance / Treasurer advised that Council had passed the Interim Tax Levy By-law and that this is the Final Tax Levy By-law, which includes the Region and School Board.

10.2.3 REPORT NO. FIN 2019-21

Drain Maintenance Levies

Resolution No. 2019-86**Moved by: Councillor C. Gordijk****Seconded by: Councillor J. Pfenning**

THAT Report FIN 2019-21, prepared by the Director of Finance / Treasurer, regarding the levy of maintenance costs for various drains, be received for information purposes.

CARRIED.

The Director of Finance / Treasurer outlined the report.

Councillor C. Gordijk asked if this levy would satisfy the concerns that a resident had raised, which she discussed with staff and was advised that the Carmel Koch Drains had not yet been cleaned. Mr. Kuntze advised that the Richardson Drain is a two component system and the tile portion requires repairs, which is currently out for tender, the ditch requires a cleanout prior to any tile repair/installation.

10.4 PUBLIC WORKS**10.4.1 REPORT NO. PW 2019-03****Public Works 1st Quarter Operations Activity Report
January – March 2019****Resolution No. 2019-87****Moved by: Councillor B. Fisher****Seconded by: Councillor C. Gordijk**

THAT the Public Works Operations 1st Quarter Activity Report for the months of January, February and March 2019 be received for information.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor J. Pfenning asked where the location of the snow dump is and the Director of Public Works and Engineering advised that the last two seasons, we did not have to activate the snow dump as the Sandhills Yard was sufficient.

10.4.2 REPORT NO. PW 2019-04**Granular Extraction, Crushing and Stockpiling – Award of
Contract**

Resolution No. 2019-88

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

THAT RFT 2019-08 be awarded to Joe Kerr Limited, in the amount of \$48,937.50, plus HST, for granular extraction, crushing and stockpiling at the Township pit.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor J. Pfenning asked if it is common to receive only one bid and the Director of Public Works and Engineering advised that he is unsure of the reason why only one bid was received, as typically staff receive three to four bids.

10.4.3 REPORT NO. PW 2019-05

Mid-Sized 4-Wheel Drive Crew Cab Pickup – Award of Contract

Resolution No. 2019-89

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

THAT RFP 2019-01 be awarded to Barry Cullen Chevrolet Cadillac Ltd. to supply and deliver one (1) Mid-Sized 4 Wheel Drive Crew Cab Pickup as per their proposal dated April 17, 2019 for the fee of \$32,663.75, plus HST.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor C. Gordijk asked if this vehicle was needed at this time, and if we could instead explore an e-vehicle option and the Director of Public Works and Engineering advised that exploring the option of an e-vehicle is certainly a future option; however, with a lack of infrastructure to support that type of vehicle and the immediate need for this vehicle do not make it a feasible option at this point in time.

10.4.4 REPORT NO. PW 2019-06

Tandem Axle Dump Truck – Award of Contract

Resolution No. 2019-90**Moved by: Councillor C. Gordijk****Seconded by: Councillor A. Hallman**

THAT RFP 2019-02 be awarded to Altruck International Truck Centres to supply and deliver one (1) tandem axle dump truck as per their proposal dated April 16, 2019 for the fee of \$291,009.41, plus HST.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor B. Fisher asked for clarification on the warranty process for this vehicle since it is being purchased out of Burlington and the Director of Public Works advised that all warranty work will be done by the dealer, either through on-site service here or delivery of the vehicle to the dealership, at such time that the warranty expires, all service work will be done locally. Councillor B. Fisher asked if the Director of Public Works and Engineering was aware of the mileage on the outgoing dump truck and the Director advised that he was not; however, engine hours are also taken into account for replacement justification and advised that he will follow-up with Council on those particular details.

10.4.5 REPORT NO. PW 2019-07**Surface Treatment Program – Award Of Contract****Resolution No. 2019-91****Moved by: Councillor C. Gordijk****Seconded by: Councillor B. Fisher**

THAT RFT 2019-13 be awarded to Cornell Construction Limited for surface treatment of Township roads, as per their submission dated April 24, 2019, in the amount of \$421,565.05, plus HST.

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor C. Fisher asked if the Township of Perth East will be contributing to the overall budget for the works and the Director of Public Works and Engineering advised that the Township of Perth East will be contributing to overall costs.

10.4.6 REPORT NO. PW 2019-08**Hot Mix Program – Award of Contract**

Resolution No. 2019-92

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

THAT RFT 2019-14 be awarded to Brantco Construction, for the Hot Mix Paving Program, as per their submission dated April 24, 2019, in the amount of \$330,029.30 (plus HST).

CARRIED.

The Director of Public Works and Engineering outlined the report.

Councillor J. Pfenning thanked the Director of Public Works and Engineering for reaching out to discuss this project.

10.5 DEVELOPMENT SERVICES

10.5.1 REPORT NO. DS 2019-10

2018 Building Permit Enforcement Cost Summary

Resolution No. 2019-93

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

THAT Report DS 2019-10 be received for information.

CARRIED.

The Director of Development Services outlined the report.

10.5.2 REPORT NO. DS 2019-11

2019 First Quarter Building Statistics Summary

Resolution No. 2019-94

Moved by: Councillor A. Hallman Seconded by: Councillor B. Fisher

THAT the 1st Quarter 2019 Building Statistics Summary be received for information.

CARRIED.

The Director of Development Services outlined the report.

Councillor C. Gordijk asked for clarification regarding Herner Woods and was advised that location is now a developed infill townhouse condo development referred to as My Timberlane.

10.6 FACILITIES AND RECREATION SERVICES

10.6.1 REPORT NO. FRS 2019-02

Facilities & Recreation Services Quarterly Activity Reports

Resolution No. 2019-95

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

THAT the Facilities & Recreation Services Activity Reports for the first quarter of 2019 be received for information.

CARRIED.

Councillor A. Hallman asked if it would be possible to make arrangements for Council members to see the new floors at the New Hamburg Community Centre and the Director of Facilities & Recreation Services advised that arrangements can be made. Councillor J. Pfenning advised that an invitation had been extended by The Community Players.

10.7 FIRE SERVICES

10.7.1 REPORT NO. FD 2019-03

Quarterly Activity Report

Resolution No. 2019-96

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

THAT the Fire Department Activity Report for the first quarter of 2019 be received for information purposes.

CARRIED.

The Fire Chief outlined the report.

10.7.2 REPORT NO. FD 2019-04

Award of RFP 2019-05 Master Fire Plan

Resolution No. 2019-97

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

THAT RFP 2019-05 be awarded to Emergency Management & Training Inc. for the completion of a Master Fire Plan and Community Risk Assessment (O.reg 378/18) as per their proposal dated April 2, 2019, for the fee of \$59,436, plus HST; and further,

That Mayor Les Armstrong, Councillor Barry Fisher, and Councillor Cheryl Gordijk be appointed to the Master Fire Plan Steering Committee.

CARRIED.

The Fire Chief outlined the report.

Councillor B. Fisher asked if there was a timeframe for the Committee and the Fire Chief advised that once the successful bid is contacted they will begin as per the schedule that has been developed.

10.8 CASTLE KILBRIDE**10.8.1 REPORT NO. CK 2019-02****Quarterly Activity Report – January, February & March 2019****Resolution No. 2019-98**

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

THAT the Castle Kilbride Activity Report for the months of January, February and March be received for information purposes.

CARRIED.

The Curator/Director of Castle Kilbride outlined the report.

Councilor J. Gerber commended staff on the work and collaboration staff had with the film production company and thanked them for their hard work.

Councillor A. Hallman asked if the funds generated from the fees charged stay within the Castle Kilbride budget and the Curator/Director of Castle Kilbride confirmed they do.

Councillor J. Pfenning echoed other member's comments and agreed it was a significant amount of work that included obstacles and thanked staff for their communication with the community.

Mayor L. Armstrong also provided kudos to the production company on the level of professionalism in ensuring all properties involved were cleaned and back in operation with as little disruption as possible.

11. CORRESPONDENCE

12. BY-LAWS

- | | |
|--------------------------------|---|
| 12.1 By-Law No. 2019-18 | Zone Change Application 06/19
Florin Bodnaras
Lot 61, Plan 627
159 Tannery Street, Baden |
| 12.2 By-Law No. 2019-21 | Final Tax Levy |
| 12.3 By-Law No. 2019-22 | Drain Maintenance Levy |

Resolution No. 2019-99

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

THAT By-law Nos. 2019-18, 2019-21 and 2019-22 be read a first, second and third time and finally passed in Open Council.

CARRIED.

13. NOTICE OF MOTIONS

Resolution No. 2019-100

Moved by: Councillor C. Gordijk

Seconded by: Councillor A. Hallman

Use of the Wilmot Township logo is authorized for official Wilmot Township business and use is designated for the use of the whole Council, office of the Chief Administrative Office and Clerks department. The logo shall not be used to lobby, fundraiser to promote community events, external businesses, organizations or individuals. Business is defined as that being sanctioned by the Corporation of the Township of Wilmot for the purpose of advancing services, programs and activities of the Corporation or for the advancing and

recognition of approved partnerships. (Save personal internet presence including social media)

CARRIED. AS AMENDED.

Councillor J. Gerber noted that staff had provided explanation regarding the Work Program identifying a branding process and he suggested waiting for that piece and recommended deferral of the Motion.

Councillor B. Fisher advised that he agrees with Councillor J. Gerber and also suggested waiting for the staff report and the new potential policy.

Councillor C. Gordijk expressed her disagreement and advised that she feels that she is here to serve and represent the public and does not feel that Councillors using the Crest is doing anything to go against the Township.

Councillor J. Gerber noted that there is nothing he is aware of in current practice that stops members of Council from wearing identifying items, such as hats and aprons, he was of the understanding that it was more the use of the Crest in social media and online.

The Director of Clerk's Services advised that the use of the Crest on personal social media accounts and representing the Township at community events are not the same. The pins, for example, that are worn at a Township function are considered acceptable use. Councillor C. Gordijk advised that the original email did not speak of social media, the Director advised that she would have to reread the email.

Councillor J. Gerber advised that although he agreed with much of what was said in terms of a policy/manual, etc., he noted that is why he feels that Council should wait until that is in place. Councillor J. Gerber suggested to rescind the Motion until such time as the manual is developed.

Mayor L. Armstrong advised that he too was in agreeance with Councillor J. Gerber and noted the importance of allowing staff to do their due diligence. Mayor L. Armstrong agreed to rescind the motion.

Councillor J. Pfenning agreed that a brand manual is necessary and recognizes that Council will be engaged in that process; however, she suggested the point of the Notice of Motion is to allow for good representation in the community. She thanked the Director of Clerk's Services for the clarification on what is being addressed and she noted that

when the email was received, she had asked if she was in violation and was advised that she was not so she didn't think much more about it.

Mayor L. Armstrong agreed that when they are out representing the Township identifying themselves by wearing lapel pins or nametags is expected and accepted. He advised that with the new Communications Specialist in place the next steps to the branding process can begin. Mayor L. Armstrong reminded Council that if there is any confusion on communication from staff, that they ask staff directly for clarification and that may include face to face conversations to allow for a clear understanding.

Councillor C. Gordijk advised that she would vote no to rescinding the motion.

Councillor J. Gerber noted that the Township would remain with the status quo where Council represents the Township at events, wearing identifying items. He noted that passing this Motion is essentially passing a Motion of work that we already do.

The Director of Clerk's Services advised Council that regardless of the outcome of the Motion, the Clerk's Services Department can create a more clear detailed guideline / policy specific to what can and cannot be done.

Mayor L. Armstrong advised that the Crest is copyrighted and members of Council need to be aware of how to use it due to copyright laws.

Councillor J. Gerber suggested that if the ongoing use of the brand by Council continues is affirmed the motion should be clarified to reflect that the use of the logo.

Councillor A. Hallman advised that she fully supports a full brand manual and her intention was never for it to be perceived in any other way. She agreed that an amendment to exclude use on social media would be acceptable.

Councillor J. Gerber suggest that the end of the Motion include, (Save personal internet presence including social media) clause. The remaining members of Council were in agreeance.

14. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS

14.1 Councillor A. Hallman, thanked the New Dundee Board of Trade and their roadside cleanup efforts as well as to staff for adding in needle safety sheet.

- 14.2** Councillor A. Hallman raised the internet issue that had been previously discussed regarding the New Hamburg Community Centre and the Mennonite Relief Sale. She reiterated her opinion that there are other user groups that would benefit from a hard wired internet connection. The Director of Finance / Treasurer expressed his understanding of the benefit while reminding Council that the Work Program for IT Services has reached capacity for the year. He noted that that this is not an immediate need and its validity could be looked at over time. Councillor A. Hallman respected the staff work load and asked that staff include the discussion in the 2020 Budget process.
- 14.3** Councillor B. Fisher noted that the community clean up in Baden over the weekend drew 63 volunteers despite the unfavourable weather.
- 14.4** Councillor B. Fisher advised, with regret, that he was unable to attend the Provincial Regional Governance Review Open House tomorrow evening due to work commitments.
- 14.5** Councillor B. Fisher advised that the Volunteer Fair registration is going well and to date 27 volunteer groups have registered.
- 14.6** Councillor C. Gordijk asked the Director of Facilities and Recreation Services to pass along her gratitude to the Recreation Programmer and the Parks and Facilities Project Coordinator for their assistance in facilitating the discussions that resulted in an agreement between The Community Players and the Pickle Ball organization.
- 14.7** Councillor C. Gordijk thanked the Director of Facilities and Recreation Services and his staff at the Wilmot Recreation Complex for the assistance they provided during the Living Well Festival.
- 14.8** Councillor J. Gerber advised that the Wilmot Key Quest began today, information can be found on the Township Website and the Key Quest Instagram page.
- 14.9** Councillor A. Hallman asked the Director of Facilities and Recreation Services to look into why the lights are out in the New Dundee Community Centre parking lot.
- 14.10** Councillor A. Hallman asked how long the digital sign in New Dundee was non-operational and staff advised that the sign is working.

- 14.11** Councillor A. Hallman asked if support in the form of a cake would be considered to celebrate the 75th Anniversary of the New Dundee Band Shell and the Director of Finance / Treasure advised the it would be considered an unbudgeted expense and fall under Council's budget.
- 14.12** Councillor A. Hallman asked the Director of Public Works and Engineering for clarification on the process for the Horticultural Society and other community groups in comparison to the process that is being requested by the Mannheim Optimist Club that are looking to create the butterfly garden. The Director advised that a right-of-way process is being undertaken in this particular instance and he strongly suggested that matters such as this remain at the staff level, he made it clear that there has been no communication thus far that would indicate any issues with the applicants in question. The Director of Public Works and Engineering advised that the importance for applications for any process to stay at the staff level allows for staff to deal with any issues more effectively rather than the discussions happening in this manner, he again requested that any such requests of this nature come forward in a different format in the future. Councillor A. Hallman asked if a meeting could be arranged between staff, the applicant and herself to discuss the concerns.
- 14.13** Councillor A. Hallman advised that she is in receipt of a letter from the Board of Trade regarding their concerns of the Regional Governance Review and asked if she should forward that direct to the Minister. The CAO suggested that the Board of Trade send it directly to the Minister and that staff will also send it as part of the package they are putting together.
- 14.14** Councillor J. Pfenning advised that she will be speaking to Regional Council tomorrow on behalf of Council regarding the proposed crosswalk in New Hamburg.

15. BUSINESS ARISING FROM CLOSED SESSION

16. CONFIRMATORY BY-LAW

16.1 By-law No. 2019-23

Resolution No. 2019-101

Moved by: Councillor C. Gordijk Seconded by: Fisher

THAT By-law No. 2019-23 to Confirm the Proceedings of Council at its Meeting held on April 29, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

17. ADJOURNMENT 9:52 PM

Resolution 2019-102

Moved by: Councillor J. Pfenning

Seconded by: Councillor A. Hallman

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

CARRIED.



Township of Wilmot **REPORT**

REPORT NO. **FIN 2019-22**

TO: **Council**

PREPARED BY: **Patrick Kelly, Director of Finance / Treasurer**

DATE: **May 13, 2019**

SUBJECT: **Municipal Accommodation Tax Levy**

Recommendation:

That the Council of the Township of Wilmot approves the establishment of a bylaw for implementation of a mandatory 4% Municipal Accommodation Tax for hotels in the Township of Wilmot effective July 1st, 2019; subject to equivalent approvals by the other lower tier municipalities in Waterloo Region; and further

That Council approve the 50% (WRTMC) / 40% (Township) / 10% (Region) revenue sharing model as outlined within this report; and further

That staff be directed to update the Reserve Fund By-Law to segregate the Township's portion of the Municipal Accommodation Tax revenue for specific purposes to be determined; and further

That the Clerk and Director of Finance / Treasurer be delegated authority to enter into an agreement with the Waterloo Regional Tourism Marketing Corporation to collect the revenues on behalf of the Waterloo Region area municipalities and for the use of 50% of the Municipal Accommodation Tax funds by WRTMC; and further

That staff and WRTMC report back in 2020 to Council on the progress of the new Municipal Accommodation Tax; and

That a joint study be undertaken by WRTMC and the Municipal partners in 2022 with respect to the effectiveness of the program to inform potential program refinements at that time.

Background:

On November 23, 2017, the Province of Ontario issued the Transient Accommodation Regulation 435/17, which came into force December 1, 2017 and provides the necessary provisions for lower tier and single tier municipalities across Ontario to implement a Municipal Accommodation Tax. These voluntary fees have been used to raise funds for destination marketing across Ontario and North America for many years but have not been implemented in Waterloo Region.

As a popular destination for culture, events (sports and otherwise), sightseeing, business and government travel, the Region of Waterloo welcomes more than 4.8 million visitors a year. Accommodation supply in Waterloo Region totals approximately 3,000 rooms, with eighteen (18) being in the Township of Wilmot. Visitors to Waterloo Region have a significant economic impact locally injecting approximately \$357 million into our local economy on an annual basis.

The purpose of this common report is to recommend the implementation of a 4% Municipal Accommodation Tax for all Waterloo Region lower tier municipalities effective July 1st, 2019. It is estimated that this will generate \$3.276M annually (\$15,000 in the Township of Wilmot) which would be split between the Waterloo Region Tourism Marketing Corporation (50%), the participating lower tier municipalities (40%), and the Region of Waterloo (10%).

In order to assist in outlining the program and its objectives from a region-wide perspective, Minto Schneider of the Waterloo Region Tourism Marketing Corporation (WRTMC) will be in attendance to provide a brief presentation, and attend to any additional inquiries of Council.

Discussion:

In the spring of 2017 the Provincial Government announced budget plans to give municipalities the power to levy a “hotel tax”. On November 23, 2017, the Province of Ontario issued the Transient Accommodation Regulation 435/17, which came into force December 1, 2017 and provides the necessary provisions for lower tier and single tier municipalities across Ontario to implement a Municipal Accommodation Tax (MAT). Voluntary fees (known as destination marketing fees) have been collected in a number of municipalities across Ontario (Ottawa, Toronto, Sault Ste. Marie, Niagara Falls) for many years but have not been implemented in Waterloo Region.

Waterloo Region Tourism Marketing Corporation and RT04 have both been advocates of the need for more revenue tools to enhance the competitiveness of Tourism in our broader community. RT04 commissioned a report by CBRE in the summer of 2017 that documented the potential implications of a hotel tax on its key partners. The CBRE report provided the following revenue estimates for Waterloo region:

**Hotel Accommodations* within Waterloo Region and Estimated Revenue from a
4% Municipal Accommodation Tax**

Municipality	Hotel Properties	Rooms	Estimated 4% MAT Revenue
Cambridge	10	1,026	\$1,200,000
Kitchener	10	1090	\$938,000
Waterloo	4	538	\$640,000
Woolwich	3	313	\$475,000
Wilmot	2	18	\$15,000
Wellesley	1	16	\$8,000
North Dumfries	0	0	0
TOTAL	28	2973	\$3,276,000

*Note – The CBRE study did not include properties in Wellesley, North Dumfries or short term rentals (ie: Airbnb, Homeaway, VRBO, home-to-go). Municipalities with a significant clustering of short term rentals would also generate revenue from this framework. This additional revenue has not been factored into the numbers above.

Sharing of the revenue with WRTMC

With regards to revenue sharing with WRTMC, the Provincial regulations require that:

- Where no formal Destination Marketing Fee (DMF) exists, at least 50 per cent of the revenues from the tax less the municipality's reasonable costs of collecting and administering the tax must be shared with an eligible tourism organization.
- The rules set out a minimum amount of tax revenue sharing that must occur, but in no case do the regulations require municipalities to share more tax revenue than they collect.

Waterloo Region and the Area Municipalities formed the Waterloo Region Tourism Marketing Corporation (WRTMC) in 2007. This organization has a \$1.05 M annual budget with approximately 60% of the funding coming from the Region and Area Municipalities, as outlined below:

Municipality	2019 Contribution
Region of Waterloo	\$300,000
City of Cambridge	\$90,000
City of Kitchener	\$90,000
City of Waterloo	\$90,000
Township of Wilmot	\$10,000
Township of Woolwich	\$10,000
Township of North Dumfries	\$5,000
Township of Wellesley	\$5,000

The WRTMC Board has long considered a Destination Marketing Fee (DMF) for our community but did not find consensus from the accommodators and as such no DMF has been implemented. Therefore, by regulation the area municipalities would be required to provide at least 50% of revenues collected through this proposed tax to WRTMC.

Municipal staff has considered the foregoing regulations and recommend that 50% of the revenues from the MAT be provided to WRTMC for the advancement of their tourism strategic plan with a goal of increasing overnight accommodation metrics within our community. Based on the calculations earlier in this report the 50% allocation to WRTMC is expected to be approximately \$1.6M annually. The recently proposed sports hosting office would be funded through the WRTMC portion as well.

Municipal funding (40%) would be used to support and enhance tourism, sport, and cultural offerings, as well as major event attraction efforts in a variety of ways.

The Region of Waterloo would be remitted (10%) of the anticipated annual revenues (\$1,500) for enhancement and promotion of their cultural funding allocations. It is anticipated this will strengthen the position of key cultural institutions within the Region thereby also enhancing the tourism component of our economy.

Ontario regulation 435/17, Section 6, requires that tourism organizations that receive funding from a MAT enter into agreements with local municipalities respecting reasonable financial accountability matters in order to ensure that amounts paid to the entity are used for the exclusive purpose of promoting tourism, and the agreement may provide for other matters. WRTMC is committed to entering into an agreement with its municipal funding partners for the collection, disbursement and use of the MAT funding based on the outcomes of this council report and the council reports of the other applicable local tier municipalities (City of Cambridge, City of Kitchener, Township of Woolwich, Township of Wellesley, Township of North Dumfries and Township of Wilmot).

What types of Accommodations are required to pay this tax?

As an eligible hotel transient accommodator doing business and/or facilitating business transactions within the boundaries of the Region of Waterloo, the accommodator will be obliged by law to collect and remit a four percent (4%) Municipal Accommodation Tax (MAT) on all rooms sold for overnight accommodation. Revenues generated from other hotel services, including but not limited to such things as meeting room rentals, food & beverage, and room service, will be excluded from the MAT.

It is also expected that short term rentals (STRs - such as "Airbnb") will be required to pay the MAT. It is understood that Airbnb has agreements in more than 300 jurisdictions globally to collect and remit hotel taxes on behalf of their hosts and guests, and as such implementation in Waterloo Region is not expected to be difficult.

Currently the proposed 4% MAT would be applicable to all eligible hotel transient accommodators including STRs in the City of Cambridge, City of Kitchener, City of Waterloo, Township of Woolwich, Township of Wellesley, Township of North Dumfries

and Township of Wilmot. This framework is proposed to exclude campsites, given that no other municipality in Ontario is implementing a MAT for this form of rental.

What types of Accommodations would be exempted from this tax?

- Accommodations that are rented for 30+ consecutive nights (including seasonal trailer parks)
- Lodgings provided to students by a university, college or post-secondary while the student is registered at and attending the institution
- Every hospital referred to in the list of hospitals and their grades and classifications maintained by the minister of Health and Long-Term Care under the Public Hospitals Act and every private hospital operated under the authority of a license issued under the Private Hospitals Act
- Every long-term care home as defined in subsection 2(1) of the Long-Term Care Homes Act, 2007, retirement home and hospices
- Treatment centres that receive provincial aid under the Ministry of Community and Social Services Act
- Every house of refuge, or lodging for the reformation of offenders
- Every charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency
- Every tent or trailer sites supplied by a campground, tourist camp or trailer park
- Every accommodation supplied by employers to their employees in premises operated by the employer
- Every hospitality room in an establishment that does not contain a bed and is used for displaying merchandise, holding meetings, or entertaining
- A traditional Bed & Breakfast operator may apply to the local municipality for an exemption from the charging and remittance of the Municipal Accommodation Tax, provided that the application sufficiently meets the City's eligibility criteria:
 - namely the Bed & Breakfast establishment meets the definition of the local Zoning By-laws;
 - the Bed & Breakfast establishment is occupied and operated by the property owner, and is classified in the residential property tax class;
 - the accommodation purchases are invoiced by the Bed & Breakfast establishment and not a third party home-sharing listing entity.

Bed & Breakfast operators requesting an exemption to the Municipal Accommodation Tax should contact WRTMC (mschneider@wrtmc.org) to receive an exemption application. Completed applications will be reviewed by the City and WRTMC for approval, and a formal notification will be provided to Accommodators. Until an exemption has been granted to you, you are not considered to be exempt from the Municipal Accommodation Tax and are required to collect and remit the applicable funds.

What happens with the funds generated through the Municipal Accommodation Tax?

Funds generated through the Municipal Accommodation Tax will be invested in sales, marketing, bid acquisitions, office operations support and tourism development activities through the Waterloo Region Tourism Marketing Corporation. WRTMC promotes Waterloo Region for leisure visitors, meetings and conventions, sporting events, tour operators, and travel trade. WRTMC also invests in long term destination attraction/retention/development initiatives aimed at enhancing the visitor experience. The current budget of WRTMC is approximately \$1.05M and the additional anticipated MAT revenue is expected to be \$1,615,000.

In 2017, WRTMC engaged in a broad discussion with stakeholders, Board members and staff to develop a 3 year strategic plan. In late 2017 and throughout 2018, WRTMC and RTO4 engaged in an assessment of Waterloo Region (DestinationNext) followed by consultations with community leaders, stakeholders, tourism industry partners and elected officials to develop a Strategic Plan for Waterloo Region. This plan is a 10 year destination road map that includes a vision, goals and strategic initiatives. It reflects on the importance of paying as much attention to the management of the destination, as it does to the marketing. And the foundation of the plan is the unique selling propositions of the region. Actions recommended from the second plan are not solely the responsibility of WRTMC, but rather include municipal partners, community groups and volunteer organizations.

The following table shows the responsibilities and actions to be undertaken by WRTMC and the estimated costs involved for a one year term. WRTMC will develop further policy that guides allocation of the increased budget, with a goal of avoiding duplication and enhancing transparency.

Strategic Objectives	Tactics	Key Performance Indicators	Spend
Focus on event generation as a key enabler of tourism development within Waterloo region Supporting Pillars #2 and #3 – Sport Hosting and Festivals, Events & Attractions.	Develop a strategy to enhance and grow festivals, build collaboration within WR festivals, collaborate with municipal staff, Festivals & Events ON and MTCS for Celebrate funding, build marketing content, digital advertising	# of festivals, growth of festivals, event impact year over year, # of festivals & events receiving Celebrate grants, amount of Celebrate \$\$ received in WR, ROI on digital ads, ExploreWR website & social media analytics	Current spend (Budget \$1,047,600) Marketing \$400,000 - 38% Communications/Content/Public & Media Relations \$64,325 - 6.1% Sales \$83,940 - 8%
	Continue to build hosting resume and target larger profile events as the national and international level for Sport, build relationship with local sport orgs and	# of RFPs received, # of site visits, # of events booked, ROI analysis of sport events, # of bids submitted for local sport orgs, growth of volunteer base	Research \$16,500 - 1.6% Staff \$417,407 – 39.8% General & Admin \$65,428 - 6.2%

	PSOs, grow volunteer base		Forecasted spend (Budget \$2,500,000)
Raise the profile & brand association of the technology knowledge sector with Waterloo Region through development of meetings & events.	Website improvements & updates, collateral development, image & video development, content creation, social media, attend trade shows, host fam visits, build bid support fund	# of RFPs received, # of site visits, # of mtgs booked ROI analysis of mtgs in the region	Marketing \$858,600 – 34%
Supporting Pillar #1 – Knowledge & Technology	Digital advertising, social media, public & media relations, familiarization visits, travel trade show attendance & sponsorship	ROI on ads, web & social media analysis, earned media coverage, leads generated from show attendance & site visits	Communications/Content/Public & Media Relations \$140,000 – 5.6%
Target product development & enhancement of outdoor experience	Analysis of current offerings and gaps, align with municipalities, RTO4 and Destination ON to enhance marketing of G2G Trail, Grand River, support and analysis of local operators and offerings, media & travel trade fam visits, Newsletters, web & social media content	# of outdoor experience offers, # of bookings by mtg and tour operators, earned media coverage, web & social media analytics	Sales \$300,000 – 12%
Supporting Pillar #4 – Urban Outdoors			Research \$64,000 – 2.5%
Research	Visitor statistics, benchmarking, data evaluation, Event impact calculator	Benchmarking info	Product Development \$100,000 – 4%
Supporting all Pillars			Bid Support \$250,000 – 10%
Establish WRTMC as the Region’s Tourism Authority, while adopting a singular focus on high return target markets and events	Media development & communication, regular newsletters, fam visits, media support for visits, build website content & community engagement, participate in local events, est. presence on industry Board of Directors & volunteer committees	# of speaking engagements by CEO/staff, earned media,, User generated content, Instagram posts	Staff \$634,400 - 26%
Supporting all Pillars			General & Admin \$153,000 – 6.1%

In addition, Municipal Accommodation Tax participants will have opportunities to become directly involved in various committees that guide the planning and budgeting of the organization.

The Township of Wilmot is expected to receive approximately \$6,000 annually (40% of the \$15,000 Wilmot generated revenue). The intention of this funding is to support and enhance tourism, sport, and cultural offerings, as well as major event attraction efforts in a variety of ways.

It is important that the municipal share of funds raised through the Municipal Accommodation Tax be segregated and only used for approved municipal purposes to demonstrate transparency and accountability to the hospitality industry. To that end, staff are recommending updating the Reserve Fund By-Law to include a holding account and provisions for use of the Township's portion of the MAT revenue.

Stakeholder Consultation

WRTMC has consulted with the hotel industry on the MAT issue over the past six years and more extensively since the provincial legislation was introduced. The majority of hotel partners agree that a municipal accommodation tax will level the playing field (as all accommodators will be affected) and is a good way to stabilize marketing funds for Waterloo Region.

There are members of the hotel industry that prefer 100% of all funds to be directed to WRTMC to ensure that tourism promotion receives maximum benefit. In response, staff throughout the region are proposing to place revenue into a dedicated account for the purpose of tourism-related activities and to report on expenditures. This will ensure all monies are directed to tourism-related activities.

It is proposed that staff report back to Council in 2020 on the implementation of the Municipal Accommodation Tax. Further, it is proposed that a formal joint study be undertaken by the WRTMC and municipal partners in 2022 to assess the impact of investments made with this revenue and to inform refinements to the model as appropriate.

Implementation

A decision by the local Waterloo region area municipalities for implementation of a MAT on July 1st, 2019 is the recommendation contained within this report. This timeframe will provide a reasonable notice period for the stakeholder accommodators within our community and in turn their respective customers. In addition it is expected that little time is required for the various accommodator billing systems to be updated to accommodate the MAT and for WRTMC to implement the administrative system for collections and distribution.

Should Council approve this report, Township staff will also draft a bylaw that would enable the MAT including the following requirements

- Subject of the tax to be imposed;
- Tax rate or the amount of tax payable;
- Manner in which the tax is to be collected, including the designation of any persons or entities who are authorized to collect the tax as agents for the municipality and any collection obligations of persons or entities who are required to collect the tax.
- The by-law may also provide for: exemptions from the tax e.g. university and college residences occupied by students; bed & breakfast; rebates of tax; penalties for failing to comply with the by-law; interest on outstanding tax; penalties or interest; audit and inspection powers; dispute resolution mechanisms; and enforcement measures.

It is anticipated like other municipalities in Ontario that a simplified remittance form can be used by the local accommodators similar to that used by business to remit HST/GST to the Canada Revenue Agency. Accommodators would complete the simplified Municipal Accommodation Tax form on a monthly basis and remit the associated MAT to the WRTMC.

Strategic Plan Conformity:

This report is aligned with the Strategic Plan goal of being a prosperous economy through bustling year-round tourism, and directly through the strategy of participating with area tourism associations to support on-going initiatives.

Financial Considerations:

It is estimated that a 4% Municipal Accommodation Tax will generate \$15,000 annually in the Township of Wilmot based upon the affected hotel properties. It is proposed that the Township will retain 40% (\$6,000), 10% (\$1,500) will be remitted to the Region, and 50% (\$7,500) will be provided to WRTMC for tourism promotion, including the newly proposed sport hosting office.

The Township will retain the first year revenues in a deferred revenue account within the given the uncertainty of the estimates and potential for annual changes in the amount allocated. Beginning in 2020, funds are proposed to be housed in a dedicated Reserve Fund, used to support and enhance tourism, sport, and cultural offerings, in a variety of ways. These purposes will be further defined in an updated to the Township's Reserve Fund By-Law later in 2019 or early 2020.

Conclusion:

Various communities across Ontario are moving toward the implementation of the Municipal Accommodation Tax in order to promote and advance the tourism potential of their Cities. Recent decisions and considerations by other Ontario jurisdictions include:

Community	Proposed MAT	Implementation Date
City of Ottawa	4%	January 1 st , 2018
City of Sault Ste. Marie	4%	January 1, 2019
Niagara Falls	\$2/room night	In place
Waterloo Region Municipalities	4%	July 1st, 2019
City of London	4%	October 1, 2018
City of Toronto	4%	April 1, 2018
City of Kingston	4%	August 1, 2018
City of Windsor	4%	October 1, 2018
City of Hamilton	3%	Voluntary DMF in place
City of Barrie	4%	January 1, 2018
City of Stratford	3%	Voluntary DMF in place
City of Brockville	4%	May 1, 2018
City of Cornwall	4%	July 1, 2018
City of Huntsville	4%	April 1, 2019
City of Markham	4%	January 1, 2018
City of Mississauga	4%	July 1, 2018
City of North Bay	4%	February 1, 2018
City of Oakville	4%	January 1, 2019
City of St. Catharines	4%	January 1, 2018
City of Sudbury	4%	September 1, 2018
City of Thunder Bay	4%	September 1, 2018
City of Timmins	4%	January 1, 2019

* Proposed rates still subject to council approval

The percentage of MAT revenue that Destination Marketing Organizations (DMOs) receive from the list above varies from 50% (as proposed here) to 100%. A 50% allocation is the most common allocation, based on available information.

More locally, the Cities of Guelph and Brantford do not have independent destination marketing organizations, and until these are established, they cannot introduce a MAT. The City of Stratford has had a voluntary DMF in place for a number of years, although the largest hotels (Arden Park and The Bruce) do not participate. The Stratford DMF generates \$80,000 per year.

A 4% MAT in Waterloo Region will assist in further development of our tourism potential, assist in maintaining and developing our tourism oriented assets and events (including event hosting support) and complement our respective economic development strategies.

Patrick Kelly CPA, CMA
Prepared/Submitted by
Director of Finance

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO. **CL2019-21**

TO: **Council**

PREPARED BY: **Dawn Mittelholtz, Director of Clerk's Services**

DATE: **May 13, 2019**

SUBJECT: **Proposed Procedural By-law**

Recommendation:

THAT the proposed Procedural By-law as per Report CL 2019-21 be endorsed.

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. On April 15, 2019, by means of a staff report on the Council Meeting Agenda, Notice was given to advise the public that amendments were being considered to the Township of Wilmot Procedural By-law. Though not required, staff also advised the public of the opportunity to comment on the draft Procedural By-law amendments through social media, the Township website and in an advertisement in the newspaper.

On April 29, 2019 a Public Meeting was held as part of the Regular Council Meeting. Two members of the public spoke on the by-law. Comments were also received by the Clerk from Members of Council for consideration in preparing the proposed Procedural By-law.

Discussion:

The responses received from the public and Members of Council relayed values and principles confirmed by legislation, policy and other documents relative to governance and meeting practices. Accountability and transparency are not just buzz words; they are terms included in legislation to guide governing bodies. Likewise, meeting decorum and respectful working relationships are the cornerstones of professionalism in good government. The Procedural By-law must reflect these values.

The following is an outline of changes made to the Procedural By-law, suggestions for changes that are not being recommended as provided and will give context as to why such changes are or are not being proposed.

Members of the public and Council should note that section and subsection numbers may have changed since the draft first presented on April 15, 2019.

Preamble:

The addition of a section on accountability and transparency and the addition of a section on principles of parliamentary law. These two additions were included to affirm for anyone reading or applying the provisions of the By-law the fundamental principles or cornerstones behind the document. In terms of Meetings of Council and Committees, these principles and values should always be upheld.

Definitions:

By-law No. 2007-63 included a list of the definitions and their corresponding subsection number. These seemed redundant and unnecessary.

Definitions were added for Business Day and Calendar Day.

A definition for Presentations was added to provide clarity on the difference between Presentations and Delegations.

At the request of Councillor J. Pfenning, Recorded Vote was amended to include reference that any Member of Council may request a recorded vote.

General Provisions:

A subsection was added on Meeting Decorum to provide those in attendance the added assurance that they may address instances of disrespect, offensive language, speaking off topic, disobeying procedural rules or other behaviours that disrupt the ability to conduct Township business. Within the Region of Waterloo similar subsections exist in Procedural By-laws for the cities of Cambridge, Kitchener and Waterloo, the Townships of North Dumfries, Wellesley and Woolwich and the Region of Waterloo. Many included rules of decorum only under delegations, it is staff's opinion that, in terms of decorum, all persons present should be held to the same expectations.

In subsection 2.4, staff removed the word "Exception" from the title on the suggestion of Councillor J. Pfenning as it seemed unnecessary to the matter being presented.

Roles and Duties:

Staff added a subsection on the general roles and duties of Council, Committee Members and staff as being of service to the public. This was added at the suggestions of Mr. K. Thomason, a member of the public who attended the Public Meeting. Staff expanded on this by giving reference to the needs of the community as a whole being of greater importance than the needs of an individual. This has been added as an affirmation of values on the role of government in a democratic society.

The Duty of the Chief Administrative Officer was amended to include a subsection on his or her role as a leader for staff of the Township.

Much of the section on roles and duties comes from the Municipal Act, 2001 (the Act). Section 227 of the Act describes in a generic fashion the role of the officers and employees of the Township and, more specifically, how those roles relate to Council.

Council Meetings:

Councillors A. Hallman and J. Pfenning both requested that the subsection relative to the seating arrangement of Council be amended to reflect the seating arrangement currently in place (by Ward) and not as was previously included in the Procedural By-law, that it be determined by the Mayor at the beginning of the term of Council.

The Procedural By-law provides rules for the address of Mayor and Councillors but was silent on how staff and members of the public should be addressed. As these are professional meetings of a governing body, proper decorum should be observed when addressing any person taking part in the meeting. Staff is recommending the addition of a provision stating how staff and the public are to be addressed, including titles for members of the public who do not identify as either male or female.

To reflect changes to the Act, staff amended the Inaugural Meeting subsection to make reference to the Act rather than quote what was in the Act. Councillors C. Gordijk and J. Gerber provided comments on the Agenda for an Inaugural Meeting, specifically with regards to the inclusion of religious or spiritual practices. While there has been great debate over the years on the inclusion of Christian prayer and prayers in general, it is only "The Lord's Prayer" that has been singled out as being inappropriate for inclusion in a Council Meeting by a Court of Law. Regardless, the Agenda for the Inaugural Meeting, including speakers for Words of Invocation and Dedication have been determined by the Mayor with the Clerk. The recommended addition to this subsection is intended to remind those establishing the Agenda and those taking part in the Inaugural Meeting, that the meeting is not to reflect the beliefs and practices of only one spiritual practice or culture.

The subsection on Regular Meetings was amended by staff to reflect the current practice when establishing the Meeting schedule for Council. At the request of Councillor C. Gordijk, reference was added to state why only one Meeting is schedule in the months of January, July, August and December.

Members of Council and members of public provided comments on the numbers of days in advance of a Council Meeting that the Agenda should be provided to Council and then to the public and the media. Contrary to comments received, deadlines in the Procedural By-law must be met by staff on a consistent basis. As this greatly effects each Department, the Senior Management Team discussed this topic at length to determine if staff could accommodate the circulation of the Agenda to Council three business days before the meeting. Staff considered daily work load, seasonal demands and other aspects of resource allocation. Part of the consideration is the ability of staff to provide reports for Council's consideration within the timelines currently expected when requests

are made from Council and the public. As it is not uncommon for requests to be made in Council Meetings for a report to be produced for consideration at the next Council Meeting, this may not be feasible with the adjusted deadlines required to accommodate this change. Requests also come from the public that may be delayed. Provided Members of Council are comfortable with this change in service expectations, the Senior Management Team feels they can accommodate this change in deadlines.

The current practice in the Clerk's Services Department is to deliver the Council Agenda to the public and the media through the Township website and social media immediately following the delivery of the Agenda to Council and the Senior Management Team. The amendment to the subsection for Agendas – Available to the Public/Media reflects this practice and allows for technical difficulties or other matters beyond the control of staff.

The final subsection in the Council Meetings section was added to create an agreed upon process for when a meeting needed to be rescheduled or cancelled.

Closed Meetings/Sessions:

Councillor J. Pfenning requested that reference be given to staff preparing reports in such a way as to avoid going into Closed Meetings unless the sensitive information is crucial to the understanding of the report. Where staff does appreciate the values being expressed with this suggestion, staff is recommending an alternate wording to keep the focus off of reports and the writing of reports and to shift the focus on to the specific legislation and the need for the information being discussed to remain confidential. This wording is consistent, in part, with the guidelines provided by the Ombudsman of Ontario concerning Closed Meetings. Staff also suggested the inclusion of the role of Clerk as the statutory Officer of the Corporation responsible for providing procedural advice.

The Matters that may be considered in a Closed Meeting, and the mandatory matters, were updated to reflect current legislation.

At the request of Councillors A. Hallman and J. Pfenning, provisions surrounding the circulation of Closed Meeting Agendas was also addressed. Staff continues to recommend that Closed Meeting Agendas and their reports only be circulated by hardcopy. Electronic copies can be accidentally shared or circulated to unintended audiences whereas hardcopies can usually only be shared intentionally. It is also practice for hardcopies of the Closed Meeting Agendas and reports to be collected by the Clerk for destruction following Closed Meetings of Council, this is not possible with electronic copies.

Public Notice of Meetings of Council and Committees:

The subsection referring to the posting of Agendas for Open Sessions Meetings was updated to reflect changes requested elsewhere in the By-law and the posting on the Township website with notice of the posting provided through social media and email lists.

Order of Business – Council:

The listing of Order of Business was amended to remove Questions and New Business, include the Land Acknowledgement and Consent Agenda and separate Presentations and Delegations.

A Land Acknowledgement was approved by resolution of Council in March, 2019. Inclusion in the Procedural By-law confirms where in the Agenda it will be read going forward, who may read it and the process for reading it at Meetings and other functions.

A provision regarding Additions to the Agenda was added to provide greater clarity of when Additions to the Agenda may be added, who may add them, under what circumstances they will be allowed and how Council and public will be notified of the Addition, and therefore better prepared to address the matter.

The Presentations and Delegations subsections were dramatically altered to better reflect the need for the public to be able to address Council on matters. The difference in processes for delegations that were pre-registered and not pre-registered were defined. The deadlines for the submission of audio/visual materials was altered and reasons for requiring deadlines were given. Both delegations at the Public Meeting, Ms. D. Swidrovich and Mr. K. Thomason, as well as Council, expressed the need for members of the public to feel welcome in speaking at Council and that their timelines for providing audio/visual materials needs to be more accommodating. Staff feels the amendments being proposed are more accommodating while still maintaining the need for staff to ensure the Meeting proceeds in an efficient manner and proper decorum is maintained. Wilmot staff that control the A/V presentations in Council Chambers are not solely dedicated to A/V during this time. Technical difficulties occurring on the floor of Council, especially during a televised meeting reflects poorly on the delegation and staff and leads to unnecessary frustration, which is why staff continues to recommend that materials must be provided in advance, though a lessened deadline is reasonable.

Upon reflection of the comments provided by Ms. D. Swidrovich and Mr. K. Thomason, staff considered the inclusion of Questions and New Business in the Agenda and how this portion of the Meeting has been conducted in practice. In the interest of transparency and openness, staff is recommending that this section of the Agenda be removed as neither staff nor members of the public are adequately prepared to speak on the matter when no advance notice is provided. New directions to staff are to be submitted using the Notice of Motion process. Questions of staff are better directed outside of Council Chambers. The intent of a Council Meeting, as per the definition of a meeting in section 238 (1) (b) of the Act, is that 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. Requests of staff that are relative to general day-to-day operations of a department or the inquiry on the status of project does not fit that description. Removing Questions and New Business is consistent with all other municipalities in Waterloo Region.

Councillors A. Hallman and J. Pfenning suggested the removal of reference to no Member of Council leaving their seat until the Mayor has left his or hers upon adjournment. This subsection seemed out of date by staff and has been removed. However, staff did note during their research of the Procedural By-laws within Waterloo Region that most did state that no Member shall leave their seat until the Motion to Adjourn had been passed. This provision seemed respectful and in keeping with the decorum of a Council Meeting.

Point of Order:

Recently, Members of Council and the Clerk attended training relative to Council and staff relations as part of their Council Orientation process. During this training, it was stated that Council has an obligation to protect staff from harassment, including, on the floor of Council Meetings. Therefore, it seemed appropriate to staff that the need to defend the integrity of staff in a Council Meeting should be included in the Procedural By-law concerning the need to maintain order in Meetings.

Conduct of Members of Council:

To further the sense of respect afforded to all persons in attendance at a Council Meeting, the subsection concerning the use of offensive words or unparliamentary language by Members of Council is being recommended to be prohibited against staff or members of the public. Staff and the public are not included in this section as a whole due to the fact that Members of Council are the authority figures in the Meeting and there other remedies governing inappropriate actions or words from staff or the public.

Motions:

Councillor C. Gordijk noted an inconsistency between the Procedural By-law and the practice concerning Notices of Motion from Council. Staff removed the reference to requiring the Notice of Motion be signed by the mover and the seconder but is still recommending that the Notice of Motion be received in writing, though that may now include email.

Committees:

Councillor A. Hallman recommended that the appointment process for Committees be added to the Procedural By-law. While staff does have the intention of having the process approved by Council in the coming months, it is a matter more appropriate for approval as a policy by resolution and is therefore, respectfully, not be recommended for inclusion in the Procedural By-law.

Review and Amendment to this By-law:

The current Procedural By-law was adopted in 2007. Whereas many municipalities have Procedural By-laws that are ten or more years old, this is not an ideal practice. Staff is recommending that a review process be included in the By-law with a mandatory review with the term of Council.

Strategic Plan Conformity:

The holding of a Public Meeting for the draft Procedural By-law is communicating municipal matters in conformity with the Strategic Plan.

Financial Considerations:

None.

Conclusion:

Staff recommends that the proposed Procedural By-law be adopted.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer

Green highlight – changes made after the Public Meeting

Yellow highlight – changes made to By-law 2007-63 before Public Meeting

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2019-25
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. 2007-63**

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

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 is 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

(Removed listing of definitions in advance of the definitions)

- 1.1 “Abstain”** means a member who refuses to vote (abstain) will be recorded as voting in the negative;
- 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 a 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 “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.

- 1.7 **“Business Day”** means days of the week the Administrative Complex for the Township of Wilmot is 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.”
- 1.8 **“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.”
- 1.9 **“Chair”** means the person presiding over a meeting and who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair, except where disqualified, may vote on all questions;
- 1.10 **“Chief Administrative Officer”** means the person appointed by by-law as the Chief Administrative Officer (CAO) of the Corporation of the Township of Wilmot and whose duties are therein prescribed and to include Section 229 of the Municipal Act;
- 1.11 **“Chief Executive Officer”** shall mean the Mayor in accordance with Sections 226.1 of the Municipal Act;
- 1.12 **“Clerk”** means the person appointed by by-law as the Clerk of the Corporation of the Township of Wilmot and whose duties are therein prescribed in Section 228 of the Municipal Act;
- 1.13 **“Closed Session”** 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*;
- 1.14 **“Consent Agenda”** means a board meeting practice that groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately
- 1.15 **“Council”** is the term to refer collectively to the Mayor and 5 Councillors;
- 1.16 **“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 of Wilmot;
- 1.17 **“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;
- 1.18 **“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;
- 1.19 **“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;
- 1.20 **“Head of Council”** means the Mayor or his/her designate;
- 1.21 **“Improper Conduct”** means conduct which offers any obstruction to the deliberations of proper action of Council;
- 1.22 **“Inaugural Meeting”** means the first meeting of Council held after a municipal election in a regular election year;

- 1.20 “Majority Vote”** means more than half of the votes cast by members entitled to vote at a meeting;
- 1.21 “Management Team”** means the Chief Administrative Officer and Department Heads of the Township of Wilmot;
- 1.22 “Mayor”** is the Head of Council who is elected by general vote to represent electors in The Township of Wilmot;
- 1.23 “Meeting”** means any regular or special meeting of Council, or any meeting of a Committee or Advisory Committee as defined in the Municipal Act, 2001;
- 1.24 “Member of Council”** means a person duly elected to serve on the Council of The Corporation of the Township of Wilmot;
- 1.25 “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;
- 1.26 “Municipal Act”** means the Municipal Act, 2001 S.O. 2001, chapter 25, as amended from time to time and any successor legislation thereto;
- 1.27 “Notice of Motion”** means an advance notice to Members of Council of a matter on which Council will be asked to take a position.
- 1.28 “Pecuniary Interest”** means a direct or indirect pecuniary interest of a member as defined within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50*, as amended and any successor legislation thereto;
- 1.29 “Personal Privilege”** means the raising of a question which concerns a member of Council or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned;
- 1.30 “Point of Information”** is a request directed to the Mayor or through the Chair to another Member or to the staff, for information relevant to the business at hand but not related to a Point of Procedure;
- 1.31 “Point of Order”** means a statement made by a Member during a meeting, drawing the attention of the Mayor or his/her designate to a breach of the Rules of Procedure;
- 1.32 “Point of Procedure”** means a question directed to the Mayor or Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a Member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of the motion;
- 1.33 “Presentation”** means
- i) presentations made by Council to recognize the contributions or achievements of individuals or organizations;
 - ii) presentations made to Council by individuals or organizations at the invitation of Council;
 - iii) presentations made to Council by an advisory or other Committee
- 1.34 “Presiding Officer”** means the Mayor or in his absence, the Acting Mayor, to act in his/her absence while presiding at meetings;
- 1.35 “Public Hearing”** means a meeting of Council or that portion of a meeting of Council or any Committee of Council which has been given authority by by-

law or statute to conduct a hearing 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;

- 1.36 “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 for proper resolution (Question On the Floor).
- 1.37 “Quorum”** means the majority of the whole number of the members of Council who are present in person;
- 1.38 “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 who has a declared conflict or pecuniary interest in the matter or question, the minutes shall reflect the Member abstained from taking part in the discussion and the vote;
- 1.39 “Regular Meeting”** means a scheduled meeting of Council held in accordance with the approved schedule of meetings;
- 1.40 “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;
- 1.41 “Rules of Procedure”** means the rules and regulations provided in this by-law;
- 1.42 “Special Meeting”** means a meeting of Council not scheduled in accordance with the approved calendar of meetings;
- 1.43 “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;
- 1.44 “Tie Vote”** means an equality of votes and the question being voted on is deemed lost.
- 1.45 “Treasurer”** means the Treasurer of the Corporation of the Township of Wilmot.

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 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 or member of 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 he or she has 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 (the word “Exception” removed)

Subject to Section 5 of this by-law, all meetings of Council and its Committees shall be open for attendance by the public, and no person shall be excluded therefrom, except for improper conduct.

3. ROLES AND DUTIES

3.1 General

It is the role and duty of all elected representatives, appointed committee members, and all staff to be of service to the residents of the Township of Wilmot. Business of the Corporation of the Township of Wilmot shall be conducted in the best interest of the residents as a whole and not serve the interests of any one individual or group of individuals above the common good.

3.2 Role of the Mayor

It is the role of the Mayor:

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of the Municipal Act;
- d) to represent the municipality 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 municipality, the Mayor shall:
 - i) uphold and promote the purposes of the municipality;
 - ii) promote public involvement in the municipality's activities;
 - iii) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - iv) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality 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 municipality;
- b) to develop and evaluate policies and programs of the municipality;
- 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 municipality 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 municipality, including the activities of the senior management of the municipality;
- g) to maintain the financial integrity of the municipality; 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 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;

- h) to call by name any member persisting in a breach of the rules of procedure and to order the member 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 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 the members;
- m) to maintain order. 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 his/her Oath of Elected 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;
- b) to speak only to the subject under debate;
- 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 committee 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;
- h) to act in accordance with their Oath of Elected 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 municipality for the purpose of ensuring the efficient and effective operation of the municipality;
- 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 municipality;
- d) perform such other duties required under this or any Act and other duties as assigned by the municipality; 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 the Council;
- c) if required by any member present at a vote, to record the name and vote of every member 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 municipality.
- 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
- j) the 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:

- i) to collect money payable to the municipality and issue receipts for those payments;
- ii) to deposit all money received on behalf of the municipality in a financial institution designated by the municipality;
- iii) to pay all debts of the municipality on behalf of the municipality and other expenditures authorized by the municipality;
- iv) to maintain accurate records and accounts of the financial affairs of the municipality;
- v) to provide Council with such information with respect to the financial affairs of the municipality as it requires or requests;
- vi) to ensure investments of the municipality are made in compliance with the regulations made under Section 418 of the Municipal Act;
- vii) to perform such other duties as are assigned by the municipality.

3.9 Municipal Administration

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

- (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 municipality; and

(c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

4. COUNCIL MEETINGS

4.1 Place

The regular meetings of the Council of the Township of Wilmot 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 municipality, as approved by resolution of Council;

4.2 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 shall be seated in alphabetical order by last name.

4.3 Councillor – addressed

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

4.4 Mayor - addressed

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

4.5 Staff and Members of the Public – addressed

Staff and members of the public are to be addressed as Dr. Mr. Mrs. Ms. Miss, Mx. and Ind. as preferred.

4.6 Inaugural Meeting

The Inaugural meeting of the Council of the Corporation of the Township of Wilmot following a regular municipal election shall be held in accordance with the Municipal Act, 2001 at 7:00 p.m., in the Council Chambers; (removed reference to specific day of the month and reference to weekends/holidays)

The Agenda for the Inaugural meeting shall be established by the Mayor and 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 Elected Office have been made by the members of the Council.

4.7 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 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 his/her absence.

4.8 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 – January, July, August and December

During the months of **January**, 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.

4.9 Quorum

A majority of members of Council shall be necessary to constitute a quorum;

If no quorum is present one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting;

If during the course of a meeting a quorum is lost, subject to the provisions of the Municipal Conflict of Interest Act, 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 his/her Designate will then announce;

If in the Mayor or his/her Designate's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, the Mayor or his/her Designate will announce that the unfinished business of Council will be taken up at the next regularly scheduled meeting;

4.10 Absence – Head of Council

If the Head or Acting Head of Council, pursuant to the rotation list established by By-law, does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall call the members to order and an Acting Head of Council shall be appointed from among the members present and he/she shall preside until the arrival of the Head of Council or his/her designate and while so presiding, the Acting Head of Council shall have all the powers of the Head of Council and will be so entitled to vote as a member.

In the absence of the Head of Council, or if the office is vacant, Council may, from among its members, appoint a Head of Council, who, during such absence or vacancy or refusal to act, has all the powers of the Head of Council.

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

The Agendas shall be considered as notice of regular meetings.

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 meeting. At the same time the Clerk shall make available a copy of the agenda to the Chief Administrative Officer 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 Open Session 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 Special Meetings

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.

The Mayor may, at any time, summon a Special Meeting of Council on twenty-four (24) hours notice to the members and upon receipt of the petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose at the time, date and place mentioned in the petition.

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

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

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

Notice or an agenda to Council of a Special Meeting called in accordance with this by-law shall be delivered to the Members, CAO and Management Team by means of personal delivery, telephone, facsimile transmission or electronic mail. The Notice/Agenda to Council of the Special Meeting shall be provided not less than 24 hours before the hour set for such meeting.

4.15 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.

4.16 Special meetings – agenda – provided at the meeting

The Clerk may provide the agenda of the Special meeting at the 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.

4.17 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 about the meeting as soon as possible and in the most expedient manner available;

4.18 Emergency – business specified – transacted

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

4.19 Lack of receipt of notice or an Agenda by the members of Council shall not affect the validity of the meeting or any action lawfully taken thereat.

4.20 Rescheduling or Cancellation of Regular Council Meetings

When it is deemed to be advisable, the Mayor is authorized to change the date and/or time of or cancel the regular Council meeting next following and the agreement of the majority of the members of Council, having been polled by the Clerk, shall be required to effect the change, provided a minimum of seven (7) days' notice is given of the change of date of the meeting. The Township website shall be updated.

5. CLOSED MEETINGS/SESSIONS

5.1 Closed meetings or sessions may be held as deemed necessary by the Head of Council **in consultation with the Clerk**. Such meetings or sessions may be closed to the public in accordance with the requirements of the Municipal Act, 2001. **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 Matters that may be considered – closed

The only matters that may be considered in a closed session are as follows:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

5.3 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 municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman appointed by municipality 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.

5.4 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;
- (b) the general nature of the matter to be considered at the closed meeting.

5.5 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 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;
- c) recorded votes are not permitted at closed sessions

5.6 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.

5.7 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 municipality or local board or persons retained by or under contract with the municipality or local board.

5.8 Minutes of Closed Meeting/Sessions

Minutes of all or part of a Council meeting that is closed shall be recorded by the Clerk 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.

5.9 Agenda of Closed Meeting/Session

Agendas for Closed Meetings/Sessions will be circulated to Members of Council not later than 3 (three) business days before the holding of such meeting. Closed Meeting Agendas and reports shall only be circulated by hardcopy and will be collected by the Clerk at the close of Closed Meeting/Session for destruction.

6. PUBLIC NOTICE OF MEETINGS OF COUNCIL & COMMITTEES

6.1 Public Notice of Regularly Scheduled Meetings

Public Notice of regularly scheduled meetings of Council or a Committee for The Township of Wilmot shall be given 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 Public Notice of Special Meetings

Public Notice of a Special Meeting of Council or a Committee shall be given by posting to the schedule of meetings on The Township of Wilmot's official website not less than one day in advance of the date of the meeting.

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

Public notice of a meeting of Council or a Committee 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 given by the passing of a resolution by Council or the Committee at a meeting open to the public stating;

- a) the fact of the holding of the closed meeting;
- b) the general nature of its subject matter; and
- c) the legislative provision allowing for the holding of the closed meeting

6.5 Public Notice – Other Closed Meetings

Public notice of a meeting of Council 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 given by the passing of a resolution by Council or the Committee at a meeting open to the public stating:

- a) the fact of the holding of the closed meeting, and
- b) the general nature of the matter to be considered at the closed meeting

6.6 Agendas – Open Session Meetings

Prior to the meeting, where possible and pending the distribution to the Members, 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 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). This provision does not apply to agendas of meetings that are Closed Sessions.

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 Public Notice – Agenda – Not Received – Validity

Lack of receipt of Public 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

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 at a regular meeting;

7.1.1 Any Member of Council may file in writing not later than 5 (five) calendar days before the holding of such 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 meeting of Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order;

7.2.2 Immediately after the Head of Council or presiding officer has called the meeting to order the following order or procedure shall be observed for a regular Council meeting:

- Call to Order**
- Closed Session**
- Reconvene Into Open Session**
- Moment of Silent Reflection**
- Land Acknowledgement**
- Additions to the Agenda**
- Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act**
- Minutes of Previous Meeting**
- Public Meetings**
- Presentations**
- Delegations**
- 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 Minutes shall record:

- (i) the place, date and time of the meeting;
- (ii) the names of the presiding officer, and the record of the members in attendance.
- (iii) any disclosure made under the Municipal Conflict of Interest Act;
- (iv) the reading, if requested, correction and adoption of the minutes of prior meetings;
- (v) all the other proceedings of the meeting without note or comment.

7.3.2 Such Minutes as referred to in Section 7.3.1 may be adopted by Council without having been read at the 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.

7.4 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 of Council Meeting. The Chair or presiding officer shall ask if any person present of Indigenous decent wishes to read the Land Acknowledgement. In absence of any person declaring their desire to read the Land Acknowledgement, the Members of Council or the Committee, as the case may be, shall read the Land Acknowledgement on a rotating basis starting with the presiding officer. Any 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.

7.5 Additions to the Agenda

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 to determine if a conflict exists and disclose any pecuniary interest and the nature thereof in accordance with the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, in any regular or Special Council or Committee meeting.

7.6.2 Any member required to make a disclosure of pecuniary interest shall

disclose any direct or indirect pecuniary interest and state the general nature of such interest in accordance with the provisions of the Municipal Conflict of Interest Act, as amended, and it shall be recorded by the clerk in accordance with the provisions of the Act or any amendments thereto;

7.6.3 Where a member of Council, either on his/her own behalf or while acting, by, with or through another, has a pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member shall:

- (i) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (ii) not take part in the discussion;
- (iii) not vote on any question in respect of the matter;
- (iv) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

7.6.4 Where a meeting is not open to the public, in addition to complying to the requirements of this by-law, the member shall immediately leave the meeting for the part of the meeting during which the matter is under consideration;

7.6.5 Where the interest of a member of Council has not been disclosed for reason of absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting attended by the member after that particular meeting;

7.6.6 The failure of one or more members to comply with this section of the by-law shall not affect the validity of the meeting in regard to said matter.

7.7 Presentations

7.7.1 Any person making a presentation to Council, including staff members, consultants engaged by the Township, or individuals representing any other corporation, organization or local board of the Township, shall be permitted to address Council without a time limit.

7.7.2 All audio and visual materials presented to Council by a presenter must be reviewed by the Clerk and CAO relative to inappropriate language, graphic images or other messaging that does not reflect the decorum of Council Chambers. Such materials may include, but are not limited to, audio recordings, slide presentations, photos, videos and handouts but does not include the presenters speaking notes.

Presenters must provide materials not less than five (5) business days before the commencement of the meeting of Council.

7.8 Delegations

7.8.1 No person except members of Council and Township Officials shall be allowed to come within the bar during the sitting of Council without the permission of the Head of Council.

7.8.2 Persons desiring to verbally present information on matters of fact, or make a request of Council, relative to matters not on the Agenda, shall give notice to the Clerk in writing, not less than five (5) business days 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 ten (10) minutes.

Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes.

Such delegations will be asked to first discuss the matter with staff, if the matter is operational in nature or may otherwise be resolved by speaking with staff.

7.8.3 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 ten (10) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes.

7.8.4 All audio and visual materials presented to Council by a delegation must be reviewed by the Clerk and CAO relative to inappropriate language, graphic images or other messaging that does not reflect the decorum of Council Chambers. Such materials may include, but are not limited to, audio recordings, slide presentations, photos, videos and handouts but does not include the delegations speaking notes.

Delegations appearing relative to subsection 7.8.2 are requested 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. Delegations appearing relative to subsection 7.8.3 must provide materials not less than one (1) hour in advance of the Council Meeting. If a Closed Meeting, ad hoc Budget Advisory Committee Meeting or other meeting involving Members of Council and Clerk's Services staff is scheduled and noted on the Council Agenda, materials must be provided 1 (one) hour in advance of the scheduled meeting.

7.8.5 When any person, not being a registered delegation desires to address Council on a matter on the Agenda, they shall be permitted to do so on leave of the Mayor or other Presiding Officer. Non-registered delegations will not be permitted to present to Council any audio or visual materials as described in subsection 7.8.4. Non-registered delegations shall be limited in speaking to not more than five (5) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than five (5) minutes.

7.8.6 When any person, not being a registered delegation desires to address Council on a matter not on the Agenda, they shall be permitted to do so only on a motion to such effect being passed by a majority vote of the members present. Non-registered delegations will not be permitted to present to Council any audio or visual materials as described in subsection 7.8.4. Non-registered delegations shall be limited in speaking to not more than five (5) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than five (5) minutes.

7.8.7 Delegations, registered or non-registered, appearing to speak relative to Public Meetings shall do so in accordance with the relative

legislation or by-law regulating said Public Meeting and shall be limited in speaking to not more than ten (10) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes.

7.9 Consent Agenda

- 7.9.1 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 Motion”, 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.
- 7.9.2 Any member, before the consent motion is voted on, may add or remove any number of items of business from the consent motion.
- 7.9.3 In the event that a member 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
- 7.9.4 Items removed from the consent motion at the request of a member of Council will be considered under “New Business”.

7.10 Communications and Petitions

- 7.10.1 Every communication including petition 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;
- 7.10.2 Every petition or communication shall be delivered to the Clerk not less than five (5) business days before the commencement of the meeting of Council and if in the opinion of the Chief Administrative Officer, it contains any impertinent or improper matter or language, the Chief Administrative Officer shall decide whether it should be included in the agenda for a Council meeting;
- 7.10.3 Communications or petitions addressed to Council shall be listed by the Clerk on the agenda for the next regular meeting and the Clerk shall briefly indicate therein the content of each such petition or communication.
- 7.10.4 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 meeting and have now been cleared for final reading shall be read a

final time and approved 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 the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk and shall be stored in the Clerk's Department for safekeeping;

7.12 Notice of Motion

7.12.1 A Notice of Motion shall:

- i) be in writing;
- ii) shall be directed by the Clerk to the next regular Council meeting and shall be printed in full on the agenda;

7.13 Announcements

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

7.14 Adjournment

7.14.1 A motion may be made at any time by a member 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.

7.14.2 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.

7.14.3 Where a motion to adjourn is lost no second motion to the same effect may be made until after some intermediate proceeding shall have been had.

7.14.4 On a motion to Adjourn, no Member shall leave their seat until the Chair has declared the meeting adjourned.

7.14.5 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 may direct by resolution.

8. RULES OF DEBATE

8.1 Any member desiring to speak shall so indicate by raising his/her 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 or more members raise their hands to speak the Mayor or presiding officer shall recognize the member who raised his/her hand first.

8.3 The Mayor or other presiding officer may state his/her 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 after

appointing a member to preside during such remarks.

- 8.4 The Mayor or presiding officer shall resume the Chair for the taking of the vote.
- 8.5 The Mayor or presiding officer may, without leaving the Chair, address Council between proceedings on any matter pertinent to the business of the municipality.
- 8.6 When a member is speaking no member shall pass between him/her and the Chair or interrupt him except to raise a point of order.
- 8.7 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 8.8 No member, without leave of Council, shall speak to the same question, or in reply, for longer than ten minutes.
- 8.9 A member 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 has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Mayor or presiding officer on the matter under discussion only for the purpose of obtaining information, following which the member 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:
 - i) a point of order or personal privilege;
 - ii) presentations of petitions;
 - iii) to move the question be put;
 - iv) to adjourn.
 - v) to refer;
 - vi) to table or to postpone, defer to a day certain;
 - vii) to amend;
 - viii) to suspend the Procedural By-law
 - ix) any other procedural motion.

9. POINT OF ORDER

- 9.1 The Mayor or presiding officer shall preserve order and decide on points of order.
- 9.2 When a point of order is raised or when a member is called to order by the Mayor or presiding officer, the member speaking shall immediately cease until the Mayor or presiding officer has decided on the point of order and may further address Council only for the purpose of appealing to the Council from such decision.
- 9.3 The Mayor or presiding officer, in giving his/her decision, should cite the rule or law governing the case. The Mayor may ask for the

assistance of the Clerk or Council in deciding the matter but the Mayor's decision shall be final if there is no appeal.

9.4 If the decision of the Mayor or 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 presiding officer may vote on this question and in the event of an equality of votes the Chair shall be deemed to be sustained.

9.5 When a member considers that his/her integrity or the integrity of Council as a whole **or the integrity of staff** has been impugned, he/she may as a matter of personal privilege, at any time, with the consent of the Mayor or presiding officer, draw the matter to Council's attention.

10. CONDUCT OF MEMBERS IN COUNCIL

10.1 No Member shall:

- i) 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;
- ii) use offensive words or unparliamentary language in or against the Council or against any Member **or against any staff**;
- iii) speak on any subject other than the subject in debate;
- iv) criticize any decision of Council except for the purpose of moving in accordance with the provisions of Section 12 that the question be reconsidered.
- v) disobey the rules of Council, or a decision of the Mayor or 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 persists in any such disobedience after having been called to order by the Mayor or presiding officer, the Mayor or presiding officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologizes he/she may, by vote of Council, be permitted to retake his/her seat.

10.2 No charge shall be made which involves the character, conduct or language of a member of Council unless such member is present to reply or unless due notice has been given to such member to be present to offer a defence.

10.3 A question put to a member may not contain imputations, epithets, ironical expressions or hypothetical cases, nor may a question refer to debates or answers to questions in the same 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 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 has been called to order by the Mayor or presiding officer for breach of parliamentary decorum, it is the member's duty to

defer at once to the decision of the Mayor or 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 persists in unparliamentary conduct, the Mayor or presiding officer shall be compelled to name such member and submit such conduct to the decision of Council. In such a case, the member whose conduct is in question should explain and withdraw and it shall be for Council to decide what action to take.

11. MOTIONS

- 11.1 Notice of all new motions except motions listed in Sections 11.12 and 11.13 shall be given in writing delivered to the Clerk at least six (6) business days preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full on the agenda for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing **which may include by email.**
- 11.2 When a Member's notice of motion has been called from the Chair in two successive meetings and not proceeded on, it shall be dropped from the agenda unless Council otherwise decides.
- 11.3 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.
- 11.4 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 present and voting.
- 11.5 A motion must be formally seconded before the Mayor or presiding officer can put the question or the motion can be recorded in the minutes.
- 11.6 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 presiding officer before debate.
- 11.7 A motion in respect of a matter which is ultra vires the jurisdiction of Council shall not be in order.
- 11.8 After a motion is read or stated by the Mayor or presiding officer, 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.
- 11.9 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 11.12 and 11.13.
- 11.10 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 meeting of Council.
- 11.11 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.
- 11.12 A motion to amend:

- i) shall be presented in writing;
- ii) shall receive disposition of Council before a previous amendment of the question;
- iii) shall be relevant to the question to be received;
- iv) shall not be received proposing a direct negative to the question;
- v) may propose a separate and distinct disposition of a question;
- vi) shall be put in the reverse order to that in which it was moved.
- vii) shall contain only one motion to amend an amendment to the question and any further amendment must be to the main question;

11.13 A motion for the previous question:

- i) cannot be amended;
- ii) cannot be proposed when there is an amendment under consideration;
- iii) shall preclude all amendments of the main question;
- iv) when resolved in the affirmative, shall to be put forward without debate or amendment;
- v) can only be moved in the following words "that the question be now put"; and,
- vi) may be voted against by the mover and seconder.

11.14 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.

11.15 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.

- i) a motion to refer is debatable.

11.16 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition will be taken separately.

12. RECONSIDERATION

12.1 After any question, except one of indefinite postponement, has been decided, any member may, at the same session or at a subsequent session, 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, nor shall any question be reconsidered more than once.

12.2 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.

12.3 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.

- 12.4 Debate on a motion for reconsideration must be confined to the reasons for or against reconsideration.
- 12.5 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.

13. VOTING ON MOTIONS

- 13.1 Immediately preceding the taking of the vote, the Mayor or presiding officer may state the question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
- 13.2 After a question is finally put by the Mayor or presiding officer, no member shall speak to the question or shall any other motion be made until after the vote is taken and the result has been declared.
- 13.3 Every member present at a meeting of Council when a question is put shall vote thereon unless prohibited by statute, by reason of conflict of interest or for any reason.
- 13.4 No vote will be taken in Council or Committee by ballot or by any other method of secret voting.
- 13.5 Upon the request of a member, immediately after a vote is taken, the Clerk shall record the negative vote of such member on any question.
- 13.6 If any member present at a meeting of Council when a question is put does not vote, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by law.
- 13.7 If a member disagrees with the announcement of the Mayor that a question is carried or lost he/she may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.
- 13.8 When the Mayor calls for the vote on a question each member shall remain in his/her seat until the result of the vote has been declared by the Mayor, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.
- 13.9 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition will be taken separately.
- 13.10 A member not present before the result of the division on a question is declared, shall not be entitled to vote on that question.
- 13.11 The manner of determining the decision of Council on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands or otherwise.
- 13.12 Upon the taking of any vote if all the members present when the vote is

taken vote unanimously, the Mayor or presiding officer may direct the Clerk to record the vote accordingly.

13.13 Any question on which there is an equality of votes shall be deemed to be in the negative.

14. RECORDED VOTE

14.1 When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member by ward, on any matter or question.

14.2 Where a vote is taken for any purpose and a member requests immediately prior to or immediately subsequent to the taking of the vote, that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote accordingly.

14.3 When a recorded vote is requested by any member the Clerk will call of the vote, announce the division and will record them in the minutes of the meeting.

15. RECESS

15.1 A majority vote of Members present is required to recess a meeting, and the time of return shall be announced by the Mayor or Presiding Officer.

16. COMMITTEES (Ad Hoc/Advisory/Special Purpose)

16.1 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 the Council, pursuant to Section 11 of the Municipal Act or as required by any Act or Statute of the Province of Ontario.

16.2 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-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.

16.3 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.

16.4 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:

- i) In Committees the vote on any particular item shall not be recorded however a member on request may be recorded as being opposed;
- ii) 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;
- iii) 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;

- iv) If any Committee neglects to attend to its duties, the Council may intervene and order it to meet and report;
- v) The Chair of a Committee may vote on any question before the Committee;
- vi) Any question on which there is an equality of votes shall be deemed to be in the negative;
- vii) In Committee, members may speak more than once on the same question;
- viii) 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 the Council who may remove such member from the Committee and appoint another member;
- ix) Advisory Committees shall prepare minutes and submit them to Council.

17. REVIEW AND AMENDMENT TO THIS BY-LAW

17.1 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 17.3. If no amendments are deemed necessary, the Clerk shall report same to Council.

17.2 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 17.3.

17.3 No amendment or rescinding of this by-law or any part of thereof shall be considered at any meeting of Council unless notice of the proposed amendment or rescinding has been given at a previous regular meeting of Council and the waiving of this notice by Council is prohibited.

18. SUSPENSION OF THE RULES

18.1 Any rules or procedures established by this by-law, other than a quorum requirement, may be suspended at or for a particular meeting, by resolution, provided two-thirds of members present vote in favour thereof, unless prohibited by law;

18. SEVERABILITY

18.1 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.

19. REMARKS

19.1 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.

20. ROBERT'S RULES

20.1 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.

21. SHORT TITLE

RULES OF PROCEDURE – BY-LAW 2019-25

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

22. EFFECTIVE DATE

22.1 By-law No. 2007-63 and any other by-laws inconsistent with the provisions of this by-law are hereby rescinded.

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

READ a first and second time on the 13th day of May, 2019.

READ a third time and passed in open Council on the 13th day of May, 2019.

Mayor

Clerk



Township of Wilmot **REPORT**

REPORT NO. CL 2019-22
TO: Council
PREPARED BY: Tracey Murray, Deputy Clerk
DATE: May 13, 2019
SUBJECT: Provincial Regional Review – Open House

Recommendation:

WHEREAS the Ontario Government is reviewing the governance, decision-making and service delivery functions of eight (8) regional municipalities and Simcoe County including Waterloo Region;

AND WHEREAS among the options being considered is amalgamation or dissolution of the two-tier governance model;

AND WHEREAS independent studies to date have referenced that amalgamation does not save money and actually decreases civic engagement;

AND WHEREAS the CAO's within the Region of Waterloo have an ongoing, long-standing practice of evaluating and implementing service delivery improvements that benefit the residents of Waterloo Region;

NOW THEREFORE BE IT RESOLVED THAT the Township of Wilmot Council supports a two-tier governance model that fosters civic engagement, collaboration and efficient service delivery, while allowing the Township of Wilmot to deliver the services desired by our constituents through this accountable and transparent model, and;

THAT staff be directed to forward, for information, all unaltered comments, feedback, the resolution and staff report, as well as a copy of the Provincial Governance Review Information Package to Minister Clark and the Special Advisors, Mr. Ken Seiling and Mr. Michael Fenn.

Background:

Council hosted a Provincial Governance Review Open House on April 30, 2019. The Open House allowed for Wilmot Township residents to obtain information on the review

and provide their feedback, through written submission and/or the completion of a survey. The residents were also able to complete the survey on-line from April 24th to April 30th.

Discussion:

Residents were given the opportunity to provide written feedback and participate in a survey that will result in Council directing staff to forward, for information, all unaltered comments and feedback provided to them and a copy of this report and a copy of the Provincial Regional Governance Review Information Package that had been previously created for residents, to Minister Steve Clark and the Special Advisors, Mr. Ken Seiling and Mr. Michael Fenn. For Council information purposes, all received comments are attached to this report.

The survey was accessible for 7 days and had 221 on-line responses. Of those submissions, 176 responses were in favour of maintaining the current governmental structure, 44 were in favour of not maintaining the current structure and one (1) response expressed concerns with how to answer the questions when they were unclear of the process. These results will also be provided as part of the package to Minister Steve Clark and the Special Advisors.

The resolution being presented for approval is in line with the resolutions and/or messaging of all 8 municipalities in the Region of Waterloo.

Strategic Plan Conformity:

We are an engaged community through communicating municipal matters.

Financial Considerations:

Nil.

Conclusion:

That the report be received for information.

Tracey Murray
Prepared by Deputy Clerk

Dawn Mittelholtz
Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer

Attachments:
Provincial Regional Governance Review Information Package
One (1) Handwritten Comment Submission

Board of Trade Letter
Resident Letter - Anne Loeffler
Resident Letter - Kevin Thomason
Resident Letter - Don Heimpel



Township of Wilmot **REPORT**

REPORT NO. CL 2019-23
TO: Council
PREPARED BY: Tracey Murray, Deputy Clerk
DATE: May 13, 2019
SUBJECT: Property Standards Committee Terms of Reference - Amendment

Recommendation:

THAT Council ratify the consensus decision to amend the Property Standards Committee Terms of Reference to include the Line Fences Act, 2006 and the role of the Committee to serve as Fence Viewers.

Background:

Staff were in receipt of two applications received under the Line Fences Act (The Act). The Act, states that Council is to appoint a minimum of 3 members to stand as Fence Viewers. The Township had not appointed Fence Viewers on a regular basis as The Act allows for appointments as needed.

Discussion:

Council were advised of the applications and the time constraints associated with the applications, therefore, a consensus was done by email to approve the amendment to the Terms of Reference for the Property Standards Committee to allow for the Committee to serve a dual purpose and also serve as Fence Viewers. Consensus was reached, with all 6 members of Council agreeing to the amendment. There were no objections and staff did respond to emails for clarification and greater understanding of The Act. The proposed amended Terms of Reference is attached and the amendments have been highlighted for easy reference.

Strategic Plan Conformity:

We are an engaged community through communicating municipal matters and strengthening customer service.

Financial Considerations:

As per Resolution 2002-39, the remuneration rate for the members of the committee is \$50.00 per meeting plus the standard municipal mileage rate.


Conclusion:

That Council ratify the consensus decision to amend the Property Standards Committee Terms of Reference.

Tracey Murray
Prepared by Deputy Clerk

Dawn Mittelholtz
Submitted by
Director of Clerk's Services

Grant Whittington
Reviewed by Chief Administrative Officer

 TOWNSHIP OF WILMOT <small>BUILDING A SURE FOUNDATION</small>	Corporate Policy Manual	
	Section: COUNCIL	
	Policy # CL-05.2	Pg. 1 of 1
	PROPERTY STANDARDS COMMITTEE	
Revision Date: May 13, 2019	Issue Date: February 11, 2002	
Approved by: Council	Review Date: May 13, 2023	

PURPOSE

To appoint a Property Standards Committee to adjudicate any appeals of property standards orders as per Section 22 of the Property Standards By-law (No. 2010-54) and to serve as Fence Viewers as prescribed under the Line Fences Act, 2006.

SCOPE

An ad will be placed in the local newspaper at the end of a 4 year term, inviting individuals to submit their application to serve on the committee, subject to council approval.

A committee shall be composed of such persons, not fewer than three, as the council considers advisable.

The terms of office for the members of the Committee shall be for four (4) years. When a vacancy occurs in the membership of the Committee, the Council shall forthwith fill the vacancy.

The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chairman and shall make provisions for a secretary for the Committee, and any member of the Committee may administer oaths.

A majority of the Committee constitutes a quorum, and the Committee may adopts its own rules of procedure but before hearing an appeal under Subsection (17) of Section 31 of The Planning Act, 1990, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

The Committee shall, when under the Line Fences Act, 2006, carry out the provisions of the Act as Fence Viewers.

The secretary shall keep on file minutes and records of all applications and the decisions thereon and all other official business of the Committee.

The members of the Committee shall be paid such compensation as the Council may provide.

COMMENTS: as per Resolution 2002-39, the remuneration rate for the members of the committee is \$50.00 per meeting plus the standard municipal mileage rate.



Township of Wilmot

REPORT

REPORT NO. CL2019-24
TO: Council
PREPARED BY: Dawn Mittelholtz, Director of Clerk's Services
DATE: May 13, 2019
SUBJECT: Traffic and Parking By-law Amendments

Recommendation:

THAT By-law No. 2019-22 be adopted in respect to a 24-hour time limit for on-street parking of trailers; and

THAT staff investigate how a snow event declaration can be incorporated into the operations of the Township, including how overnight on-street parking prohibitions during the winter months would be incorporated.

Background:

The current Traffic and Parking By-law was approved in 2016. From time to time, it can become necessary to amend the by-law to reflect the changing community, operational needs of the Township and to address matters of a technical nature regarding road safety and road integrity.

Discussion:

Since 2016, the following matters were identified as requiring amendments or being added to the Traffic and Parking By-law; trailers parking on the roadway, overnight on-street parking prohibitions in the winter and snow event declarations.

Staff conducted an online survey and hosted an open house to garner input from the public with regards to trailers, overnight parking and snow event declarations.

The survey was well received with 311 responses.

24 Hour Parking Limit for Trailers

Yes	218
No	91*

* The written comments as to why the respondent chose yes or no regarding the 24-hour prohibition for on-street parking of trailers proved interesting. Staff reviewed the no comments in particular and found some common elements in the responses. In addition to comments noted below, the remaining “no” responses either did not provided a written response, thought the time should be shorter or longer or provided other comments relative to trailers parked on the roadway.

No to allowing any on-street parking of trailers 36
No need for a by-law to prohibit trailers parking 21

The responses to the questions asked provided a clear preference for all the questions being asked. The proposed amendments to the Traffic and Parking By-law will therefore recommend a 24-hour time limit for on-street parking of trailers.

Overnight Parking Hours (all starting at 2:30 am)

Ending at 6:00 am (current By-law)	240**
Ending at 8:00 am	38
Ending at 9:00 am	18
Ending at 10:00 am	15

** Though the survey offered a first, second and third choice, the overwhelming preferred response was for the prohibition ending at 6:00am, consistent with the current By-law. It is important to note, however that the survey automatically chose the first response if the respondent did not change the selection and 63 respondents chose the current By-law as their response for all three options.

In Favour of Snow Event Declarations

Yes	283
No	23

The declaration of snow events and the on-street overnight parking during the winter months are closely related. The intent of the survey was to gage public support of snow event declarations as a concept to aid in winter road maintenance. Public Works and Engineering staff will be investigating how a snow event declaration can be incorporated into the operations of the Township. This investigation will extend to on-street overnight parking during the winter months as the two must be considered concurrently and work as a comprehensive and cohesive approach to on-street parking during the winter.

Strategic Plan Conformity:

The gaging of public support for amendments to the Traffic and Parking By-law is communicating municipal matters and the ongoing enforcement of the Traffic and Parking By-law ensures public safety, enhances our mobility and helps in maintaining our infrastructure in conformity with the Strategic Plan.

Financial Considerations:

None.

Conclusion:

Staff recommends that the proposed Traffic and Parking By-law Amendment in respect to a 24-hour time limit for on-street parking of trailers be adopted and that staff be directed to investigate how snow event declarations may be integrated into Township operations.

Dawn Mittelholtz
Prepared and Submitted by
Director of Clerk's Services

Jeff Molenhuis
Submitted by
Director of Public Works and Engineering

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO. FIN 2019-23

TO: Council

PREPARED BY: Patrick Kelly CPA, CMA
Director of Finance / Treasurer

DATE: May 13, 2019

SUBJECT: Senior Government Funding Updates and the Investing in
Canada Infrastructure Program (ICIP)

Recommendation:

THAT Finance Report FIN 2019-23, prepared by the Director of Finance / Treasurer, outlining various Senior Government Funding Programs be received for information purposes;

AND further, that the Treasurer be authorized to submit an application to the Investing in Canada Infrastructure Program (ICIP) to support the Class Environmental Assessment, Design and Replacement of Bridge 34/T-B, also known as the Bridge Street Bridge.

Background:

Over the past few months a number of funding announcements have been made by partners at the Provincial and Federal levels of government. Each of the programs announced, or created by these levels of government have unique criteria and eligibility requirements.

Staff deemed it would be appropriate to outline each program, and the current status from a Wilmot perspective, to ensure Council and the broader community are aware of funding opportunities, along with the intended and/or approved purposes.

One such program of more immediate concern is the Rural and Northern Stream of the Investing in Canada Infrastructure Program (ICIP). This program is currently open for intake of applications, and closing on May 14, 2019. Staff have reviewed a variety of projects, and ultimately settled upon the Class EA, Design and Replacement of Bridge Street Bridge. Council approval of this direction, will allow the application to be submitted prior to the firm deadline imposed by the Province.

Discussion:

In order to fund the annual operating and capital expenditures of the municipality, the Township is reliant upon a significant number of separate and distinct funding initiatives from Senior Government partners.

The following is a list of the more significant sources of external funding received by the municipality. The list is not exhaustive, as it does not include some of the smaller funding allocations for summer students or incentive under the saveONenergy program.

ANNUAL / PREDICTABLE FUNDING SOURCES

Federal Gas Tax – Formula-Based

The Federal Gas Tax Fund (GTF) is a permanent source of funding provided up front, twice-a-year, to provinces and territories, who in turn flow this funding to their municipalities to support local infrastructure priorities. Municipalities can pool, bank and borrow against this funding, providing significant financial flexibility. Communities select how best to direct the funds with the flexibility to make strategic investments across eighteen (18) different project categories.

Funds are administered by the Association of Municipalities of Ontario (AMO), and under the current agreement (2019-2023), Wilmot is allocated \$623,258 annually to support infrastructure initiatives. Funding in 2019 has been allocated to the Hot Mix Paving Program (\$319,800) and Surface Treatment Program (\$303,458). In 2018, funds were allocated to the reconstruction work on Milton & Byron Street (\$612,270). Over the course of the 10-year Capital Forecast, the GTF is anticipated to fund \$6.6M of capital investments in Township infrastructure.

Under the current agreement, municipalities are expected to continuously improve and implement their existing asset management plans according to the requirements of the Asset Management Planning Regulation under the Infrastructure for Jobs and Prosperity Act, 2015. Municipalities must demonstrate to AMO that asset management plans are being used to guide infrastructure planning and investment decisions; and that federal Gas Tax funds are being used to address priority projects identified in the plans.

Ontario Community Infrastructure Fund (OCIF) – Formula Based

The Ontario Community Infrastructure Fund (OCIF) provides steady, long-term funding for small, rural and northern communities to develop and renew their infrastructure. This stable and predictable funding resource allows Wilmot to plan for critical infrastructure investments over the long-term horizon, similar to the Federal funding allocated via the Gas Tax Fund (GTF).

The annual allocation, based on the current formula, for Wilmot Township is \$724,648. A small portion of this funding is currently dedicated the Asset Management Coordinator position (\$30,000), with an additional \$35,000 allocated to continued consulting services

under the Asset Management Roadmap. The remaining \$659,648 was allocated to the reconstruction of Church and Wilmot Street in New Hamburg.

In 2018, funds were allocated to the Hot Mix Paving Program (\$337,000); Surface Treatment Program (\$33,427); Roads Needs Study (\$80,000); and Asset Management Coordinator role (\$19,700)

Over the course of the 10-year Capital Forecast, the OCIF Formula-Based funding is anticipated to fund \$6.9M of capital investments in Township infrastructure and asset management programs.

Ontario Municipal Partnership Fund (OMPF)

As noted through the 2019 budget project, a significant source of operational funding has historically been derived from the Ontario Municipal Partnership Fund (OMPF). Wilmot's 2017 OMPF funding was 18.2% of the municipal levy or \$1,364,300. In 2018, this was significantly reduced to 15.0% of the municipal levy or \$1,159,700. A further reduction was announced for 2019, bringing the funding to 12.4% of the municipal levy or \$985,700.

In the absence of any significant adjustments in the current formula, this pattern will continue until 2032, at which point the OMPF funding will be reduced to 1.0% of the overall municipal levy or \$123,400.

Through conversations at the 2018 AMO Conference, and continuing dialogue with Ministry staff, the Director of Finance has joined the Municipal Reference Group, as a representative for the Region of Waterloo's four (4) Townships, as endorsed by each the four (4) CAO's. It is hoped that participation on this inter-municipal working group will help build justification to further review the current funding formula, and ensure future updates/revisions take into account the clear distinction between rural settlements and farmland.

KW Hydro Reforestation Grant Program

On an annual basis, a Reforestation Grant is provided to the municipality from Kitchener-Wilmot Hydro. This grant assists in the fall tree planting programs coordinated through the collaborative efforts of Parks and Recreation and Public Works & Engineering. Currently there is \$10,374 in unexpended funds from the 2018 program, and an additional \$45,000 received from K-W Hydro in early 2019.

Canadian Museum Operation Grant (CMOG)

The Community Museum Operating Grant (CMOG) provides funding to eligible community museums across Ontario. These museums contribute to their communities' economic wellbeing as employers and tourist attractions, attracting over three million visitors per year. This support strengthens their role in their communities as custodians and interpreters of the province's irreplaceable heritage collections. Museums that receive this support are required to meet the criteria established in Regulation 877,

"Grants for Museums" under the Ontario Heritage Act and this ministry's Standards for Community Museums in Ontario.

Castle Kilbride receives annual funding under this program in the amount of \$16,600 to support the mandate of the Castle. This funding is critical to the continuation of Castle programming and events, and the general maintenance and staffing of Wilmot's designated historic building.

APPLICATION-BASED / ONE-TIME FUNDING PROGRAMS

Ontario Community Infrastructure Fund (OCIF) – Application Based

The Top-up Application Component of OCIF provides funding for intakes of approximately \$100-million per year to help communities with relatively small formula-based grants to top up their funding to address larger critical infrastructure projects.

Wilmot was successful under Intake 3 of this program in an application to support the replacement of Holland Mills Bridge. Funding was approved to the maximum Provincial Contribution of \$1,198,193. To-date, approximately in \$900,000 in funding has been received, with the remainder expected upon project completion and release of holdbacks.

Wilmot submitted an application under Intake 5 of this program for the reconstruction of Hannah and Lewis Streets for the maximum Provincial Contribution of \$546,587. Early in 2019, the Province announced that Intake 5 would be cancelled, and applications would not be approved. This announcement occurred after approval of the 2019 Municipal Budget, and as such, in the absence of alternate funding options the capital project for Hannah and Lewis would have a funding shortfall.

Fortunately, the announcement of the one-time funding programs, such as the Federal Gas Tax one-time top-up, and the Service Modernization Funding for Small and Rural Municipalities, will allow the proposed project works to move forward without impacting municipal infrastructure reserve funds or the general levy.

Canada 150 – Community Infrastructure Program (CIP150)

The Township was successful in applications under both Intake 1 and 2 of the CIP150 program, to support capital works on Parks, Recreation and Facilities infrastructure. Through the two intakes of the CIP150 program, the Township completed the design and construction of the WRC/Schmidt Woods Trail; LED Lighting Installations at the Wilmot Recreation Complex; and the Replacement Tennis Courts in New Dundee. The combined funding received under Intake 1 and Intake 2 of CIP150 totaled approximately \$213,000. This program was created for our nation's sesquicentennial, and as such is no longer actively seeking applications.

Ontario Cannabis Legalization Implementation Fund

Through the Ontario Cannabis Legalization Implementation Fund (OCLIF), the province is providing municipalities with \$40 million over two years to help with the implementation

costs of recreational cannabis legalization. To date, Wilmot has been allocated \$22,335 under this funding program.

Municipalities must use their OCLIF funding to address the implementation costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include: increased enforcement; increased response to public inquiries; increased paramedic services; increased fire services, and/or by-law / policy development (e.g. workplace safety policy). Staff continue to review program criteria and reporting requirements from the Province, prior to allocating any funds to 2019 operations.

Celebrate Canada Program

Canadian Heritage provides financial support for events organized during the Celebrate Canada period, from June 21 to July 1. On behalf of the Canada Day in Wilmot Committee, an application was submitted to the 2019 intake, and was successful in securing \$5,860 to help fund entertainment expenses for this major community event.

Staff will continue to work with the committee to ensure the use of funds and reporting are aligned with the program requirements.

Clean Water and Wastewater Fund (CWWF)

The Clean Water and Wastewater Fund (CWWF) is a federal program designed to accelerate short-term community investments, while supporting the rehabilitation and modernization of drinking water, wastewater and stormwater infrastructure, and the planning and design of future facilities and upgrades to existing systems.

Under the program, Wilmot was successful in receiving approximately \$820,000 in funding to support three (3) distinct projects: Wilmot Employment Lands Stormwater and Sanitary Infrastructure (\$706,000); King Street Reconstruction Underground Works (\$46,000); and upgrades to Water Meter Reading Infrastructure (\$68,000).

The project works for the latter two items have been completed, while the Employment Lands funding is still unexpended, pending the on-going development activities on this project. As noted previously, staff continue to work through development applications to ensure the outstanding funding remains eligible for use in supporting underground infrastructure works.

Community Environmental Fund

This program, from the Region of Waterloo, is an application-based program which provides stewardship grants that support several areas, including the enhancement and restoration of natural areas; the naturalization of landscapes; the acquisition of ecologically significant natural areas; public education and awareness initiatives to promote environmental stewardship; and environmental stewardship-related research. On behalf of the Township, the Sustainability Committee prepared and submitted a successful application for funding towards the design of the Wilmot Carbon Sink / Naturalization Project.

With funding of \$7,500 approved by the Region, the Township envisions that the planning and design function would engage not only local agencies (Region, Township, GRCA) but also local schools, and environmental groups.

In addition, the Township is currently reviewing potential partnerships with corporate champion(s) who have shown interest in being involved in a project such as this. Any support from the corporate community would ultimately offset the impact on municipal resources, while allowing design works to proceed in 2019.

Municipal Disaster Recovery Assistance Program (MDRA)

The Municipal Disaster Recovery Assistance (MDRA) program helps municipalities that have incurred extraordinary costs because of a natural disaster. Eligible expenses may include capital costs to repair public infrastructure or property to pre-disaster condition, and operating costs over and above regular budgets that are necessary to protect public health, safety or access to essential services.

Wilmot applied for funding under this program to recover costs associated with damages to municipally-owned infrastructure from the flooding event of February 2018. In March 2019, staff were advised that the Province would provide assistance up to \$214,000, primarily for debris removal, park restoration and bridge rehabilitation. The actual funding allocation has not yet been received; however, the total flood related costs incurred by the municipality were just over \$292,000.

Disaster Recovery Assistance for Ontarians (DRAO)

This program is designed to help people affected by sudden, unexpected, extraordinary natural disasters get back on their feet. The program helps cover emergency expenses, repairs, or replacement of essential property after a natural disaster, but it is not intended to be a replacement for insurance or appropriate risk management by property owners.

Through their in-depth review of information supplied by residents, as well as information about the February 2018 flooding from the GRCA and the Provincial Emergency Operations Centre, it was assessed by the Ministry that this flooding experience did not meet the criteria for activation of the DRAO program.

Staff continue to be supportive of GRCA in their application for funding to support flood mapping and emergency preparedness. Any future decisions on funding to GRCA would be communicated with Council and the broader community accordingly.

Main Streets Revitalization Initiative – One-Time

This Provincial investment of \$26 million was made to support and grow small business through Main Street Revitalization efforts. The fund was designed to support small businesses within main street areas by providing funds to municipalities to implement local Community Improvement Plans and/or encourage strategic public investments in municipal and other public infrastructure within main street areas.

Wilmot received \$55,820 under this one-time stimulus funding. The funding has been dedicated to support boulevard enhancements in New Hamburg core (\$10,000) and downtown New Hamburg Parking enhancements at Kirkpatrick Park and Wilmot Street (445,820).

Ontario Municipal Commuter Cycling Program (OMCC)

The OMCC was intended to be a multi-year program with \$93 million available in the first year. Funding for future years was to be determined based on availability of cap and trade proceeds. Ontario municipalities were eligible for annual OMCC funding to support up to 80% of costs associated with their implementation of eligible commuter cycling projects. The remaining 20% would be funded from municipal sources.

In the first, and only year of allocations under the OMCC, Wilmot was provided \$107,400 in funding, Wilmot dedicated \$102,400 of this funding to the Employment Lands Multi-Use Trail Development, with the remaining \$5,000 allocated to bike rack installations in the core of New Hamburg.

In the summer of 2018, the Provincial government announced the suspension of this program.

FCM Municipal Asset Management Program (MAMP)

The Municipal Asset Management Program (MAMP) is a five-year, \$50-million program funded by Infrastructure Canada to support Canadian municipalities and communities in making informed infrastructure investment decisions based on stronger asset management practices. The program offers grant funding, as well as training and capacity-building activities to increase skills within municipalities and local governments to sustainably maintain their asset management programs now and in the future.

The Township was successful in our application for funding under the 2018 program intake for funding to support Phase I of the Asset Management Roadmap. A total of \$42,700 was contributed towards the establishment of Wilmot's Strategic Asset Management Policy, data gap reductions, condition assessment protocols and work order management.

Unfortunately, late in 2018 staff were advised that recipients of funding in 2018 would not be eligible for additional funding under the 2019 intake. Staff will continue to monitor eligibility for the 2020 Asset Management Roadmap stages.

NEW FUNDING ANNOUNCEMENTS

The following funding programs were announced after the approval of the 2019 Municipal Budget, and staff are currently reviewing current year capital works and future infrastructure projects to determine the optimal use of these one-time stimulus funds.

Federal Gas Tax – One-Time Top-Up

Because many municipalities across Canada continue to face serious infrastructure deficits, the 2019 Federal Budget included a one-time transfer of \$2.2 billion through the federal Gas Tax Fund to address short-term priorities in municipalities and First Nation communities. This will double the Government of Canada's commitment to municipalities in 2018–19 and will provide much needed infrastructure funds for communities of all sizes, all across the country.

Under this initiative, Wilmot is expected to receive a one-time allocation of \$612,270. Upon confirmation and receipt of this one-time allocation, staff will bring forth a recommendation that the majority of this funding is used to offset the loss of funding originally anticipated under the OCIF Application-Based – Intake 5 program (\$546,587). The remaining funding will be temporarily transferred into the Obligatory Reserve Fund for Federal Gas Tax.

Service Modernization Funding for Small and Rural Municipalities – One-Time

In March 2019, Steve Clark, Minister of Municipal Affairs and Housing announced a one-time investment for many of Ontario's small and rural municipalities. This investment noted that Ontario's small and rural municipalities have limited capacity to plan, modernize and improve the way they provide services to their communities. With this funding, municipalities can improve service delivery by finding smarter, more efficient ways to spend money that help those who need it most while respecting taxpayer dollars.

Under the program formula, Wilmot was allocated \$725,000. This funding provides a wide-variety of opportunities for the municipality, and staff will take the necessary time and effort to review the optimal utilization of these funds, to promote service efficiencies and support financial needs from an operating and capital perspective.

Funds from both the Federal Gas Tax One-Time Top-up and Provincial Service Modernization Funding will be held in temporary investments until a clear path for the use of these funds is determined. Staff will report back to Council on the proposed use of these funds later in 2019, and as part of the 2020 Municipal Budget.

NEW APPLICATION OPPORTUNITY

Investing in Canada Infrastructure Program (ICIP)

In March 2019, the Province made a significant announcement from the Township of Wilmot Administration Complex. This announcement outlined funding for Ontario municipalities from the Investing in Canada Infrastructure Program (ICIP). This is a \$30 billion, 10-year infrastructure program cost-shared between Federal, Provincial and Municipal Governments.

The first intake of this new program was rolled out for the Rural and Northern Stream. This stream supports projects that improve the quality of life in rural and northern

communities by responding to rural and northern infrastructure priorities. The current intake targets “near-term transportation improvement projects.”

The application window for this intake was extremely short, with an application deadline of May 14, 2019. Members of the Senior Management Team (SMT) initiated an immediate review of the existing 10-year Capital Forecast and Asset Management Plan, to identify the most critical infrastructure projects that would be eligible for this program.

Through this process it was determined that the Class EA, Design and Replacement of Bridge 34/B-T9 (Bridge Street Bridge) was the most suitable for this funding application.

The replacement of Bridge Street Bridge has continually been identified through the bi-annual OSIM inspection program, and given the lack of fiscal capacity to complete a full replacement, minor repairs have been completed every 3-5 years to maintain access to this structure.

The ICIP is somewhat unique from traditional infrastructure funding programs. While the program identifies Environmental Assessment Costs, Design/Engineering Costs, Project Management Costs, Materials, Construction and Contingency as eligible costs; all costs can be incurred up to December 31, 2026. The longer time frame allows sufficient opportunity to undertake the Class EA process for this larger infrastructure initiative.

Based on the Council endorsed 10-year Capital Forecast, the Class EA, design and construction is estimated at \$2,830,000. Funding through the ICIP fund would allow this project to move forward in the capital forecast without displacing other critical infrastructure initiatives.

A Council resolution of support is required as part of the application process, and the entire SMT is in support of this application being put forth as Wilmot’s priority project under this funding opportunity.

Strategic Plan Conformity:

This report is aligned with the Strategic Plan action of applying for external grant funding to assist in expediting capital expenditures that are not currently attainable. Actively pursuing Grant Funding also fits with the goal of having a prosperous economy through maintaining our infrastructure.

Financial Considerations:

The existing capital forecast is contingent on receipt of approximately \$17M in Senior Government support, and the successful continuation of existing service levels and capital needs is dependent upon stable and predictable funding from Provincial and Federal partners.

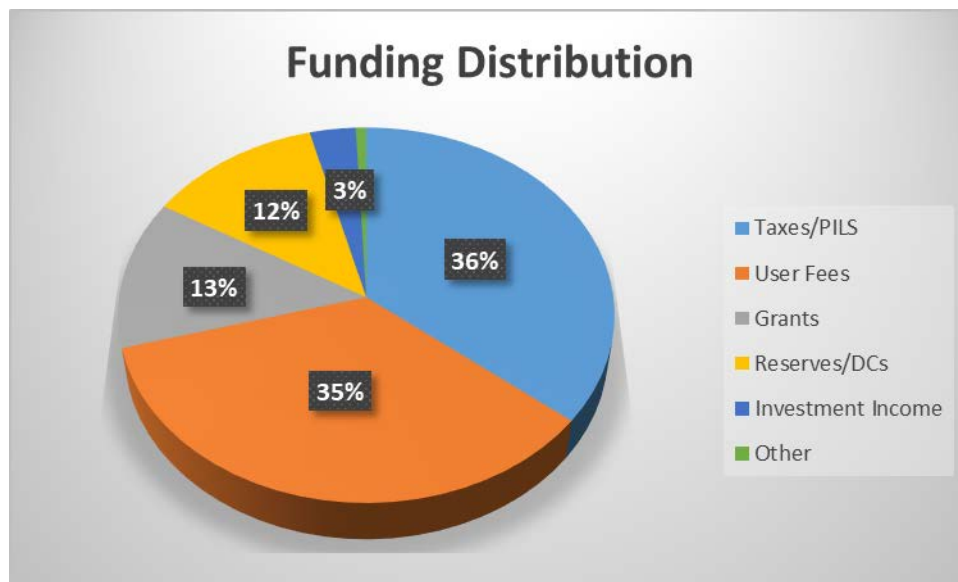
Under the new Investing in Canada Infrastructure Program (ICIP) funding is split between Federal (50%), Provincial (33.3%) and Municipal (16.67%). Based on the cost projections of \$2,830,000, Wilmot would be seeking \$2,358,239, with \$471,761 in municipal funding.

Conclusion:

This report outlines a large number of funding programs that staff actively monitor, pursue and report upon with our Senior Government partners. The size and scope of these programs require significant staffing resources; however, these efforts reduce reliance upon internal funding sources or external debt financing. Staff and elected representatives continue dialogue with Ministry staff to promote the streamlining and easing of administrative burdens for the many programs listed.

Staff will continue to monitor new funding opportunities as they become available, and continue to promote fiscal responsibility in the utilization of funding allocations to support capital and operating plans.

The graphic below shows the substantial impact of Senior Government Funding on the current Municipal Budget. As displayed, approximately 13% of the entire annual spend (Capital, Operating, User-Pay) is funded via external senior government programs, including OMPF, Federal Gas Tax, OCIF and others.



Within the current political environment, the continuation of Senior Government Programs is in question. As such, the 2019 Work Program has included a review of options for a dedicated infrastructure levy to build internal funding mechanisms to support Wilmot's long-term and growing capital infrastructure program. Research is on-going at this time and a report to Council is anticipated later in 2019 and/or through the 2020 Municipal Budget process.

Upon approval of this resolution, staff will include Council support within the application to the Investing in Canada Infrastructure Program (ICIP), for submission on May 14th.

Patrick Kelly CPA, CMA
Prepared/Submitted by
Director of Finance / Treasurer

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot **REPORT**

REPORT NO. DS 2019-13
TO: Council
PREPARED BY: Andrew Martin, Manager of Planning/EDO
DATE: May 13, 2019
SUBJECT: Zone Change Application 05/09
Rick Tomic
Part of Lot 5, Concession 4, Block A
Being Parts 1 and 2, Plan 58R-15690
1257 Bridge Street and 967641 Oxford-Waterloo Road

Recommendation:

That Council approve Zone Change Application 05/09 made by Rick Tomic, affecting Part of Lot 5, Concession 4, Block A, being Parts 1 and 2, Plan 58R-15690, to rezone a portion of the subject property from Zone 1 (Agricultural) to Zone 8 (Commercial) subject to Section 22.196.

Background:

This application was originally filed in June of 2009 along with an Official Plan Amendment application. Combined, the applications would designate and zone a portion of the subject lands to facilitate their addition to what was then the Harron's Rona lands, now referred to as the New Dundee Business Park.

In June of 2009 the Region of Waterloo adopted a new Regional Official Plan. The intent was that, following the approval of the Regional Official Plan, the Township would be updating its Official Plan. This process was to include a municipal comprehensive review to consider, among other matters, the addition of these lands to the Harron property. It was not known at that time that the Regional Official Plan would not be finally approved until June of 2015.

A Notice of the Public Meeting was given to property owners within 120 metres of the subject lands on July 3, 2009 and a Public Meeting was held on August 10, 2009 to consider the official plan amendment and zone change filed at that time. No comments were received prior to or at the public meeting from members of the public. Comments from the Region of Waterloo at that time indicated that they could not support the applications until after the lands were considered through the Township's municipal comprehensive review.

Following approval of the Region of Waterloo Official Plan, the Township undertook a conformity review of its Official Plan and a boundary rationalization which culminated in adoption of Township

Official Plan Amendment 9 in December 2017. The boundary rationalization of the New Dundee Settlement area included the inclusion of the lands subject to this application. There was significant opportunity for public review throughout the conformity review and rationalization process. No comments or concerns were received with respect to the adjustments to the New Dundee Settlement boundary. Township Official Plan Amendment 9 was approved by the Region of Waterloo on March 29, 2019 and came into effect on April 19, 2019.

Discussion:

The subject lands are designated Prime Agricultural in the Township Official Plan, with the exception of the lands to which the proposed rezoning would apply, which are located within the New Dundee Rural Settlement Area and designated Dry Industrial/Commercial. The present zoning for the entire subject property is Zone 1 (Agricultural) within the Township Zoning By-law.

The lands proposed to be rezoned include a warehouse originally used as part of the former Parmalat / New Dundee Creamery operation. As explained within the background section of this report, these lands have been considered for rezoning since 2009 and use of the property as part of the Harron's site has been occurring since 2010. The proposed zoning of the property as Zone 8 along with Section 22.196 would align with the zoning of the property to which the lands are to be added. The zoning would allow for, among other permitted uses, contractors, building supply dealers, automobile sales service and repair, indoor storage facilities and accessory outdoor storage areas.

This application, along with an application for consent to be considered by the Committee of Adjustment in early June, will allow for the lands to be formally conveyed from the applicant, Rick Tomic to Harvey Harron, owner of the new Dundee Business Park property.

Strategic Plan Conformity:

Facilitating the availability of employment lands, including the subject lands in New Dundee, assists in the Township's goal of having a prosperous economy.

Financial Considerations:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

Conclusion:

The rezoning of a portion of the subject property has been considered since the application was originally filed in 2009. This application simply implements the recent designation of the lands as Dry Industrial/Commercial within the New Dundee Rural Settlement Area.

Andrew Martin, MCIP RPP
Prepared by Manager of Planning/EDO

Harold O'Krafka, MCIP RPP
Submitted by Director of Development Services

Grant Whittington
Reviewed by Chief Administrative Officer

ZCA 05/09

1257 Bridge St / 967641 Oxford-Waterloo Rd

Bridge St

New Dundee
Business Park

Lands to be Rezoned

2019 limit of the New Dundee Rural Settlement Area

Additional lands
owned by
Rick Tomic

TOWNSHIP OF WILMOT

BY-LAW NO. 2019-24

BY-LAW TO FURTHER AMEND BY-LAW NO. 83-38 OF THE TOWNSHIP OF WILMOT BEING A ZONING BY-LAW FOR THE SAID TOWNSHIP OF WILMOT.

WHEREAS The Corporation of the Township of Wilmot deems it desirable to further amend By-law No. 83-38, being a Zoning By-law for the said Township of Wilmot.

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

1. Notwithstanding the provisions of By-law 83-38, as amended, the lands described on Schedule 'A' and illustrated on Schedule "B" attached to and forming part of this By-law, are hereby removed from Zone 1 (Agricultural) and placed within Zone 8 (Commercial) and shall be subject to Section 22.196.
2. Notwithstanding the provisions of By-law 83-38, as amended, the maps forming Part 6 and Part 12 of Schedule 'A' to By-law 83-38 shall be amended as necessary to identify Zone 8 and Section 22.196 on the lands described on Schedule 'A' and illustrated on Schedule "B" attached to and forming part of this By-law.
3. Except as amended by the preceding regulations, the lands described on Schedule "A" attached to and forming part of this by-law and shown on Schedule "B" attached to and forming part of this by-law, shall be subject to all other applicable regulations as set down in By-law No. 83-38, as amended.
4. This by-law shall come into effect on the final passing thereof by the Council of The Corporation of the Township of Wilmot subject to compliance with the provisions of The Planning Act, R.S.O., 1990 and amendments thereto.

READ a first and second time on the 13th day of **May, 2019**.

READ a third time and finally passed in Open Council on the 13th day of **May, 2019**.

MAYOR

CLERK

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Wilmot, in the Regional Municipality of Waterloo and Province of Ontario being composed of Part of Lot 5, Concession 4, Block A, Being Parts 1 and 2, Plan 58R-15690 in the said Township of Wilmot.

This is Schedule "A" to By-law No. 2019-24.

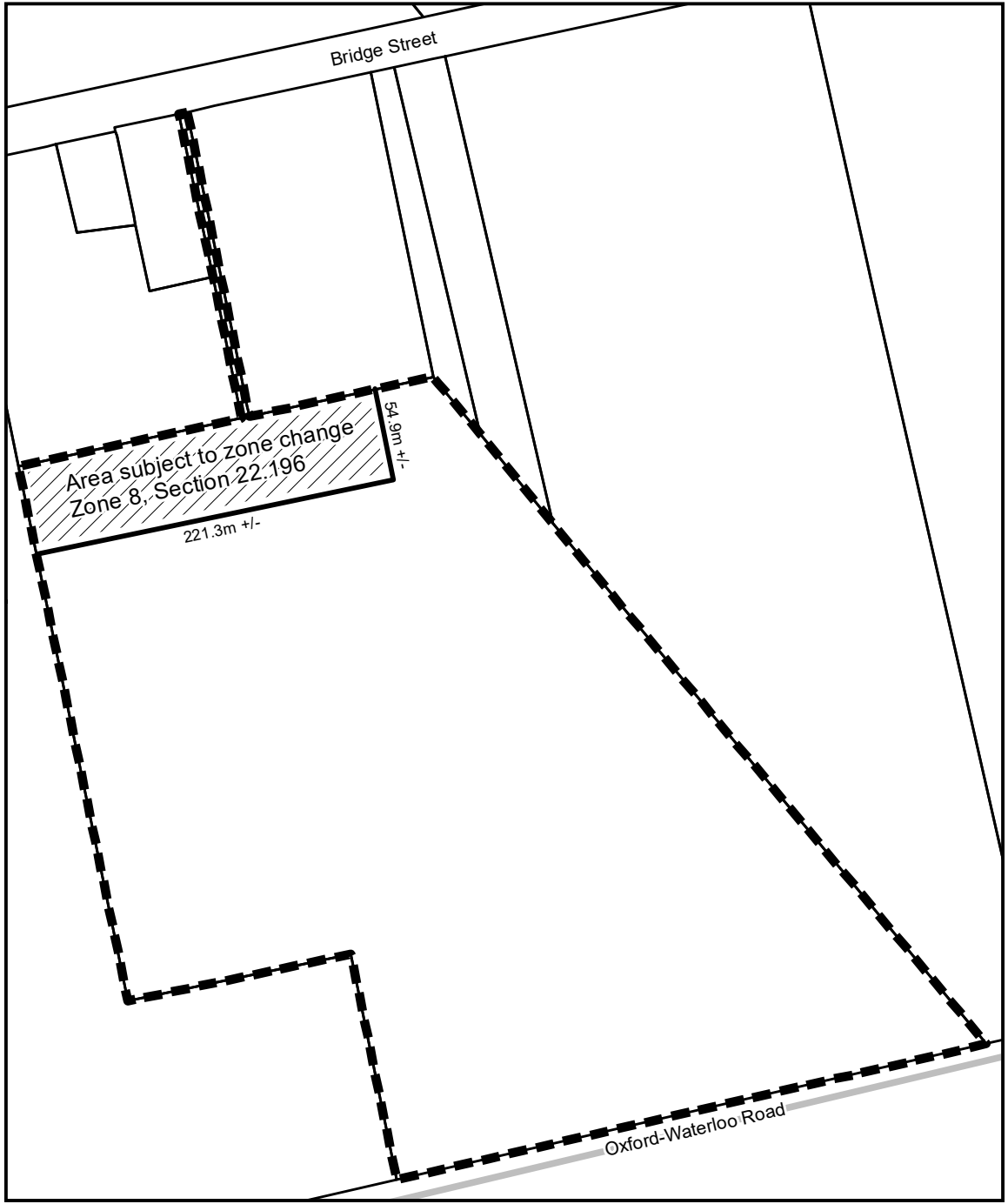
PASSED this 13th day of May, 2019.

MAYOR

CLERK

SCHEDULE "B"
PART OF LOT 5, CONCESSION 4, BLOCK A
PARTS 1 AND 2, PLAN 58R-15690
TOWNSHIP OF WILMOT

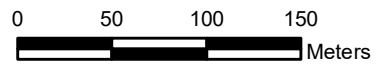
SUBJECT LANDS OUTLINED THUS: - - - - -



THIS IS SCHEDULE "B" TO BY-LAW NO. 2019-24
PASSED THIS 13TH DAY OF MAY, 2019.

MAYOR

CLERK



THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2019-26

A BY-LAW TO AMEND BY-LAW NO. 2016-52
BEING A BY-LAW TO REGULATE
TRAFFIC AND PARKING ON TOWNSHIP HIGHWAYS

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, and the Highway Traffic Act, R.S.O. 1990, c. H.8., as amended, give the Township of Wilmot the power to pass by-laws respecting its highways, including parking and traffic on highways;

AND WHEREAS the Council of the Corporation of the Township of Wilmot wishes to further amend the existing Traffic and Parking By-law No.2016-52 as set forth herein;

NOW THEREFORE, the Council of the Corporation of the Township of Wilmot enacts as follows:

1. That existing Part II – Definitions to By-Law No. 2016-52 be amended to include the following:

Recreational Vehicle – Means any vehicle used for recreational purposes, including all-terrain vehicles(ATV), off road motorcycles, snowmobiles, boats, jet skis(PWC), camper trailers, motor homes, and any trailer utilized for the aforementioned.

Utility Trailer - Means any portable unit so constructed as to be suitable for attachment to a motor vehicle and capable of being used for the transportation of goods and/or equipment.

2. That the existing, Part V – Section 2 Parking Prohibited to By-Law No. 2016-52 be amended to be revised as follows:

No Parking or Standing – Recreational Vehicles – 24 hours

No recreational vehicle shall be parked or left standing for a longer period than twenty-four (24) hours, upon any part of any highway.

No Parking or Standing – Utility Trailers – 24 Hours

No utility trailer, private or commercial, shall be parked or left standing for a longer period than twenty-four (24) hours, upon any part of any highway, unless a permit has been obtained through the Township.

3. THAT this By-Law shall come into force and effect on the date of final passage.

READ a first and second time this 13th day of May, 2019.

READ a third time and finally passed this 13th day of May, 2019.

Mayor

Clerk