



## General Committee Meeting Consolidated Agenda

Please note that added or revised items are denoted by an asterisk (\*).

Tuesday, December 3, 2019

2:30 p.m.

Council Chamber, Town Hall  
Pages

### 1. CALL TO ORDER

### 2. DISCLOSURE OF PECUNIARY INTEREST

### 3. CONSENT AGENDA

- |     |  |    |
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| 3.1 | Staff Report 2019-0268: 2020 Interim Property Tax Levy   | 1  |
| 3.2 | Staff Report 2019-0247: 2020 Interim Borrowing   | 3  |
| 3.3 | Staff Report 2019-0234: Public Consultation - Building Code Services Transformation  | 6  |
| 3.4 | Staff Report 2019-0201: Tax Collector's Roll Adjustments under Section 354 of the Municipal Act, 2001  | 40 |
| 3.5 | Staff Report 2019-0191: Disabled Road Sign Policy  | 42 |
| 3.6 | Confidential Staff Report 2019-0192: Personal matters about an identifiable individual, including municipal or local board employees – Seniors' Task Force Vacancy   |    |
| 3.7 | Confidential Staff Report 2019-0281: Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – By-law 2008-31 (Vibration By-law)                           |    |
| 3.8 | Confidential Staff Report 2019-0282: Advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Litigation Update regarding the Kingsview Parkette (Ward 5) |    |

### 4. DELEGATIONS

- |     |   |  |
|-----|---|--|
| 4.1 | John Fleming, Integrity Commissioner regarding Staff Report 2019-0277: Code of Conduct for Council and Local Boards |  |
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## **5. PRESENTATIONS**

- 5.1 Economic Development Strategy Project Update 50

Presentation from David Arbuckle, General Manager, Strategic Initiatives regarding the Economic Development Strategy Project Update

## **6. STAFF REPORTS**

- 6.1 Staff Report 2019-0277: Proposed Code of Conduct for Members of Council and Designated Boards 59

- 6.2 Staff Report 2019-0257: 2019 School Green Fund Recommendations 87

- 6.3 Staff Report 2019-0114: Animal Care and Control By-law Variance Process 93

- 6.4 Staff Report 2019-0290: Proposed Changes to Proposed 2020 OPP Budget 100

- 6.5 Staff Report 2019-0271: Automated Speed Enforcement Implementation 106

- \*6.6 Staff Report 2019-0276 Integrity Commissioner Appointment 112

## **7. RECOMMENDATIONS OF ADVISORY COMMITTEES**

- 7.1 Accessibility Advisory Committee Meeting Minutes 122

Accessibility Advisory Committee Meeting Minutes, dated November 25, 2019

- 7.2 Accessibility Award for Business

That TD Bank, located at 12684 Highway 50 in Bolton, be awarded the 2019 Accessibility Award for Business.

## 8. NOTICES OF MOTION

### 8.1 Mayor A. Thompson - Made in Caledon Blue Dot

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Whereas the Town of Caledon understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

Whereas the Town of Caledon recognizes the mutual importance and interconnectedness of a healthy environment, a strong economy and a healthy society as we move toward sustainability;

Whereas the Town of Caledon recognizes that our world and all its inhabitants are faced with the growing and increasingly urgent impacts of climate change, air and water pollution, and loss of biodiversity;

Whereas the Town of Caledon recognizes the importance of protection from environmental hazards such as air pollution, contaminated food and water, and toxic chemicals;

Whereas the Town of Caledon recognizes the importance of agriculture and supports practices such as integrated Pest Management, that is regulated by upper levels of government to ensure safe food and a natural environment;

Whereas in proclaiming this declaration, Council is articulating public policy principles, but not creating or guaranteeing any legal rights or obligations;

Whereas the Town of Caledon supports the recognition of the right to a healthy environment in the Canadian Charter of Rights and Freedoms;

Now therefore be it resolved that the objectives of the Blue Dot movement be supported through the Town Official Plan, Community and Corporate Climate Change Strategic Plans and other strategies.

That the objectives, targets, timelines and actions, and progress be measured towards fulfilling this declaration within existing plans, policies and initiatives outlined in Memorandum dated September 17, 2019 “Review of the Town’s Participation in the Blue Dot Movement” and consult with residents as part of the process.

That a copy of this resolution be provided to the Federal MP, Dufferin-Caledon, requesting that the right to live in a healthy environment be adopted into the Canadian Charter of Rights and Freedom’s.

## 9. CORRESPONDENCE

### 9.1 Memorandums

#### 9.1.1 2020 ROMA and OGRA Conferences 128

Memorandum from Devan Lobo, Senior Analyst, Corporate Initiatives regarding the 2020 ROMA and OGRA Conferences, dated December 3, 2019

#### 9.1.2 Economic Development Strategy Project Update 130

Memorandum from Sandra Dolson, Economic Development Officer, Strategic Initiatives regarding the Economic Development Strategy Project Update, dated December 3, 2019

#### 9.1.3 Rescinding of Resolution No.2013-182 (Region of Peel No Smoking By-law 20-2013) 135

Memorandum from Amanda Fusco, Manager, Legislative Services/Deputy Clerk regarding Rescinding of Resolution No. 2013-182 (Region of Peel By-law 20-2013), dated December 3, 2019

#### \*9.1.4 Made in Caledon Blue Dot Resolution Notice of Motion 137

Memorandum from Katelyn McFadyen, Manager, Energy and Environment regarding the Made in Caledon Blue Dot Resolution Notice of Motion, dated December 3, 2019

### 9.2 General Correspondence

#### 9.2.1 Declaring a Climate Change Emergency 142

Presentation request submitted by Donna Ferron on behalf of ecoCaledon, regarding Declaring a Climate Change Emergency

#### 9.2.2 Road Conditions on Shaws Creek Road, North of Highpoint Sideroad 144

Presentation request submitted by Anthony Hopkins, regarding Road Conditions on Shaws Creek Road, North of Highpoint Sideroad



Letter from the Honourable Steve Clark, Minister of Municipal Affairs and Housing, regarding the Regional Government Review, dated November 1, 2019

**10. CONFIDENTIAL SESSION**

- 10.1 Confidential Staff Report 2019-0283: Advice that is subject to solicitor-client privilege, including communications necessary for that purpose - CCRW Youth Centre Expansion Project Litigation Update (ICON Construction Inc.)

**11. ADJOURNMENT**

**12. Accessibility Accommodations**

Assistive listening devices for use in the Council Chamber are available upon request from the Staff in the Town's Legislative Services Section. American Sign Language (ASL) Interpreters are also available upon request.

Please provide advance notice if you require an accessibility accommodation to attend or participate in Council Meetings or to access information in an alternate format please contact Legislative Services by phone at 905-584-2272 x. 2366 or via email to [legislative.services@caledon.ca](mailto:legislative.services@caledon.ca).

Meeting Date: December 3, 2019

Subject: 2020 Interim Property Tax Levy

Submitted By: Gina Lee, Acting Manager, Revenue/Deputy Treasurer, Finance

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## **RECOMMENDATION**

That a by-law be enacted for the levy and collection of the 2020 Interim Property Tax levy.

## **REPORT HIGHLIGHTS**

- Under the *Municipal Act, 2001*, Council must enact a by-law to provide for the levying and collection of interim taxes.
- The levying of an interim tax bill allows for a municipality to raise funds to meet its obligations until the final tax rates are set, including mandated payments to the Region of Peel and the four local school boards.
- Interim property taxes are billed at 50% of the previous year's levy and are due in two installments: Thursday, March 5, 2020 and Thursday, May 7, 2020.
- The amount of the interim tax bill will be deducted from each property's final tax bill in the calculation of the final amount due for 2020.

## **DISCUSSION**

Each year, municipalities in Ontario issue interim property tax bills in the first half of the year. The interim property tax levy allows municipalities to raise funds to meet its obligations until the final tax rates are set for a given year. These obligations include not only those daily operations of the Town but also the mandated payments the Town must make to the Region of Peel and the four local school boards.

Interim property tax levies are provided for under Section 317 of the *Municipal Act, 2001*. This section provides that municipalities have the ability to pass a by-law to levy interim taxes in an amount not exceeding 50% of the previous year's total taxes. The total taxes for the previous years include the Town, Region and Education portions. A by-law has been prepared for this purpose. This by-law allows the municipality to meet its ongoing financial obligations prior to the issuance of the Final Tax Bills. Final 2020 tax rates are set and final 2020 tax bills are issued by the municipality once the Town has approved the 2020 budget and tax ratios established.

Consistent with the Town's practice in previous years, the 2020 interim tax levy will be payable in two installments. Interim Property tax bills will be issued the week of February 3, 2020. As in prior years, the installments will be due on the first Thursday of March and May 2020.

The interim tax bill will be 50% of the total taxes levied on the property in the year 2019. If a property only paid part year taxes in 2019 due to a new home or building being

constructed, the 2019 property taxes will be annualized and the 2020 interim levy amount will be based on the annualized taxes rather than the prorated taxes.

The interim due dates for 2020 will be March 5 and May 7, 2020. Taxes for properties enrolled in the Town of Caledon's monthly Pre-Authorized Payment Plan will continue to be payable in ten (10) installments that run from January to October each year. These amounts are withdrawn from the enrolled taxpayer's bank account on their chosen date of either the first or the fifteenth day of each month (or next business day if the first or fifteenth of the month is a weekend or holiday).

A review of the Town's tax ratios will be completed before setting the final tax rates. The final tax rates for 2020 will be calculated after the Town of Caledon, Region of Peel and school boards finalize their respective 2020 budgets. The Final 2020 property tax bills will include the total taxes levied for the Town, Region and Education portions less the 2020 interim billing.

### **FINANCIAL IMPLICATIONS**

The overall interim property tax billing will be approximately \$85 million which includes the Town, Region and School Boards. From this interim levy, the Town will pay the Region's share of approximately \$25 million and the School Boards share of approximately \$25 million.

The Town remits to the Region of Peel on the next day after the Town's due date. Accordingly, the Town will be making remittances to the Region of Peel in 2020 on March 6, May 8, July 3 and September 4, 2020. Due dates for remittances to the School Boards will be March 31, June 30, September 30 and December 15, 2020. The Region of Peel due dates are set under a Regional by-law while the dates to the School Boards are established under Section 257.11 of the *Education Act*.

The amounts due to the Region and School Boards must be paid according to the predetermined schedule, regardless of when the actual property taxes are collected by the Town. Accordingly, the Town up-fronts payments to the Region and School Boards when taxpayers do not remit taxes by the due dates. To mitigate the impact to the Town and to taxpayers that pay by the due date, late penalty fees apply to all late tax payments.

### **COUNCIL WORK PLAN**

Subject matter is not relevant to the Council Workplan.

### **ATTACHMENTS**

None.

## Staff Report 2019-0247

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Meeting Date: December 3, 2019

Subject: 2020 Interim Borrowing

Submitted By: Paul Gandhi, Manager, Finance/Deputy Treasurer, Finance

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### RECOMMENDATION

That a by-law be enacted to authorize external temporary borrowing up to \$48,064,786 from January 1, 2020 to September 30, 2020 and up to \$24,032,393 between October 1, 2020 and December 31, 2020

### REPORT HIGHLIGHTS

- Section 407 of the *Municipal Act, 2001* allows for a municipality to pass a by-law authorizing the temporary borrowing of funds of an amount that Council considers necessary to meet the current expenditures for the year.
- Council must pass this temporary borrowing by-law annually.
- In prior years, no temporary external borrowing has been required to meet current expenditures.
- Town staff continually monitors and projects the Town's cash flows to ensure adequate cash is available to meet anticipated needs.
- However, even if municipalities do not anticipate a need to borrow funds temporarily in the coming year, it is good practice to pass such a by-law at the beginning of each year in case of an emergency or a cash flow issue unexpectedly occurs.
- It is recommended that Council enact a by-law permitting staff to borrow up to the maximum allowed in the Municipal Act (up to \$48,064,786 from January 1 to September 30 and up to \$24,032,393 between October 1 and December 31, 2020) in the event that it is deemed necessary to borrow funds externally to meet short term needs until the Town's main revenue source of property taxes is levied and collected.

### DISCUSSION

Section 407 of the *Municipal Act, 2001* permits a municipality to authorize temporary borrowing, until the taxes are collected, and other revenues received, of an amount that council considers necessary to meet the current expenditures for the year. It is a best practice to pass such a by-law authorizing temporary borrowing even if a municipality does not expect to utilize such as insurance against unforeseen circumstances. Temporary borrowing by municipalities during the year cannot exceed:

- (a) from January 1 to September 30: 50 per cent of the total estimated revenues of the municipality as set out in the adopted budget; and
- (b) from October 1 to December 31: 25 per cent of the total estimated revenues of the municipality as set out in the adopted budget.

Each year a by-law to authorize the borrowing of temporary funds externally is adopted by Council. The by-law as adopted allows the Town to borrow externally, as needed, on a temporary basis until the Town's main revenue source of property taxes is levied and collected. In past years, the Town has monitored cash flow on a continuous basis and no temporary borrowing has been required.

Estimates were based on an even distribution of expense and revenues in the 2019 approved budget and excluded contributions from reserves, budgeted revenues related to tax arrears, and any prior year surplus. The maximum amount of temporary borrowing allowed by the Act based on these estimates is as follows:

- \$48,064,786 - the maximum amount that may be borrowed at any one time on a temporary basis from January 1<sup>st</sup> to September 30<sup>th</sup>, 2020; and
- \$24,032,393 - the maximum amount that may be borrowed at any one time on a temporary basis from October 1<sup>st</sup> to December 31<sup>st</sup>, 2020.

The Town is currently able to temporarily borrow funds from the bank at the prime lending rate less 0.8%. In prior years, the Town has not had a need to temporarily borrow funds for cash flow purposes. Cash and investments held by the Town are projected to be sufficient to cover the Town's cash flow requirements for 2020. However, a situation may arise where an unexpected payment may be required/or several large payments may be required prior to the collection of property taxes. In such a circumstance, the Town may have to "cash-in" a medium or long-term investment early in order to have the cash to make the tax or late fee payment(s). If this situation arises, Town staff will determine the cost of:

- 1) Penalty charges or interest revenues foregone by cashing in the investment early to make the payment; and
- 2) Temporarily borrowing the funds to make the payment and then fully paying off the loan after property taxes have been collected.

With a temporary borrowing by-law in place, staff will have the ability to act quickly in the best financial interest of the Town by borrowing funds temporarily when the cost of cashing in investments early exceeds the cost of temporary borrowing.

If the Town was required to borrow funds beyond a one-year period or beyond the term of a Council to help finance certain approved capital projects then the Town would revert to a debenture issue, through the Region of Peel, to ensure compliance with Provincial legislation. Alternatively, the Town may borrow internally, against its own reserves, for a set period of time at an interest rate determined by the Finance department and approved by Council.

## **FINANCIAL IMPLICATIONS**

Any cost to the ratepayers is dependent upon the amount of the borrowings and interest rates in 2020. In past years, the Town has monitored cash flow on a continuous basis and no temporary borrowing has been required. This monitoring process is a normal practice in the Finance division to keep any required borrowings and interest costs to an absolute minimum.

**COUNCIL WORK PLAN**

The matter contained in this report is not relative to the Council Work Plan.

**ATTACHMENTS**

None.

## **Staff Report 2019-0234**

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Meeting Date: December 3, 2019

Subject: Public Consultation – Building Code Services Transformation

Submitted By: Angie Mitchell, Chief Building Official/Manager, Building Services

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### **RECOMMENDATION**

That the comments outlined in staff report 2019-0234, related to the Province's public consultation on the transformation of building code services, be endorsed; and

That the comments, contained in this report, be provided to the Ministry of Municipal Affairs and Housing on behalf of the Town of Caledon.

### **REPORT HIGHLIGHTS**

- The Ontario Government has launched public consultations on a preliminary proposal to create a new administrative authority that will oversee the delivery of Building Code – related services to the Building Sector.
- The new administrative authority is proposed to address the need to streamline customer service, provide modern tools and products for stakeholders, promote a consistent approach to using the Building Code, and enhance integrity in the system by upholding public safety.
- The Province has identified their current service delivery model is not sustainable and has not been able to keep with the pace of the building sector;
- Feedback provided to the Province will help form enhancements to current building code services and the potential development of new services.
- As the proposal would have impact on the Town of Caledon, it is necessary that the Town and its Council be involved in the discussions.
- A copy of the Province's discussion paper is attached as Schedule A to this report.
- Further updates will be provided as more information is made available.

### **DISCUSSION**

On September 24, 2019, the Ministry of Municipal Affairs and Housing launched consultations on a proposal to create a new, financially self-sustaining, administrative authority to oversee the delivery of Building Code – related services to the Building Sector. An administrative authority is a private, non-profit corporation, that delivers regulatory programs on a cost-recovery basis.

The proposal is meant to address Building Sector - related concerns for the need for better, modern, and timely support services and resources with a focused attention to streamlining customer service, providing modern tools and products for stakeholders, promoting a consistent approach to using the Building Code, and thereby enhancing the integrity in the system by upholding public safety.

The Province is responsible for setting provincial policy direction, establishing regulatory building standards, overseeing the qualification and registration of building practitioners,

and providing support to consumers (e.g., publishing guides and resources and explaining policy intent of code requirements). The Province has identified their current service delivery model is not sustainable due to the inability to keep with the pace of the building sector.

A copy of the Province's discussion paper has been attached as Schedule A to this report. Responses from Building Officials across the province, including a collaborated response from the Ontario Building Officials Association, have been provided directly to the Ministry of Municipal Affairs and Housing. The feedback provided by all stake holders, including those comments within this report, will help inform enhancements to current building code services and the potential development of new services. Further information will be provided as it is made available.

The information below provides an overview of the services under review, along with staff comments:

*1. Getting People Working In The Building Sector*

*1.1. Modernize the current Building Code examination process*

The Town would support modernizing the examination process to ensure individuals challenging the examinations with the required knowledge and experience are able to attain qualification in their specialized area of expertise.

*1.2. Support the delivery of pre-qualification training*

The Town supports the proposal to improve and streamline building code training programs. However, the proposal is not new to the industry. The Ontario Building Officials Association (OBOA) has already developed a certification program for building code professionals, which is recognized in the industry as confirmation that an individual has the appropriate training. The OBOA also offers training programs that prepare building code professionals for such certification.

The challenge with streamlining processes throughout the industry will remain until emphasis is placed on the need for all building code professionals to acquire the necessary knowledge and experience, through a combination of training and experience, prior to challenging a qualification exam and attaining Provincial qualification. While there are certificate programs currently offered through academic institutions at this time, there remains a need for additional education and experience, which can be achieved through a more comprehensive academic program, resulting in a diploma and/or degree. Investing time at the forefront of one's career path will better equip municipalities with retaining individuals that have developed a consistent understanding with the volume and complexity of the provisions of the Building Code, the background related to such provisions, and the know-how on applying their understanding. Such a program would not only attract individuals to the field early-on, it would also provide a path for individuals to gain more specialized knowledge and training prior to certification and qualification. Ultimately, this would lead to an increase in public trust and confidence in building code professionals.



*1.3. Support municipalities with recruitment and retention of building code professionals*

A combination of the current offerings and programs should be formulated into one academic path that ultimately leads to qualification. Considering the vast array of technical expertise required in each category of qualification, the creation of such a program would require varying streams, establishing a minimum standard of requirements in each category of qualification for any building code professional, thus promoting consistency throughout the industry and strengthened accountability amongst all stakeholders.

*1.4. Use Coordinating Professionals to streamline approvals*

Staff do not support the use of a Prime Consultant in the administration and enforcement of the Building Code, as this would be counter-productive to the goal of maintaining confidence in the system. The goals and objectives of the Prime Consultants/Certified Professionals (who may work under the umbrella of the Prime Consultant's entity) are questionable as they are retained by stakeholders that are not appointed through the Building Code Act and its regulations to minimize risk to the health and safety of the occupants of buildings. Overlapping responsibilities between public and private sector roles creates potential for greater conflict of interest and does not ensure integrity in the system, nor does it streamline processes. Furthermore, the proposal does not address nor eliminate the level of responsibility or liability on a municipality who is responsible for administering and enforcing the Act, which is major cause for concern.

As an alternative, Coordinated Professionals would be best utilized to oversee a property owner's responsibilities, to act as an added protection measure on an owner's behalf in overseeing the legislative requirements of design and construction activities, acting as the main contact between project professionals and the building department. This would ensure the process would be customer-focused while strengthening accountability in the process.

Staff do not support the proposal to authorize the approval of innovative materials through a Prime Consultant as this would increase inconsistencies in interpretation and decrease integrity in the process.

*2. Promoting Sustainability and Transparency in the Building Code Profession*

*2.1. Improve public registry and registration process*

Staff support the proposal to improve the current registry, as the current self-reporting lacks transparency. The registry should include functionality that allows Corporations, including municipalities, to approve, add, decline and/or remove individuals from corporate profiles. Accountability can be achieved through the addition of information on disciplinary actions.

*2.2. Require continuing professional development to maintain knowledge and learn new Code requirements*

Staff support continuing professional development at a minimum of sixty (60) hours over a three (3) year term, or at a minimum, each Code release. Re-certification should not be required except when major Code amendments would require such consideration. Other opportunities, such as volunteering in the sector or attending conferences would best be compulsory through the recommended educational program only, and not as a component of maintaining qualifications.

*2.3. Improve registration, compliance enforcement and increased transparency of disciplinary actions*

Staff fully support all recommendations made in the proposal to develop a comprehensive, escalation-based, compliance enforcement framework for all building code professionals. In addition, municipal building departments require additional enforcement tools to encourage compliance. All proposals would require further investigation, and collaboration with municipalities and their building departments, prior to the enactment of any legislative changes to the Building Code Act.

*3. Building Code Administration and Enforcement*

*3.1. Enhance municipal enforcement, such as administrative penalties*

Staff support an administrative penalty framework for all Orders, with exemptions that are dependent upon set criteria and at the discretion of the Chief Building Official of a municipality. There would be difficulty in standardizing such a framework throughout the Province and must consider time required to investigate, follow-up / monitor, etc., as well as varying financial models and fees in each municipality. Additional tools that could strengthen compliance include reporting of non-compliance on the public registry and providing legal framework to authorize appointed officials to suspend construction when Stop Work Orders and/or Orders to Uncover are not complied with.

*3.2. Support building service delivery for smaller, rural and northern municipalities*

No comment.

*3.3. Enforcement in unincorporated areas*

No comment.

*4. Improving Building Sector Supports*

*4.1. Promote consistent understanding and application of Building Code requirements with new tools and guidance*

Staff support and encourage the issuance of technical bulletins and written code interpretations. In addition, providing such service could provide for a means to streamline approvals or lack thereof and distribution of all innovative materials and objective-based compliance alternatives. Standardization of processes and practices will address common industry concerns and eliminate further disputes. Additionally, the Town encourages the issuance of guides, checklists, and other resources for various stakeholders, including user-friendly step by step instruction on requirements for common projects, inspection requirements and processes, and the importance of closing permits. A one-stop shop approach to accessing all information through a web-service, with connection to municipal building department pages could be beneficial.

*4.2. Modernize digital services and supports to help speed up approvals*

Staff support the digitization of the Building Code, and all referenced material. The material would be required to be accessible on tablets, laptops desktops and mobile devices. The proposal does not address the need to further modernize and standardize the e-permitting process. The Town continues to advocate the need for standardized e-permitting platform. There is opportunity to make a substantially positive impact if consideration is given to supporting automation and support of permit services that align with current trend.

*4.3. Improve the quality and quantity of industry data and research*

Industry research and data has been the responsibility of the Ministry. Municipal reporting should only be considered if the Province absorbs the cost to standardized software development and reports for all municipalities, allowing for automated reporting without burden.

*5. Funding Better Service Delivery by a potential increase in administration cost, collected through the municipality through the building permit application process*

Staff do not support the potential fee model for this service. The proposal appears to indicate that the potential for administrative impacts on municipalities to fund services that are directed to specific individuals or entities. More information is required to clarify how such a levy would be directly attributable to the services offered to a municipality or permit applicant. There is a need to clarify the details of how any proposed funding model will work. Further research and justification are required from the Province.

## **NEXT STEPS**

These preliminary comments have been sent to the Ontario Building Officials Association (OBOA) and a copy of this report will be provided to the Province. Any additional comments from Council will be incorporate and sent to the Province. Comments were provided by the due date of November 25, 2019 however, additional comments or concerns can still be submitted.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications associated with this report.

## **COUNCIL WORK PLAN**

Subject matter is not currently relevant to the Council Workplan.

## **ATTACHMENTS**

Schedule A: Discussion Paper - Transforming and Modernizing the Delivery of Ontario's Building Code Services

# **Transforming and Modernizing the Delivery of Ontario's Building Code Services**

## **Discussion Paper**

Ministry of Municipal Affairs  
and Housing

Fall 2019 Consultation

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# A New Path Forward for Building Code Services

The building sector is a \$38 billion industry and a key driver of Ontario's economy. It is essential that the people working in this sector have the support they need to keep Ontario's economy growing. Building sector stakeholders have been asking for better, more modern and timely services and resources to support their ability to understand and apply the highly technical and complex building code requirements.

Historically, the Ministry of Municipal Affairs and Housing (the ministry) has provided a suite of building code services. However, over time, the delivery of these services has not kept pace with the needs of the sector, making this model unsustainable. The ministry needs to implement a model that will enable the delivery of improved services to promote consistency and better support the sector.

To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services.

## What is an Administrative Authority?

Administrative authorities are private, non-profit corporations, that deliver regulatory programs on a cost-recovery basis.

Transferring service delivery to an administrative authority would enable new, modern, user-driven services to be delivered to the building sector. An administrative authority can scale and deliver services more nimbly and would also be tasked with providing streamlined customer service to all Ontarians. It would also promote a consistent approach to building code interpretation and application, while still protecting public health and safety. To achieve this the administrative authority would operate on a full cost recovery basis, funded by the sector.

## What is the Building Code Act, 1992?

The Building Code Act, 1992 (BCA) and Ontario's Building Code govern the construction of new buildings and the renovation of existing buildings, by promoting the safety of buildings with reference to public health, fire protection, accessibility, and structural sufficiency.

The building code first came into effect in 1975 and since then its scope and policy intent have continued to expand to address the ongoing and growing needs of the building sector.

The ministry is responsible for:

- Setting policy direction and establishing regulatory building standards;
- Overseeing the qualification and registration of building practitioners; and
- Providing support to consumers (e.g., publishing guides and resources and explaining policy intent of code requirements)

Enforcement of the Building Code is the responsibility of principal authorities, primarily municipalities, which issue building permits and conduct inspections during construction.

## About this Consultation

The transformation and modernization of building code services would:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system

The ministry wants to hear from people across Ontario about their experiences with building code services and the proposed changes that are being considered.

This discussion paper outlines existing building code services, identifies concerns that have been raised regarding their delivery, asks questions about how they might be improved or enhanced, and proposes potential changes. In addition, the discussion paper outlines areas where there might be a need for new services to be delivered.



Your feedback will help inform enhancements to current building code services and the development of new services.

There are several ways that you can provide feedback. For additional details on how to provide your feedback, please see page 25 of this document, or visit the Environmental Registry of Ontario.

## 1. Getting People Working in the Building Sector

In 2006, the ministry implemented the building code qualification and registration program to promote public safety by ensuring that building code professionals have the required legal and technical knowledge for their area of practice. To become a qualified building code professional in Ontario, generally, individuals are required to pass a building code examination on the legal requirements of the Building Code Act, 1992 (BCA), as well as in every area of the Building Code they wish to practice (e. g., House, Small Buildings, Large Buildings, Plumbing, Structural, Septic Systems, etc.).

The ministry is responsible for developing 16 technical and legal examinations, which are delivered through Humber College. Each examination consists of 75 questions. Individuals are allowed three hours to complete each examination, and a minimum mark of 70% must be achieved.

Examination outlines are posted publicly through Ontario.ca, detailing the content areas that each examination covers. Although building code professionals are not required to take formal training, the ministry, through an agreement with George Brown College of Applied Arts and Technology, offers building code training courses to help people prepare for building code examination. George Brown College offers self-study manuals, as well as online training courses and in-class training courses.

## What is a Qualified Building Code Professional?

**The Building Code Act, 1992 requires the following practitioners be qualified and registered:**

- Chief Building Officials (CBO)
- Inspectors
- Designers (other than engineers and architects)
- Registered Code Agencies (RCA)
- Persons engaged in the business of constructing, installing, repairing, servicing, cleaning or emptying on-site sewage systems

## Overview of Building Code Exams

- General Legal/Process
- Powers and Duties of CBO
- Powers and Duties of RCA
- Designer Legal/Process
- House
- Small Buildings
- Large Buildings
- Complex Buildings
- HVAC-House
- Detection, Lighting and Power
- Building Services
- Building Structural
- Plumbing-House
- Plumbing-All Buildings
- Fire Protection
- On-site Sewage Systems

Building sector associations also offer training that building code professionals may opt to take to either support them with their examinations or to keep their building code knowledge current. For example, the Ontario Building Officials Association (OBOA) provides extensive training to support people who wish to take building code examinations, but also in a variety of other areas to help people get a better understanding of what is required in their areas of practice.

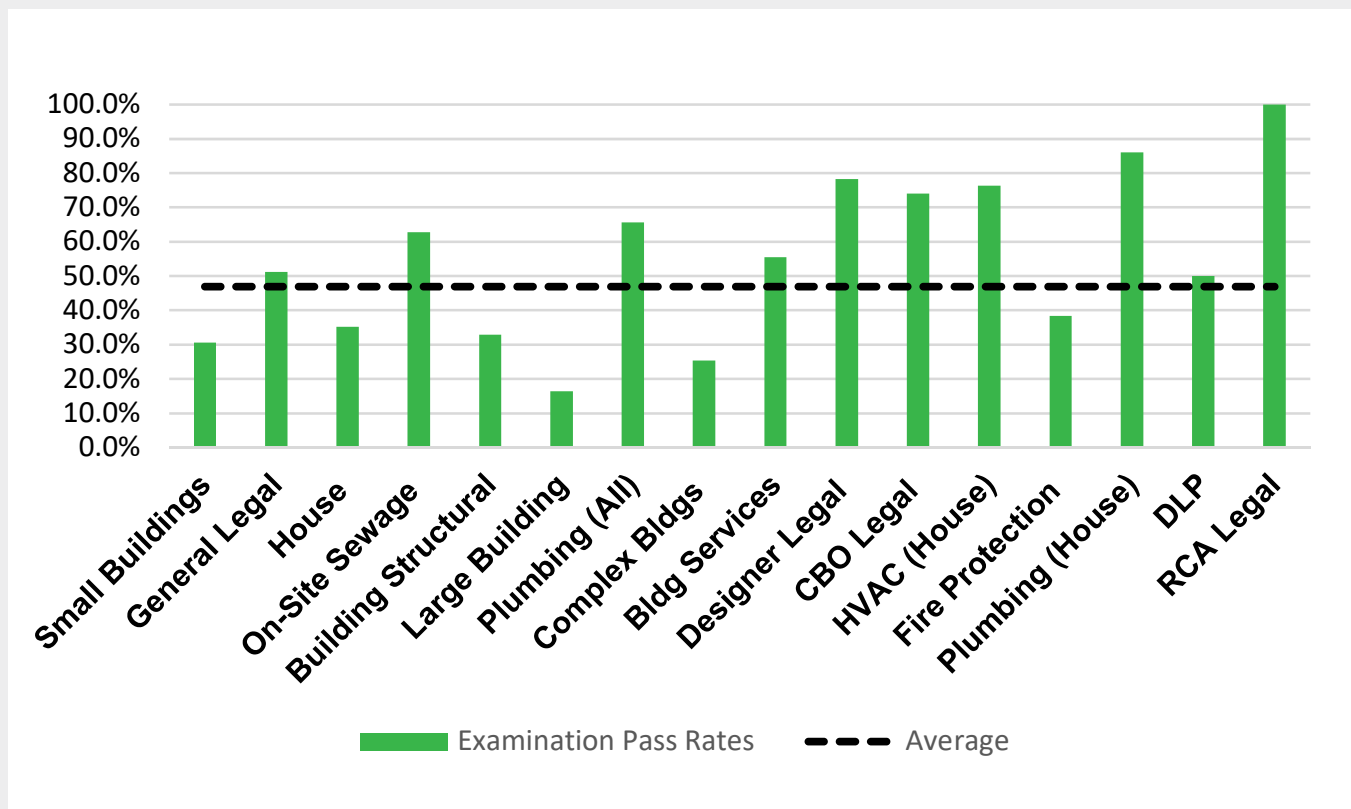
### 1.1 Examination Development & Delivery

Stakeholders have raised concerns about the clarity of questions and the lack of sufficient time provided to complete the examinations, given the complexity of the questions. Overall, examination statistics have demonstrated a relatively low pass rate across the 16 examination categories.

Factors that may be contributing to the low pass rates, could include:

- The varying amount of materials covered across the 16 examination categories (e.g., some examinations cover as few as 280 pages of content, while others cover as many as 1,255 pages - yet all examinations contain 75 questions to be completed within 3 hours)
- The current structure of examinations may be inefficient. Current examinations that have "nesting" may contribute to confusion for stakeholders on what classes of buildings they can perform work on.
- The suitability of current examination questions for areas of practice given the wide range of professionals that take the exam.

## Examination Pass Rates



## What is Nesting Qualification?

Nesting is when you can qualify for two classes by writing one examination. For example, the “House” Examination is nested under the “Small Buildings” examination. Therefore, if an individual passes the “Small Buildings” examination they are qualified for both small buildings and houses. However, if a person passes the “House” examination they are not qualified under “Small Buildings.”

## What Do You Think?

1. How could the current examination design, content and/or delivery be improved?

## 1.2 Pre-Qualification Training

In 2014, the ministry entered into an agreement with George Brown College to develop and deliver building code training courses to assist individuals preparing to write building code examinations. The training courses can be taken either online or in-class (2-week courses). Sector associations representing various building code professions also deliver training to support their membership. For example, the Ontario Building Officials Association and the Ontario Onsite Wastewater Association both develop and deliver training to support their respective members in taking building code examinations. Other jurisdictions, such as Alberta and some U.S. states, require building professionals to complete some form of mandatory training prior to or as a requirement of qualification.

The ministry is considering ways to improve building code training programs that are currently administered through George Brown College, support sector associations to better meet individuals' needs, and help maintain confidence in the safety of Ontario's buildings.

### What Do You Think?

1. Are the current training offerings meeting your needs? If not, how could they be improved?
2. Do you see a role for the administrative authority in the delivery of training for building code professionals?

## 1.3 Recruiting Experienced Building Code Professionals

Municipalities, Boards of Health and Conservation Authorities have indicated that there are not enough building code professionals employed or entering the sector with the necessary technical knowledge and/or experience to enforce the building code as a building official. This is particularly evident in rural and northern Ontario.

Currently, there is no educational program offered to specifically support becoming a building official, rather, post-secondary institutions across the province offer educational programs that complement the career path, such as Construction Engineering Technician/Technologist, Architectural Technician/Technologist, Engineering and Architecture. It is unclear if people moving through the education system would be aware of a building official as a viable career, given there is no direct educational pathway.

To support challenges with building sector recruitment, the ministry has entered into agreements with the Ontario Building Officials Association and the City of Ottawa to implement internship programs for building officials, including training and development. Those enrolled in an internship program may be exempt from examination requirements if they conduct the work of building inspectors in municipalities under the supervision of an appropriately qualified inspector or Chief Building Official. Generally, enrolment in these internship programs has declined since their implementation.

Other jurisdictions that have also experienced similar recruitment issues have taken steps to address the problem. For example, Florida offers provisional licences for new municipal employees entering the building sector as an opportunity to conduct plans review and other duties associated with a building official.

Ontario municipalities have generally indicated a desire to modernize, promote, and/or increase internship programs and opportunities.

## What are provisional licences?

A provisional licence is a temporary licence that allows practitioners to gain on-the-job experience before attempting the ministry exams and becoming fully qualified.

## What Do You Think?

- 1a. What factors could contribute to the low take-up of the current internship programs?
- 1b. What role could an administrative authority play in internship programs?
2. Would implementing a provisional licence framework help with municipal recruitment challenges and what should be considered?
3. Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?

## 1.4 Using Coordinating Professionals

Stakeholders have indicated that lengthy approval processes delay the construction of buildings, costing significant time and money. For example, there may be disputes about building code interpretations, or permit applications may be incomplete or may not comply with building code requirements. The government is committed to streamlining the development approval process, including building permit approvals. Over the years, stakeholders have asked the government to consider leveraging professional expertise to support building code enforcement.

The Elliot Lake Commission of Inquiry Report, released in 2014, recommended that owners designate a Professional Engineer or Architect to the role of "Prime Consultant" who would coordinate designs and field work (e.g., coordinate inspections) of professionals involved in a project. Prime consultants could be contracted to ensure designs are complete, ensure designs are in compliance with the technical requirements of the building code, and act as a one-window contact for development projects, thereby supporting quicker approvals.

The use of professional expertise has been cited in industry-led reports as an opportunity to improve approval processes in the province, including the use of professional design coordination, like British Columbia's Certified Professional program.

In British Columbia, engineers and architects who have taken additional building code training and examination(s) can review building plans and perform site inspections for large buildings to support the building permit process. Municipalities in British Columbia may voluntarily choose to run their own programs where Certified Professionals take on some of the traditional functions of the Chief building official, but with enhanced documentation through "letters of assurance". Letters of assurance are required before building permits or occupancy permits are granted by the Chief building official for buildings using Certified Professionals, to confirm code compliance. Municipalities with such programs are still involved in the approval process. They coordinate with Certified Professionals to determine what permits and inspections are needed, confirm all letters of attestation have been signed, and are responsible for issuing permits. Certified Professionals could help to promote building innovation(s) and the streamlining of permit approval processes, which, in turn, may reduce permit delays and help protect public health and safety.

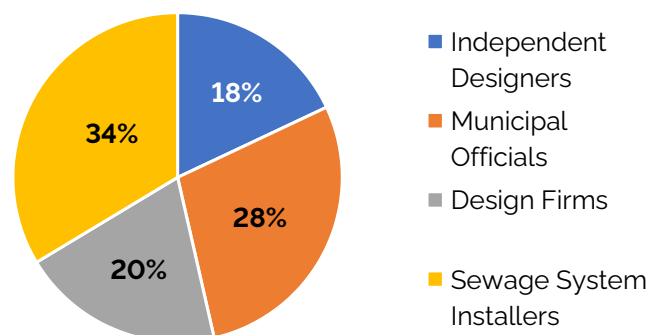
## What Do You Think?

1. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?
2. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?
3. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

## 2. Promoting Sustainability and Transparency in the Building Code Profession

Once qualified, building code professionals must register in the Qualification and Registration Tracking System (QuARTS) Registry. The QuARTS Public Search Registry manages the registration of over 7,000 individuals and firms and serves as a consumer information tool to verify the qualification information and registration status of building code professionals in Ontario. Individuals, municipalities and design firms can be searched using information such as unique Building Code Identification Numbers (BCIN), organization name, or categories individuals are qualified to practice in.

The ministry takes a self-reporting and individual-based approach to regulating building code professionals. This means that individuals are required to ensure that the information they enter into the public registry is accurate and that their annual registration fees are paid.



## What is a BCIN?

The Building Code Identification Number (BCIN) identifier allows individuals and firms to register and renew their qualifications, receive registration renewal and expiry notices, upload insurance forms to the registry and receive notification of applications and transitions. It is the unique identifier by which the ministry keeps track of all building code professionals in the province.

A registration will remain active and searchable on the public registry for a 12-month period, at which time all individuals must re-register and pay an annual registration fee. While registrations and payments are individually-based, municipalities that have multiple registered individuals employed by their organization can submit registration fees for all their registered employees in one-time bulk payment as a means of streamlining the registration process.

Currently, building code professionals that are qualified and registered through QuARTS are not required to undertake any additional education or professional development activities once they have completed their mandatory pre-qualification examinations. However, the building code provides for the ability to require knowledge maintenance in the form of an examination. Rather than ordering knowledge maintenance examinations, the ministry has taken an educational approach by providing resource material to help the sector understand amendments to the building code.

In 2012, a rooftop parking garage collapsed in Elliot Lake resulting in the deaths of two people and injuries to several others. In response, the Elliot Lake Commission of Inquiry made a series of recommendations to government and other bodies. The Commission's recommendations directed to the ministry, included implementing a continuing professional development program for building officials and greater oversight and enforcement abilities related to qualification and registration of building code professionals. The Building Code Act, 1992 was amended in December 2017 to partially address these recommendations.

The Building Code Act, 1992 permits enforcement actions to be taken in certain circumstances, including where conditions of an individual's registration have not been met. If registration compliance or enforcement actions need to be taken, the available options are limited to either refusing, suspending, or revoking a building code professional's registration, or prosecution through the courts. The ministry has no formal process to receive and investigate complaints about bodies that enforce the building code



(i.e., municipality, Conservation Authorities, Boards of Health) and no ability to intervene in local administration and enforcement of the building code. Additionally, only building officials are subject to a code of conduct, while other registered building code professionals are not.

## 2.1 Public Registry and Registration Process

Stakeholders have identified concerns with the user-interface of the public registry, indicating that the system is not intuitive and can be confusing when inputting information. Since information is self-reported, the technical difficulties associated with navigating the registration software can result in incomplete or inaccurate information being displayed on the public registry.

In addition, some building code professionals have had trouble determining which registration class to select as there is little clear guidance available to individuals during the registration process. For example, building code professionals self-register online once they are qualified, and designers often encounter challenges in determining their particular designer category (e.g., "Independent Designer" vs. "Other Designer") which can lead them to improperly registering, potentially risking their professional reputation and public safety. Streamlining the registration process can make it easier for building code professionals to navigate the registration system and provide better consumer protection and awareness.

The individual-based approach allows the ministry to keep track of the individual qualification and registration status of building code professionals and protects the security and privacy of their personal and financial information. Only ministry staff or individual registrants have the ability to update their information on QuARTS, which can result in a delay in having current information in the system. Inaccurate or out-of-date information on the registry creates a gap in consumer awareness.

Service transformation offers an opportunity to modernize the current registry to make it more user- focused and easy to navigate, without adding burden to existing processes. The ministry is proposing to transform the user interface of the public registry to help simplify and modernize the registration system. Changes to the public registry and registration process can also offer additional functionalities, such as storing and displaying information on continuing professional development and disciplinary action.

## What Do You Think?

- 1a. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?
- 1b. What registration functionality would you find helpful that is not currently available in QuARTS?
2. As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?

## 2.2 Continuing Professional Development

Continuing professional development (CPD) is a common mandatory requirement for a number of professions (e.g., architects, lawyers, etc.) to ensure an individual's knowledge is up-to-date with new developments in their respective fields and to support maintaining licences to practise. In other professions, CPD is required to maintain professional accreditation with a governing association and the use of a title (e.g., Construction Engineering Technologist, Registered Interior Designer, etc.). However, it is not mandatory for qualified and registered building code professionals to take CPD courses or join these associations.

Generally, CPD requires a mix of formal and informal learning, training or other types of educational activities (e.g., in-class courses, online training, reading professional journals, attending work conferences or meetings) related to the respective field. Some CPD programs in other jurisdictions require minimal activity (6-8 hours) while others require 30 to 60 hours over a 3 to 5-year period. Fulfillment of these CPD requirements is then monitored by the regulating body or association to ensure they are being met.

Some building officials in Ontario choose to be part of the Ontario Building Officials Association (OBOA) Certification Program, which requires completion of a mix of informal and formal activities over a 3-year cycle to receive the professional designation of Certified Building Code Official (CBCO) or the professional designation of Building Code Qualified (BCQ). The program requires members every 3 years to complete 60 credits, based on the type of activity. For example, OBOA courses are worth 1 credit per hour and mentoring is worth 1 credit per hour, with a maximum of 15 per cycle. Members are required to track their total credits earned and compliance is monitored through random audits on 1-3% the membership by asking for proof of total credits earned.

Similarly, some designers are members of the Ontario Association of Certified Engineering Technicians and Technologists (OACETT), which has a certification program requiring one formal activity and three additional activities to be completed every 3 years. Formal activities consist of prescriptive self-directed or in-class courses concerning technical knowledge or leadership/management training. Other activities include contributions to informal learning and development that contribute to the profession or connect professionals within and across multiple jurisdictions.

To further support the Elliot Lake Commission recommendation and building code knowledge maintenance, the ministry is considering CPD requirements for all types of qualified building code professionals. For example, having qualified building code designers maintain knowledge through CPD requirements could help improve the quality of designs submitted to municipal building department counters, potentially speeding up review and approval timelines.

Designing a CPD program for a wide variety of building practitioners can be challenging and needs to be fair. There are numerous categories of practice that building practitioners can be qualified in (up to 12 categories). For example, a septic system installer may be required to complete fewer CPD activities than a Chief Building Official who may be qualified in multiple technical qualification categories. Additionally, the CPD program would need ensure there is no undue burden or duplication with knowledge maintenance requirements .that a building code professional may be required to meet as part of their membership or accreditation in a professional association.

## Other Regulated Professionals That Require CPD

- Lawyers
- Chartered Professional Accountants
- Architects
- Teachers

## What Do You Think?

1. How many activities or hours of CPD do you feel is reasonable to require of building code professionals?
2. What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?
3. What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other)?
4. Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

## 2.3 Registration Compliance and Enforcement

Registration requirements are only effective if they are actively monitored. Ensuring that building code professionals are meeting their qualification and registration requirements and are operating appropriately in the sector is essential to promoting public safety.

Some of the issues the ministry has heard and experienced include individuals practising as a building code professional without being qualified, poor-quality and non-compliant building designs delaying permit issuance and processing, and the improper use of Building Code Identification Numbers (BCIN) by unregistered individuals.

The Building Code does not define expectations for building code professionals' behaviour and quality of work, which can limit certain enforcement actions that can be taken. Expected behaviour and standards for professionals are instead generally laid out in professional codes of conduct. The Building Code Act requires municipalities to have codes of conduct in place for their building officials. While municipal building officials are subject to a code of conduct, the absence of clear conduct standards for other building code professionals may contribute to poor quality building permit applications, resulting in additional costs, delays and frustration for building permit applicants.

In addition, the ministry currently has limited powers to promote and enforce registration compliance and these powers are not consistent across all building code professional categories and are not always proportionate to the severity and frequency of non-compliance.

The ministry is proposing a comprehensive, escalation-based, compliance enforcement framework that would define disciplinary actions in proportion to the severity and/or frequency of non-compliance as well as the level of risk to public safety that the infraction poses. This would allow for a more measured, responsive and cost-effective enforcement process that promotes compliance, while also allowing for appropriate corrective actions to be taken. This framework could include:

- Increasing compliance through the delivery of tools and resources, such as education and awareness campaigns, training seminars, online educational tools and videos to promote practitioner awareness of their registration requirements.
- A mandatory code of conduct and annual attestations for all building code professionals. Attestations could be used for confirmation of completion of CPD requirements, acknowledgement of responsibilities and expected behaviour under the qualification and registration program, and their understanding of the consequences of non-compliance actions.
- A formal, documented complaints process that would give the public a way to raise concerns regarding the work of certain building code professionals.
- The use of remedial training, re-taking examinations, or financial penalties, as potential corrective actions.
- The publication of offences and the resulting disciplinary actions to inform the public of an individual's history of non-compliance and to help ensure transparency.

## Potential Risk-Based Enforcement Actions

- Education and awareness campaigns
- Warning letters
- Orders to comply
- Re-education (through training or re-examinations)
- Mediation and/or conciliation
- Compliance agreements
- Administrative penalties and/or fines
- Supervision of work
- Conditions/limitations on a licence
- Suspension or revocation of a licence

## What Do You Think?

1. What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?
2. What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?
3. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?
4. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?
- 5a. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?
- 5b. How could these penalties be set so that they are fair?

## 3. Building Code Administration and Enforcement

Principal authorities, which include municipalities, Conservation Authorities and Boards of Health, are responsible for enforcing the building code. Enforcement includes reviewing building permit applications, issuing permits and conducting on-site inspections of construction. Principal authorities can take enforcement action where they find contraventions of the Act or the building code, and where buildings are found to be in an unsafe condition or pose an immediate danger to health and safety. For example, a stop work order or order to not cover can be issued to prevent the construction of buildings that do not meet building code requirements.

Principal authorities are generally required to appoint a qualified Chief Building Official (CBO) and as many inspectors as needed to carry out enforcement of the Building Code Act, 1992 and the building code within their jurisdiction. CBOs have prescribed roles and responsibilities under the Building Code Act, 1992 and the building code, are required to be appropriately qualified and registered and are regulated by the ministry. It is the role of the CBO and inspectors to exercise their powers and perform all their duties under the Act in an

independent manner. Principal authorities are also required to have a Code of Conduct in place for its CBOs and inspectors.

The Building Code Act, 1992 allows principal authorities to set fees (e.g., building permit application fees and inspection fees) at a rate that does not exceed the cost of administration and enforcement. The Act provides principal authorities with the flexibility to enter into alternative agreements for the provision of enforcement, such as with another municipality, an upper tier municipality, a health unit or conservation authority, or with a private-sector provider (certain conditions).

Unincorporated areas in Ontario are geographic regions in Northern Ontario not governed by a formal local municipality. Currently, the ministry is responsible for building code enforcement in these areas. Recognizing the low building activity in these areas, the ministry has taken a relatively reactive approach to enforcement. However, all buildings must still comply with the building code, even in the absence of active enforcement.

### 3.1 Enhanced Municipal Enforcement

Where orders are not complied with, the only recourse currently available to principal authorities is to apply to the Superior Court of Justice for a court order directing compliance or conduct a prosecution for failing to comply with the order. Court processes are costly and often do not reflect the severity of risk to public safety. Principal authorities that have gone to the courts have found that the court fines that are administered do not recover the cost the principal authorities have spent enforcing the matter.

Recent changes to the Building Code Act, 1992 allowed the ministry to establish an administrative penalty framework that would serve as an additional enforcement tool for principal authorities, to help ensure the technical requirements of the building code are being complied with. Administrative penalties are already used by many municipalities in Ontario for by-law violations like parking and property standards.

## What is a Principal Authority?

- a. the Crown (e.g., ministry)
- b. the council of a municipality
- c. an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1 (1) or a board of health that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2(2)
- d. a planning board that has been prescribed for the purposes of subsection 3.1(1), or
- e. a conservation authority that has been prescribed for the purposes of subsection 3.1 (1) or has entered into an agreement under subsection 6.2 (2)



The ministry is proposing to develop an administrative penalty framework that would enhance principal authorities' powers to address non-compliance and address contraventions of the Building Code Act, 1992 and the building code to promote public safety.

## What is an administrative penalty?

An administrative penalty is a penalty, often monetary, the regulator can impose for certain contraventions under the Building Code Act, 1992 and regulations.

Unlike charges laid under law, there is no criminal element when administrative penalties are imposed. Administrative penalties are intended to promote compliance rather than be a punishment for wrongful activity.

## What Do You Think?

1. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?
2. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

## 3.2 Supporting Local Building Service Delivery

Municipalities with limited construction and development activity often do not generate the revenue through building permit and inspection fees needed to cover the cost of a CBO and any necessary enforcement activity. This can result in either the CBO taking on many roles and responsibilities within a municipality to ensure cost-efficiency, or the municipality subsidizing the cost of building enforcement from the general municipal tax base.

Smaller municipalities generally don't receive many applications for large and complex building construction. Municipalities may choose to hire building officials qualified in the house and small building categories to ensure they have expertise for the type of applications they are in fact receiving. However, this can lead to a qualification gap should large or complex building permit applications be made in those areas. The ministry



wants to find ways to help these municipalities close the qualification gaps they may be experiencing.

Several municipalities have entered into sharing agreements for building code enforcement to mitigate these challenges. Other jurisdictions in Canada, the U.S. and Australia have allowed local jurisdictions to defer the delivery of building services to the higher order government (i.e. province/state) to ensure that there are no public safety or regulatory gaps when a local jurisdiction is unable to administer their respective building codes.

The ministry is considering providing the option for smaller, rural, and/or northern municipalities to enter into an agreement with the administrative authority to deliver full or partial building services on their behalf.

## Did You Know?

In 2017, Statistics Canada estimates that of the 414 municipalities in Ontario, over 18% reported no new residential or non-residential construction value for building permits.

Of the 414 municipalities in Ontario, 237 or 57% of these municipalities have some sort of sharing arrangement with either a conservation authority, health unit, or Upper-Tier municipality for Part 8 Building Code Coverage.

## What Do You Think?

1. Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?
2. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

### 3.3 Unincorporated Areas

Buildings that are not constructed to meet building code requirements may result in unsafe and unhealthy living conditions (e.g., as buildings become more airtight, incorrect construction could result in black mould which has impacts on air quality and health). Unincorporated areas are not subject to permitting and inspection requirements, but the building code has become increasingly complex over time.

The ministry is considering a more active enforcement approach in unincorporated areas, which is proposed to be delivered by the administrative authority. Active enforcement could take the form of full permitting and inspection, equivalent to what is currently delivered by municipalities. Alternatively, a risk-based approach could be taken, that could for example, require full permitting and inspection to be applied to large, public assembly buildings.

#### What Do You Think?

1. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?
2. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

## 4. Improving Building Sector Supports

The building code has historically been updated on a five to seven-year cycle. As part of the government's commitment to national construction code harmonization in support of the Canada Free Trade Agreement, the province will update its code in line with the five-year national code development cycle. Through this process, the degree of variation between Ontario's building code and the national constructions codes will be reduced. The province will work with the national system to promote changes that reflect technological advancements and new construction practices which would open new markets for manufacturers and bring building costs down.

When changes are made to the building code, there may be accompanying guides, resources and/or technical bulletins issued to the building sector that assist with the interpretation and application of those new requirements. Currently, the ministry publishes

the Building Code Compendium and the Code and Construction Guide for Houses in hardcopy format.

The ministry also offers informal code advisory services administered by technical experts within the ministry. Through telephone and e-mail correspondence, these advisors provide building code guidance, and provide helpful code-related information to the public or building code professionals.

Product manufacturers who develop innovative building materials currently have the option of bringing their product to the Building Materials Evaluation Commission (BMEC) to be examined and authorized for use in Ontario. BMEC, which is currently supported by the ministry, is an agency of the province that has the authority under the BCA to conduct research on, examine, and authorize the use of innovative construction materials, construction systems, and building designs, which are not currently included in the building code. The average length of time for a decision to be made on an application is 90-120 days and the cost of an application is \$11,000. The ministry is proposing that the administrative authority assume responsibility for product authorization functions.

## 4.1 Promoting a Consistent Application of Code Requirements

Despite the supports provided, there are still many difficulties faced by the building sector when interpreting and applying building code requirements.

While an objective-based code allows for flexibility and innovation, it can also lead to inconsistent interpretation of requirements across the province. Due to the evolving technical requirements of the building code, it may also be confusing for the public to understand what requirements they need to follow for their construction projects.

Key guides and resources (e.g., secondary suites or tall wood construction guides) are released to help people understand major changes to the code. Building code professionals have been requesting more comprehensive tools and services in a timely manner that provide clear, standardized technical advice and interpretations.

The ministry is considering providing a variety of supports which could include:

- Developing and distributing additional guidance materials on a regular basis
- Increasing the use of technical bulletins and establishing formal processes for code interpretation requests
- Enhancing code advisory services to include the ability to provide technical opinions and/ or interpretations

- Working with the building sector to develop specific checklists, resources and tools to assist with the application of code requirements
- Enabling 24-hour front-line web service access to building code information and guidance

## What Do You Think?

1. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.
- 2a. If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?
- 2b. Would the addition of more visual guidance materials for specific building code issues be helpful?
3. As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds etc.)?

## 4.2 Digital Service Transformation

The province has committed to a digital-first strategy to modernize and improve the services it provides to Ontarians. As part of this strategy, the ministry has begun refreshing the Ontario Building Code's web page to increase usability, functionality and access to digital resources that will help the building sector and all Ontarians. Building code professionals have identified additional service needs, including a digital version of the building code with increased functionalities such as:

- Compatibility with mobile devices
- Enhanced search functionality
- Compatibility with municipal electronic permitting and mobile inspection systems

The goal in implementing a strong, modernized digitally-based suite of building code resources would be to issue guides and resources quickly for use after code updates. This would improve front-line service delivery by supporting municipal efforts to reduce building permit approval timelines.

## What Do You Think?

1. If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device)
2. In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

### 4.3 Building Sector Data and Research

Reliable building industry data and research play an important role in evidence-based policy development and providing effective support to the building sector. The ministry currently uses a range of data and research from the building industry. This allows the ministry to use real-time data and identify key trends and patterns within Ontario's municipal and building sectors.

Currently, data is used from a variety of sources including the model National Building Code, the National Research Council, Statistics Canada, procurements for research and data related to a specific issue(s), online research, code change proposals, and stakeholder input and feedback.

The ministry is considering opportunities for broadening the scope of its data collection efforts and improving the quality and quantity of data that is collected by allowing the administrative authority to identify gaps, coordinate data collection, and make the data available to the building sector. Access to more robust sector data could support the activities and data needs of industry professionals. While enhanced data collection would provide the ministry and the sector with valuable evidence-based data, it may also add to the municipal reporting burden.

## What Do You Think?

1. Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?
2. How could the potential increase in municipal reporting burden be mitigated?
3. Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

## 5. Funding Better Service Delivery

To ensure the efficient, streamlined, and sector-driven delivery of building regulatory services, the administrative authority would be financially self-sustaining and would operate on a full cost-recovery basis. The ministry is proposing to fund service delivery through a blended revenue model that includes allowing the administrative authority to charge fees for directly delivered services (e.g., registration fees, product authorization fees, etc.) and collect a small levy on top of municipal building permits fees.

### Example of a Levy Calculation

For a building project that has an estimated construction cost of \$500,000, the levy would be approximately \$80 on top of building permit fees already charged by municipalities.

The Building Code Act, 1992 provides the ability to recover costs of delivering services through fees. The ministry already collects fees for services such as building code professional registrations, product authorization (e.g., Building Materials Evaluation Commission) applications, and examination fees. It is anticipated that the administrative authority would continue to collect these fees for similar services it would deliver.

To achieve full cost-recovery, the administrative authority would charge an additional, nominal fee on municipal building permit applications. The levy would be calculated as a small percentage of the estimated construction value, which is self-reported on every building permit application. Based on the estimated total program cost for service delivery, the levy amount is anticipated to be 0.016% of the construction cost estimate noted on a building permit application.

The levy would be collected by principal authorities (e.g., municipalities) and then remitted to the administrative authority. Construction value is a transparent, reliable, and fair way to measure the amount of services a project would require since larger, more complex projects would generally require more services. The levy would be reviewed on a regular basis to ensure that the revenue being collected does not exceed the actual cost of delivering services to the sector.

Services offered by the administrative authority will be available to all Ontarians, regardless of the number of building permits or amount of building permit revenue collected. This

model would not impact existing building permit revenue that principal authorities collect as they would be separate revenue streams.

## What Do You Think?

1. Is the proposed funding model a reasonable approach to delivering improved services to the sector?
2. Are there impacts in implementing such a fee model that the government should consider?

## 6. Seeking Your Input

Public consultation is an important part of developing legislation, regulations and policy in Ontario. By providing your feedback on this consultation paper, you can help the Ministry of Municipal Affairs and Housing develop and transform service delivery to the building sector into a responsive, efficient, and modern model.

We look forward to your feedback. Your involvement helps to ensure that potential building code changes are fully informed to best meet the needs of Ontarians and the building sector, and that they are technically and economically feasible and enforceable. Your input is valued and will be seriously considered before the government makes final decisions on changes to the current regulatory building service delivery model and the associated suite of existing or proposed building code services.

### **You can send comments in writing to:**

Ministry of Municipal Affairs and Housing Building Services Transformation Branch  
16th Floor – 777 Bay St.  
Toronto, Ontario M5G 2E5

Or by email to:

[buildingtransformation@ontario.ca](mailto:buildingtransformation@ontario.ca)

**The ministry requires your feedback by November 25, 2019.**

Ministry of Municipal Affairs and Housing

08/19

Disponible en français



## Staff Report 2019-0201

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Meeting Date: December 3, 2019

Subject: Tax Collector's Roll Adjustments under Section 354 of the Municipal Act, 2001

Submitted By: Heather Haire, Treasurer, Finance and Infrastructure Services

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### RECOMMENDATION

That the Treasurer be authorized to make tax adjustments under Section 354 of the *Municipal Act, 2001* as outlined in Staff Report 2019-0201

### REPORT HIGHLIGHTS

- This report addresses property tax adjustments to be made under Section 354 of the *Municipal Act, 2001*.
- The recommended write-offs under Section 354 total \$14,818.67 with the Town's portion being \$3,430.69
- The Town is permitted to remove unpaid taxes from the tax collector's roll if the property is owned by the municipality.

### DISCUSSION

The purpose of this report is to authorize the Treasurer to adjust the tax collector's roll under Section 354 of the *Municipal Act, 2001*, as amended.

Section 354 of the *Municipal Act, 2001* authorizes Council, on the recommendation of the Treasurer, to write-off taxes as uncollectable and remove these unpaid taxes from the tax roll. The municipality is authorized to write-off unpaid taxes if the property is owned by the Government of Canada, a province or territory, a Crown agency or by a municipality.

Only one property has been identified where the taxes are deemed uncollectible. This property had an incorrect owner listed that was taxable. The Town is the actual owner, making this type of property exempt from property taxes. This property is a stormwater pond and is a town asset. Throughout this period, this property was used as a stormwater pond and was owned by the town legally, however the land was registered incorrectly with MPAC in 2006. Ownership registration has since been corrected. As such, these balances should be written off, since no taxes would have been owing if the Town's property has been assessed correctly as exempt. In conformity with best practices, these outstanding balances should be approved for write-off under Section 354 of the *Municipal Act, 2001*.

Shown in Table 1, is the property details with the corresponding amounts that have been deemed uncollectible by the Treasurer and are to be written off. In this case, Council is authorized to remove the outstanding balance from the tax roll.

## Staff Report 2019-0201

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Table 1:

Assessment Roll	Property Address	Reason for Write-off	Assessment Year	Adjustment Amount
2024.010.003.42590	0 Pillsworth	Incorrect Ownership	2006-2016	\$14,818.67

### FINANCIAL IMPLICATIONS

The write-off of uncollectable accounts under Section 354 of the Municipal Act, 2001 totals \$14,818.67. This will be shared between the Town, Region and School Boards approximately as follows:

Town	\$3,430.69
Region	\$3,002.68
School Boards	<u>\$8,187.94</u>
Total	\$14,818.67

### COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

### ATTACHMENTS

None.

## **Staff Report 2019-0191**

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Meeting Date: December 3, 2019

Subject: Disabled Road Sign Policy

Submitted By: Chad Curtis, Specialist, Legislative Services  
Arash Olia, Interim Manager, Transportation Engineering

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### **RECOMMENDATION**

That the proposed Disabled Road Sign Policy attached as Schedule A to Staff Report 2019-0191 be approved; and

That the General Manager, Corporate Services de delegated the authority to make minor and technical adjustments to the Disabled Road Signs Policy as required.

### **REPORT HIGHLIGHTS**

- The intention of disabled road signs is to draw awareness to drivers that a person in the area may not react in an expected manner due to a physical or mental impairment.
- A resident requested a disabled road sign on Walker Road and was denied. This same requestor noticed a disabled road sign on Borland Crescent and notified the municipality of inconsistencies of disabled road signs in the Town.
- There are no signs designated in the Ontario Traffic Manual (OTM) for traffic warning signs dealing with disabilities.
- Council directed Staff to research a disabled road sign program. Town Staff examined similar programs from municipalities across Canada.
- A proposed disabled road sign policy and application form are included as Schedules to this report to outline the requirements to have a disabled road sign placed on a road.

### **DISCUSSION**

The purpose of this report is to bring forward a proposed Disabled Road Sign Policy for approval. This proposed Policy creates a formalized process for residents of Caledon to obtain road signage that alerts motorists they are entering an area where a disabled person resides.

Several years ago, the Town received a request for a disabled road sign for Walker Road. Staff conducted a review, and a sign was installed. In 2018 a resident attended an Accessibility Advisory Committee meeting to request a similar sign on Borland Crescent and reported that their request was denied as there is no mention in the Ontario Traffic Manual (OTM) for warning signs dealing with disabilities. This same requestor noticed the disabled road sign on Walker Road and contacted the Town to inquire why their request was rejected while there are similar signs located elsewhere in the municipality.

Road signage for disabilities is not a legal requirement in the OTM or the *Accessibility for Ontarians with Disabilities Act*. The City of Niagara Falls is the first municipality in Ontario to adopt a disabled road sign policy. Niagara Falls provided the Town with their report to Council for their program and provided feedback on their experiences to date. Staff in Transportation Services at the City of Niagara noted that;

- they receive positive feedback from residents regarding the program;
- they have installed approximately 20 signs to date;
- signs are installed on local roads only, not regional roads;
- the cost to produce and install the sign are covered by the municipality;
- they follow up with residents annually who have previously requested signs to ensure the sign is still applicable and to confirm that they have not moved.

Staff reviewed the policy established by Niagara Falls and sought guidance from Town Staff in Transportation Engineering with respect to the purpose, approach and need for a similar program in Caledon. It was noted by Transportation Engineering that at the time the sign was installed on Walker Road, Town Staff reviewed the situation specifically (e.g. collected traffic volume and speed data, land use, the requester's needs, etc.), and alignment with the Town's Transportation Master Plan (that safety for vulnerable road users is paramount) and the Region's Vision Zero Road Safety Initiative (that all efforts are needed to prevent the loss of life on road). To ensure consistency and eliminate the ad hoc approach taken previously, Transportation Engineering Staff support creation of a disabled road sign program.

Through the course of research, it was noted that the Region of Peel does not have a disabled road signs program. Correspondence was sent to the Region regarding any concerns with the Town developing such a program. No concerns were raised.

Staff contacted the Ontario Provincial Police (OPP) Caledon Detachment regarding any concerns with the Town developing such a program. The OPP did note that there is no ability to enforce the proposed road signage as they are not identified in the OTM or the *Highway Traffic Act* (HTA).

Staff is of the opinion that given the intent of the sign is draw awareness to drivers that a person in the area may not react in an expected manner due to a physical or mental impairment, there is still merit to have such signs in place as a caution to drivers, even if enforcement is not possible.

The proposed Disabled Road Signs Policy outlines the requirement of having a disabled sign placed in the Town of Caledon. This includes;

- the proximity of a disabled sign placement to the applicant's address;
- the processes for a resident to inform the municipality of any amendments of the disabled sign;
- the length of time a sign will be placed before removal;
- the timeframe for a sign to be installed after an application has been made'

- that annual correspondence be sent to requestors to ensure the sign is still applicable and they have not moved; and
- listing of such approved signs in the Transportation Engineering systems database.

The proposed Disabled Road Signs Policy is included in Schedule A to Staff Report 2019-0191 and outlines the purpose and process to be implemented. The proposed Policy was drafted in partnership with Transportation Engineering Staff.

Staff are recommending that the General Manager, Corporate Services be delegated the authority to make minor and technical adjustments to the proposed Policy as required. This will provide flexibility such that if processes such as technical review or application form require amendment they can be made by staff and do not require a staff report to Council. This delegated authority to make minor and technical amendments is consistent with other Council approved policies.

The proposed disabled road sign application form, attached as Schedule B to Staff Report 2019-0191, outlines the process for a resident to formally submit their request for a disabled road sign to be placed near their residence. Requests will be received and reviewed by Transportation Engineering Staff and the division will be responsible for the installation of disabled signs and updating the sign database. Annual correspondence will be sent by Legislative Services Staff to requestors to ensure the sign is still applicable and they have not moved.

A sample of proposed road signage is included in Schedule C to Staff Report 2019-0191. A standardized sign using the disability symbol, that is universally recognized, along with sign tabs that identify the more specific condition of the individual in the area are proposed be instituted if the program is supported. This will provide information to the driver as to how to anticipate pedestrians' reaction to traffic.

## **FINANCIAL IMPLICATIONS**

Sign production and installations will be carried out by Transportation Engineering staff. Staff estimate that each sign will cost between \$30 and \$40. The total budget impact of the Program is dependent upon the number of requests of such signs, which at this time is not expected to be significant. Since this is one of the first disabled road signs program in Ontario, it is unknown the number of requests the Town will receive.

The costs to produce and install the sign is proposed to be covered by the Town. This is similar to the Town covering costs of other types of warning signs in the municipality. The signs provide benefits to the requestor; however, they also benefit the public therefore no fee is proposed to be charged to the requestor.

**COUNCIL WORK PLAN**

**Sustainable Growth**

Continue the implementation of the Transportation Master Plan including transit, infrastructure, cycling, traffic management, traffic calming, liveable and walkable communities.

**Improved Service Delivery**

Increase education and awareness of available services and accessibility options.

**ATTACHMENTS**

Schedule A: Proposed Disabled Road Sign Policy

Schedule B: Proposed Disabled Road Sign Application

Schedule C: Proposed Disabled Road Sign Layout



## Corporate Policy

**Subject:** Disabled Road Signs

### Policy Statement:

This policy specifies the purpose and process to be implemented with respect to receiving requests for disabled road signs on local roads in the Town of Caledon to permit residents to have signage installed on their road.

Disabled road signs alert drivers they are approaching a residence in the Town where a person(s) with a disability resides.

### Scope:

This policy applies to all residents of the Town of Caledon.

### Purpose:

This policy creates a formalized process for residents of Caledon to obtain road signage that alerts motorists they are entering an area where a disabled person resides.

### Guidelines:

The Disabled Road Sign Policy and Application Form will be available on the Town's website. A paper copy of the application form will be provided upon request.

Transportation Engineering staff shall review all Disabled Road Sign Applications received by the Town, and may, if required, conduct a site visit to,

- review the situation specifically (e.g. collected traffic volume and speed data, land use, the requester's needs, etc.);
- review alignment with the Town's Transportation Master Plan, that safety for vulnerable road users is paramount;
- review alignment with the Region's Vision Zero Road Safety Initiative, that all efforts are needed to prevent the loss of life on road);

If supported, the proposed location of sign(s), with generally one sign installed per direction, will be 100 metres in advance of the subject property. Sign installation may take approximately 6 to 8 weeks.

Signs shall be placed in perpetuity unless advised by the requestor to remove, or if it is determined the requestor no longer resides at the address, at which point the sign will be removed.

Correspondence shall be sent annually by Legislative Services Staff to the requestor seeking any amendments, if the sign is still applicable or if they have moved.

All approved disability road signs shall be entered by Transportation Engineering into the Transportation Engineering System (TES) database.

### Reference and Related Documents:

Town of Caledon Transportation Master Plan  
Region of Peel Vision Zero Road Safety Initiative

## DISABLED ROAD SIGN APPLICATION

Disabled Road Signs are intended to warn drivers they are approaching a private residence in the Town of Caledon where a person(s) with a permanent disability resides.

---

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

E-Mail: \_\_\_\_\_

Sign is intended for: ☐ Applicant ☐ Child(ren) under the ☐ Other \_\_\_\_\_  
primary care of the applicant

The person(s) the sign is intended for is a: ☐ Child ☐ Adult (18 years of age or older)

Does the person(s) the sign is intended for reside at the above address: ☐ Yes ☐ No

If not, please identify their permanent address: \_\_\_\_\_

### Please note:

- 1) The location of sign(s) will be determined through a site review. Generally, one sign will be installed per direction, 100 metres in advance of the subject property.
- 2) Upon a complete application, please allow 6-8 weeks for the signs to be installed.

### Declaration of Consent

- 1) All information provided within the Disabled Road Sign Application is true and accurate.
- 2) I understand that the sign has no legal status under the Ontario Highway Traffic Act. By signing and submitting this application, I acknowledge that the sign is informational only and is not to be construed as a device to manage traffic or protect persons from vehicular traffic.



- 3) I am required to contact the Town of Caledon if there are any changes that would require the signs to be changed or removed, such as a change in address, etc.
- 4) I acknowledge that submission of the Disabled Sign Application does not constitute any approval or permission from the Town and further agree that nothing, including but not limited to, the fabrication and placement of any signs, shall obligate the Town in any way to provide or continue to provide approval for participation in the Disabled Road Signs Program.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Personal information contained on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used for the purpose of responding to your application request. Questions about this collection should be directed to the Municipal Freedom of Information Coordinator, Town of Caledon, 6311 Old Church Road, Caledon, Ontario, L7C 1J6, 905.584.2272.

**IN OFFICE USE:**

Date Received: \_\_\_\_\_

Date Site Visit Conducted (if applicable): \_\_\_\_\_

Date Signage Installed (if applicable): \_\_\_\_\_

Signage authorized by: \_\_\_\_\_

Annual Review Date: \_\_\_\_\_

### Proposed Sign

The tab will be customized to the specific disability. Samples are noted below



Deaf Person  
Area

Blind Person  
Area

Autistic Person  
Area

Mobility Device  
User Area



# Economic Development Strategy Project Update

General Committee  
December 3, 2019

The primary goal of the Town of Caledon Economic Development Strategy is to provide direction regarding economic development at the municipal level for a 10-year period. The major expectations and outcomes of the strategy are to:

- Grow the diversity of the town's business and industrial activity
- Inform the Official Plan review as it relates to business attraction and retention
- Balance the anticipated population growth with an increase in the non-residential tax base
- Assess the opportunities for growth and urban renewal in the commercial cores
- Increase the economic viability of the town of Caledon in the short and long term
- Inform the development of annual work plans for Economic Development as well as other departments within the Town



**The community consultation 'Caledon Speaks' was a comprehensive process conducted between August 2019 to October 2019. The process engaged residents from all parts of the town, local businesses with representation from major industry sectors, economic development and community organizations, BIA, Town of Caledon Staff and Senior Management.**



# Strategy Development Process

## Phase I

*July 2019 – August 2019*

A review of relevant strategies and an economic base analysis that provided an understanding of the local and regional economy. The results of this phase will form an appendix to the final strategy report.

## Phase II

*September 2019 – November 2019*

A comprehensive consultation process that included telephone and online surveys with the business community and residents, business and stakeholder interviews and a stakeholder workshop.

## Phase III

*December 2019 – March/April 2020*

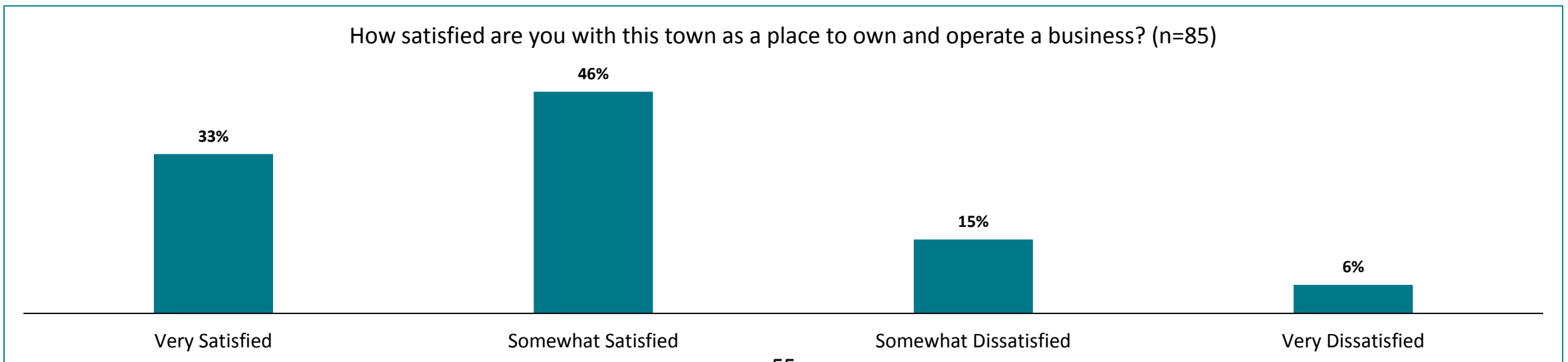
The final phase will include a best practice review to inform strategy development, a visioning process and detailed implementation plan of specific actions and short, medium, and longer-term goals to move the Town's economic development agenda forward.

# What have we heard from residents?

- 89% of community survey respondents indicated that *'Caledon is an excellent place to live'* and 62% indicated that *'Caledon is welcoming to newcomers'*.
- Community survey respondents indicated that they were satisfied with services including:
  - waste management
  - public library
  - community festivals and events
  - education
  - recreation facilities and services
  - housing choices
  - healthcare services
- Respondents were asked about the type of development growth Caledon should pursue:
  - 69% supported office-commercial development growth
  - 56% supported residential growth
  - 35% supported industrial growth

# What have we heard from the business community?

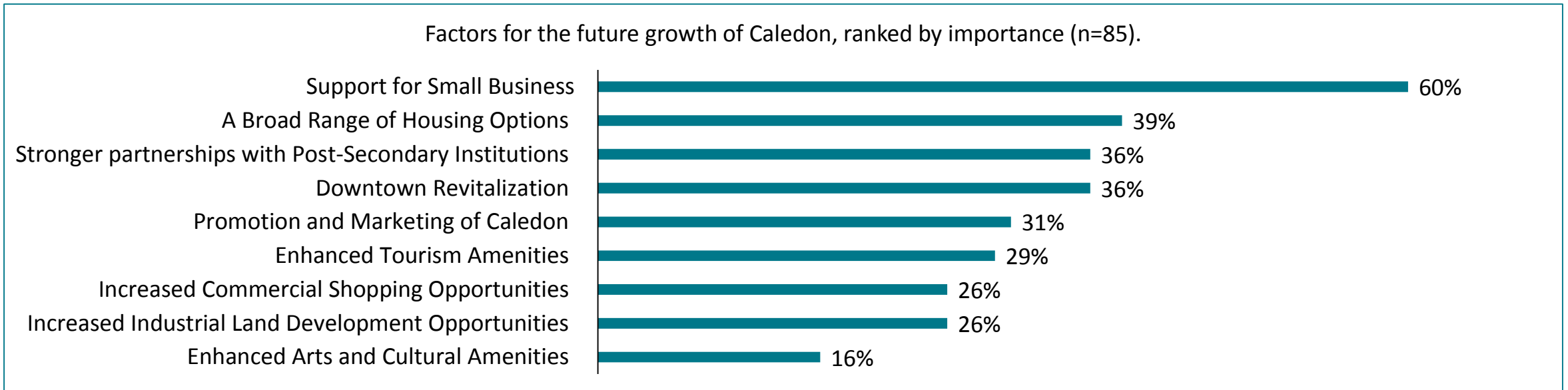
- Overall business satisfaction is high. 79% of business survey respondents indicated that they are satisfied with *Caledon as a place to own and operate a business*.
- When asked to rate the factors that businesses are highly satisfied with, the majority identified water availability (83%), cellular phone service (76%), provincial roads & highways (71%), availability of health & medical services (68%) and local roads & streets (66%).
- Prospects for growth of local businesses are good. 51% of businesses expect total revenues to increase in the next year. 68% of businesses plan on maintain operations, while 17% of businesses aim to expand over the next 2 years.
- Satisfaction was lowest with planning and development, employment services, retail shopping environment and transportation infrastructure (transit)





# Factors for future growth

- When asked to rate the factors that are important to the future growth of Caledon, 60% of business survey respondents indicated 'support for small businesses' as very important.
- Other factors rated as 'very important' to the future growth of Caledon include a broad range of housing options, stronger partnerships with post-secondary institutions and downtown revitalization.
- Community survey respondents also identified these factors to be most important to the future growth of Caledon.



# Priorities and challenges

Through the interviews and consultation with the business community a number of priorities and challenges were identified including:

## Priorities:

- Improved broadband and digital awareness for business.
- Business support initiatives that promote business retention & expansion, innovation, supply chain growth and cluster development.
- Take a leadership role in the growth of the food processing and agri-food business.
- Encourage densification and ensure a wide range of housing options.

## Challenges:

- The lack of adequate broadband service is a significant constraint in attracting and retaining businesses.
- Gaps in transit infrastructure is affecting commercial development and the ability of business to attract/retain workers.
- Need for a timely and effective development approval process.
- Available employment land is in private ownership, limited public land available for development.

# Next steps

- Best practice review – December 2019
- Draft Strategy & Implementation Plan – January 2020
  - The Strategy will include an Implementation Plan (Plan). The Plan will include, but not be limited to:
    - short, medium and long-term actions and tactics
    - recommendations for improvement of investment readiness, including employment land needs
    - recommendations for tools and tactics to encourage downtown revitalization
    - recommend potential key sectors to pursue for increased economic diversification including a plan to target those sectors
- Report to Council – March/April 2020

## Staff Report 2019-0277

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Meeting Date: December 3, 2019

Subject: Proposed Code of Conduct for Members of Council and Designated Boards

Submitted By: Chad Curtis, Specialist, Legislative, Corporate Services

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### RECOMMENDATION

That the proposed Code of Conduct for Members of Council and Designated Boards, attached as Schedule A to Staff Report 2019-0277, be approved; and

A by-law to adopt a Code of Conduct for Members of Council and Designated Boards be enacted.

### REPORT HIGHLIGHTS

- Bill 68, the *Modernizing Ontario's Municipal Legislation, Act*, prescribes the provisions Code of Conduct for Members of Council and Designated Boards must contain.
- The proposed Code of Conduct for Members of Council and Designated Boards will replace the existing Council Code of Conduct.
- A Code of Conduct Committee was created to review the existing Council Code of Conduct and provide feedback.
- In 2018 at a Council meeting, use of social media for members of Council was discussed and staff were asked to incorporate social media guidelines into the Code of Conduct.
- The Integrity Commissioner regime has expanded with Bill 68, and the Municipal Integrity Commissioners of Ontario (MICO) released their Statement of Principles provides direction to Integrity Commissioners while they perform their role.

### DISCUSSION

#### *Background*

In 2010 Town Council established the Office of the Integrity Commissioner and adopted its first Code of Conduct as per Bylaw 2010-129. The Code of Conduct was amended in 2015 as per By-law 2015-090.

Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017* amended the *Municipal Act, 2001* to mandate that all municipalities in Ontario must have a Code of Conduct for Council and local boards. This legislation prescribes provisions a Code of Conduct must contain. The Town's existing Code of Conduct required updating to ensure compliance with the legislation and applicability to local boards.

An analysis of the Town's governing structures was conducted to determine which of the its committees, boards, and task forces are local boards, as defined by the *Municipal Act*. The proposed Code of Conduct will apply to Town Council and the following advisory committees, local boards, and task forces, referred to in the Code as "designated boards":

- Committee of Adjustment
- Appeal Board
- Accessibility Advisory Committee
- Heritage Caledon
- Seniors' Task Force
- Bolton Business Improvement Area (BIA)
- Active Transportation Task Force
- Climate Change Action Plan Task Force

The Caledon Library Board is not a local board as defined by the *Municipal Act*. They have adopted its own Code of Conduct and it is available on the Caledon Public Library website.

#### *Code Development*

The Code of Conduct Committee was created in January 2019 to amend the Code to comply with provincial regulations. The Committee met in May 2019 and October 2019 and provided input in the creation of the proposed Code of Conduct for Members of Council and Designated Boards.

The Committee suggested several changes to be included in the proposed Code. The bulk of the changes from the existing to the proposed Code include;

- Removal of the requirement for complainants to declare an affidavit to submit a complaint. This was seen as a barrier to the process, and other professions whereby complaint mechanisms exist, including lawyers, doctors and financial sector, do not require an affidavit to submit complaints.
- Rules outlining corporate tables and gifts to provide clarity regarding scheduling of corporate tables and attendance at such events. Further clarity was included with respect to gifts. Based on feedback from the Committee and jurisdictional scanning, many municipal Code's include a threshold whereby a member of Council or Designated Board may accept a gift in the course of their official duties. A \$300 threshold was proposed whereby gifts greater than the threshold must be disclosed to the Integrity Commissioner for consideration and advice.

- The Conflict of Interest section was enhanced to expand the definition of family to include other relations of a Members immediate family. Members may seek advice from the Integrity Commissioner and can rely upon that advice.
- The ability of the Integrity Commissioner to impose sanctions on Members was discussed. Caledon is relatively unique in that the Integrity Commissioner imposes the sanction based on the investigation when reporting to Council. Members of the Committee requested that this ability remain with the Integrity Commissioner as an impartial adjudicator of the investigation.
- The Code of Conduct for Council and Designated Boards contains detailed procedures for filing a complaint and complaint resolution. The Code was amended as is prescribed to include the ability of the Integrity Commissioner to conduct an inquiry under the *Municipal Conflict of Interest Act*. The Code contains a provision whereby the Integrity Commissioner, under their sole discretion, may declare a complaint to be frivolous and vexatious and therefore not to be investigated.

Members will have access to the Integrity Commissioner for advice on implications of the Code and the law. Such advice must be requested in writing and will be held confidential by the Integrity Commissioner. A Member who acts upon the advice of the Integrity Commissioner may rely upon that advice.

#### *Inclusion of Social Media Guidelines*

At a previous meeting of Council, clarity regarding a member's conduct on social media was discussed. The proposed Social Media Guidelines, attached as Schedule B to the proposed Code, is designed to clarify how members of Council and Designated Boards use social media. The Guidelines provide information on personal versus professional social media accounts, specific election year requirements, Canada's Anti-Spam Legislation, confidential information and use of tools while respecting staff, each other, and the public.

#### *Municipal Integrity Commissioners of Ontario Standards*

The Municipal Integrity Commissioners of Ontario, an association of Integrity Commissioner's, reviewed and established a Statement of Principles, which outlines the attributes and values that Integrity Commissioners of Ontario practice while they carry out their roles in the municipalities they serve. A copy of the Principles is attached as Schedule B to this report for information.

If approved, a by-law to adopt the Code of Conduct for Members of Council and Designated Boards (Schedule A to Staff Report 2019-0277) will be brought forward for

Council's consideration. The proposed by-law would repeal the previous by-laws (2010-129 and 2015-090).

### **FINANCIAL IMPLICATIONS**

The costs associated with the Town's Integrity Commissioner services are included in the Corporate Services, Legislative Services Contracted Services operating budget.

An annual retainer, as per the existing Integrity Commissioner contract, is set at \$10,000 with the option to provide supplemental work as required by the CAO or Clerk, funded by Legislative Services Contracted Services operating budget.

### **COUNCIL WORK PLAN**

#### **Not Applicable**

Subject matter is not relevant to the Council Workplan.

### **ATTACHMENTS**

Schedule A: Proposed Code of Conduct for Members of Council and Designated Boards

Schedule B: The Municipal Integrity Commissioners of Ontario – Statement of Principles

# **Town of Caledon Code of Conduct For Members of Council And Designated Boards**



# Corporate Policy

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# Corporate Policy

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**Subject: Council Code of Conduct**

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## Introduction

Democracy is an active process which requires ongoing engagement between citizens and their elected officials. It is the responsibility of elected officials to uphold the integrity and ethical accountability which are the foundation of public confidence in government and the political process.

There has been a general trend at the municipal level of government in Ontario to develop rules around ethical conduct for elected officials so that it is clear that they are to carry out their duties with impartiality and equality of services to all, recognizing that as community leaders, they are accountable to a certain standard of behaviour and conduct.

That trend is now reflected in the law in Ontario, with specific provisions in the *Municipal Act* and the *Municipal Conflict of Interest Act*. Notable among the provisions is the *requirement* that every municipality adopt a Code of Conduct and have or have access to an Integrity Commissioner.

A written Code of Conduct (“Code”) helps to ensure that Members share a common understanding of acceptable conduct.

## Definitions

### Code of Conduct

Refers to the Code of Conduct approved by resolution and by-law of the Town of Caledon in compliance with the requirements of the *Municipal Act, 2001, S.O. 2001, c.25*.

### Corporate resource

“Corporate Resource” includes but is not limited to Town equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, smart phone, cell phone, addresses, voice-mail, email address, email, facility and staff while undertaking duties as a Member.

### Family

“Family” includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act*, and also includes:

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, niece/nephew;
- in-laws, including mother/father, sister/brother, daughter/son; and
- any person who lives with the Member on a permanent basis.

### Frivolous

Means being of little or no weight, worth or importance; about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.

### Intake Review

Refers to the process undertaken by the Integrity Commissioner upon receipt of a filed complaint, or an Inquiry under the *Municipal Conflict of Interest Act*, to determine to the

## Corporate Policy

satisfaction of the Integrity Commissioner that the complaint or request for an inquiry is legitimate, within the public interest to review, and the mandate of the Integrity Commissioner, and is not frivolous or vexatious.

### **Interest in Common with Electors Generally**

Means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part.

### **Member/Members**

Refers to persons elected to the position of Mayor or Councillor and to all persons duly appointed by Council to the Town of Caledon's designated Committees, Boards and Task Forces, all of whom are hereinafter referred to as Member/Members.

### **Vexatious**

Means instituted without sufficient grounds and serving only to cause annoyance, frustration or worry; that the complaint or is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

## **Statutory Provisions Regulating Conduct**

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council and Members of Town Committees, Boards and Task Forces (hereinafter referred to as Member or Members).

For clarity, such Designated Boards include, but are not limited to:

- Committee of Adjustment
- Appeal Board
- Accessibility Advisory Committee
- Heritage Caledon
- Seniors' Task Force
- Bolton Business Improvement Area (BIA).
- Active Transportation Task Force
- Climate Change Action Plan Task Force

The following federal and provincial legislation governs the conduct of Members of Council and where applicable, of Members of Designated Boards:

- the *Municipal Act, 2001*
- the *Municipal Conflict of Interest Act, 1990*
- the *Municipal Elections Act, 1996*
- the *Municipal Freedom of Information and Protection of Privacy Act, 1990*

## Corporate Policy

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- the *Provincial Offences Act*, 1990
- the *Ontario Human Rights Code*, 1990
- the *Criminal Code of Canada*, 1985

Also governing the conduct of Members are the by-laws and policies of Council as adopted and amended from time to time, including but not limited to the:

- Procedural By-law
- Workplace Violence Policy
- Harassment, Sexual Harassment and/or Discrimination Policy in the Workplace

### Policy Statement

This Code is designed to provide clear rules and a supplement to the legal requirements within which Members must operate. These rules serve to enhance public confidence that Caledon's Members operate from a basis of integrity, justice and accountability and respect for others.

The Code of Conduct for Council Members and Designated Boards and related policies identify the Town of Caledon's expectations of Members and establishes rules for appropriate conduct to ensure that:

- Caledon residents have confidence in the integrity of their elected and appointed Members and local government;
- Members shall serve and be seen to serve constituents in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity, honesty and accountability, and to avoid the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- The decision-making processes of Council and its Designated Boards are open, transparent, equitable and accountable;
- Decisions are made through appropriate channels of government structure;
- Public office is not used for personal gain;
- There is fairness and respect for differences and a duty to work together for the common good of the community and the residents;
- Members behave in a manner that is both ethically responsible and accountable at all times in upholding the public interest and will withstand public scrutiny;
- Members at all times behave in a manner that is respectful of the views and perspectives of other Members, however diverse those views and perspectives might be;
- Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected or appointed position;
- Members are provided with and able to readily obtain information and advice on the ethical propriety of conduct in different situations;
- Members seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the Town.

Further, the *Municipal Conflict of Interest Act* sets out the following Principles in relation to the duties of Members:

# Corporate Policy

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- The importance of integrity, independence and accountability in local government decision-making;
- The importance of certainty in reconciling the public duties and pecuniary interests of members;
- Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny;
- There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

## Practices and Procedures

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and rules have been specifically identified as being paramount to the municipal political process:

1. Roles and Obligations
2. Confidentiality
3. Communications/Media Relations/Promotion
4. Advice and Support to Members
5. Relations with Employees
6. Gifts, Hospitality and Benefits
7. Conflict of Interest – Pecuniary Interest
8. Conduct at Meetings
9. Elections – Corporate Resources
10. Use of Corporate Resources
11. Compliance with the Code – Complaint Protocol
12. Refusal to Conduct Investigation or Inquiry following the Intake Review
13. Opportunities for Resolution
14. Investigation
15. Reports to Council
16. Duty of Council
17. Public Disclosure
18. Non-Compliance with the Code

### 1. Roles and Obligations

1.1 Members must recognize their responsibility to:

- a) Represent the diversity of community views in a fair, respectful and equitable manner, while developing an overall strategy for the future of the Town;
- b) Endeavour to demonstrate sound financial management, planning and accountability;
- c) Be aware of and understand statutory obligations imposed upon individual Members and Council as a statutory body.

1.2 The onus is on Members to ensure that they adhere to and uphold the Code.

1.3 Regional Councillors also serve as Members of Council for the Regional Municipality of Peel. The Region has its own Code of Conduct.

# Corporate Policy

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- 1.4 The Town of Caledon's Code applies to the activities of Members of Council while executing their responsibilities as Members of Council for the Town of Caledon. The Region's Code of Conduct will apply to the activities of Regional Councillors in accordance with their role with the Region.

Should an issue arise that is of joint responsibility for the Region and The Town, both Integrity Commissioners will work together to determine which Integrity Commissioner shall take carriage of the matter.

## 2. Confidentiality

- 2.1 Confidential information includes information in the possession of, or received in confidence by, the Town of Caledon that the Town is either prohibited from disclosing, or is required to refuse to disclose, under *the Municipal Freedom of Information and Protection of Privacy Act* or any other legislation.
- 2.2 Members shall not disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, or by means of electronic technology, except when required by law or authorized by Council.
- 2.3 Members shall not disclose the content of a matter that has been discussed or the substance of deliberations of a closed session, except for content that has been authorized by Council to be released to the public. Where appropriate, the Council may determine how to communicate that part of closed session matters that can or should be made known, without divulging any detail that should remain confidential.

Examples of the types of content that Members must keep confidential under this section are as set out in the Municipal Act, specifically:

- a) Matters discussed in confidential session under Section 239 of the *Municipal Act*;
  - b) The source of a complaint;
  - c) Price schedules in contract tender or Request for Proposal submissions if so specified;
  - d) Information deemed to be personal information under the *Municipal Freedom of Information and Protection of Privacy Act*;
  - e) Statistical data required by law not to be released (e.g., certain census or assessment data).
- 2.4 Members shall not access or attempt to gain access to confidential information in the possession of the Town unless it is necessary for the performance of their duties and not prohibited by law or Council policy.
- 2.5 The obligation to keep information confidential is a continuing obligation even after the Member ceases to be a Member.

## 3. Communications/Media Relations/Promotion

- 3.1 Members shall show respect for the decision-making process of Council and its Designated Boards and their Members. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly, accurately and fairly.



## Corporate Policy

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- 3.2 Members shall accurately communicate the decisions of Council and the Designated Boards even if they disagree with the decision.
- 3.3 At all times, Members will take steps to ensure that their communications and presence in all forms of social media will be fully compliant with the requirements of the Social Media Guidelines for Members of Council and Designated Boards and this Code of Conduct.
- 3.4 Members may communicate a position that is contrary to that determined by Town Council. In doing so, Members will accurately communicate the decisions of Town Council and refrain from making disparaging comments about other Members or about Council's processes and decisions.
- 3.5 A Member shall not use his/her office to promote or sponsor commercial products or events other than Town recognized, endorsed or sponsored products or events.
- 3.6 Accepting an invitation by the Town or the Office of the Mayor to attend an event celebrating the successful completion of a development or project or the opening of a new business within the Member's ward could serve as a legitimate business purpose and be seen as part of the responsibilities of office.
- 3.7 Accepting an invitation to attend a charity event, provided the Member of Council is not consistently attending such events during any given calendar year as a guest of the same individual or corporation, is also part of the responsibilities of holding public office.

### 4. Advice and support to Members

- 4.1 In support of the Members, the Integrity Commissioner will provide, from time to time, information, training and education about the Code and the law, and the implications of each.
- 4.2 Members will have ready access to the Integrity Commissioner for advice on the implications of the Code. Such advice:
  - a) must be requested in writing
  - b) will be provided by the Integrity Commissioner in writing
  - c) will be held confidential by the Integrity Commissioner
- 4.3 A member of Council who acts upon the written advice of the Integrity Commissioner may rely upon that advice provided that the Member has disclosed all known facts to the Integrity Commissioner. The Integrity Commissioner shall be bound by that advice provided that the information provided by the Member to the Integrity Commissioner at the time of disclosure remains unchanged.

### 5. Relations with Employees

- 5.1 Members of Council are elected legislators for the municipality. Employees are accountable only to the Chief Administrative Officer or his/her designate and are responsible for implementing the decisions of Council, ensuring the efficient and effective operation of municipal services.
- 5.2 Members shall acknowledge and respect the fact that employees work for the Town as a

## Corporate Policy

corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any Members at any point in the policy making process.

- 5.3 Members shall acknowledge and respect the fact that Town employees carry out directions of Council as a whole and administer the policies of the Town. At all times carrying out the work of the Town, Members shall refrain from using their position to improperly influence employees in their duties or functions to gain an advantage for themselves or others.
- 5.4 Members shall refrain from publicly criticizing employees, in a way that casts aspersions on their professional competence and credibility.
- 5.5 Members shall not compel Employees to engage in partisan political activities.
- 5.6 Employees will provide support to Council required by Provincial statutes, Town By-laws and special meetings when approved by Council.
- 5.7 In the event that a Member desires a public meeting, which supplements a public meeting required by Provincial statute, or a municipal by-law, a Member shall make the request through Council or the Chief Administrative Officer.

### 6. Gifts, Hospitality and Benefits

- 6.1 The Town recognizes that occasional, moderate hospitality is an accepted courtesy of a business relationship. However, Members shall not accept any gift, benefit, service, entertainment or hospitality which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization.
- 6.2 Members may only receive a gift, hospitality or entertainment that is received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office.
- 6.3 If Corporate Tables are provided by the Town at a charity event or fund-raising gala, a seat will be offered to each Member of Council. If there are seats remaining after each Member of Council has been contacted, the remaining seats will be offered to spouses of Members of Council.
- 6.4 Where Members of Council are invited to attend such events as guests of entities doing business with or in the Town, the rules laid out in 6.5 apply
- 6.5 If the value of a gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;
- c) the circumstances under which it was given or received;
- d) its estimated value;



## Corporate Policy

- e) what the recipient intends to do with any gift; and,
- f) whether any gift will at any point be left with the Town

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Town.

6.6 Members shall submit to the Town any gift received which:

- a) is not an incident of protocol or social obligation; or
- b) is not a token of appreciation for attending or speaking at an event; or
- c) is not perishable.

6.7 The Town will provide the gift to a registered Caledon charity. The Chief Administrative Officer will log the gifts received and a letter of appreciation will be sent to the donor, where appropriate, advising their gift will benefit a Caledon charity.

6.8 Members of Council may claim expenses normally incurred in the conduct of their responsibilities in accordance with the Council Expense Policy.

### 7. Conflict of Interest – Pecuniary Interest

7.1 Members of Council and Designated Boards will recognize their obligations to follow and respect the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*. Members must publicly declare their direct or indirect pecuniary interest and file a statement of the conflict and the general nature of it with the General Manager Corporate Services/Town Clerk, as soon as possible after becoming aware of the conflict.

7.2 In considering whether or not to declare a conflict, Members should be guided by the overall Purpose of the Code, i.e. their duty to uphold public confidence in government. Members should consider whether the matter in question would meet the test of a pecuniary interest, or alternatively, a perceived interest.

7.3 Members of Council will not be required to declare a pecuniary interest when the interest is an interest in common with electors generally.

7.4 When a pecuniary interest exists, Members must withdraw from direct involvement and refrain from making any comment at any time, whether in a Council, Council Committee or Designated Board meeting, or elsewhere, on the issue which might influence the decision.

7.5 Members must refrain from influencing and discussing the matter. They are not eligible to vote on the matter. There are exceptions to the rules regarding Conflict of Interest set out in the legislation. Members should be aware of those exceptions, which are set out in Schedule A to this Code of Conduct.

7.6 Members shall vacate the Council or Designated Board table when the matter on which they have declared a direct or indirect pecuniary interest is debated.

7.7 If the matter is of a confidential nature, Members shall retire from the confidential meeting for the entire duration of the discussion. Members shall not vote on any aspect of the

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matter in question in which the Member has an interest refraining from any comment at any time, whether in a Council, Council Committee or Designated Board meeting, or elsewhere, on the issue.

### 8. Conduct at Meetings

- 8.1 During Council, Committee or any Designated Board meeting, Members shall conduct themselves with decorum and in accordance with the Town's Procedural By-law and/or the approved rules of each Designated Board, and this Code of Conduct. As leaders in the community, decorum requires Members to be held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary. Respect for a delegate, a fellow Member, employees and for the public requires Members to be courteous and not disrupt business during any portion of the meeting including presentations and when another individual has the floor.

Further to the provisions contained in the Town's Procedural By-law, cell phones, smart phones or similar devices shall be:

- a) on vibrate or silent while in open session;
- b) turned off while in closed session.

### 9. Elections – Corporate Resources

- 9.1 Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996, S.O.1996 c.32* and the policies approved by Council. The use of corporate resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.
- 9.2 Members shall not campaign, distribute or display any election material at any Town facility, Town hosted meeting or event except at all candidates' meetings.

### 10. Use of Corporate Resources

- 10.1 Members of Council may only use Corporate Resources for:
- a) activities connected with the discharge of their official duties;
  - b) associated community activities having the sanction of Council or its committees; and where applicable, in accordance with the Town's Council Expense Policy.

### 11. Compliance with the Code – Complaint Protocol

- 11.1 At all stages of the Compliance process, from Intake Review by the Commissioner, to any investigative processes undertaken by the Commissioner, and the reporting thereof to Council, confidentiality pertaining to the identity of the complainant and the respondent shall be respected, subject only to sections 16 and 17 of this Code of Conduct.

#### Option A - Informal Complaint Procedure

- 11.2 Any individual (i.e. a person entitled to vote or a person "demonstrably acting in the public

## Corporate Policy

interest”) who identifies or witnesses behaviour or activity by a sitting Member of Council or a Member of a Designated Board, that appears to be in contravention of the Code or the law may address the prohibited behaviour or activity themselves in the following manner:

### 11.3 The Complainant may:

- a) Advise the Member that his/her behaviour or activity appears to contravene the Code or the law;
- b) Request that the Member immediately discontinue the prohibited behaviour or activity and to avoid future occurrences of the prohibited behavior or activity;
- c) Keep a written record of the incident including date, time, location, other persons present, and any other relevant information;
- d) If applicable, advise the Member regarding his/her satisfaction with the response, or, if applicable; advise the Member of his/her dissatisfaction with the response; and,
- e) Consider the need to pursue the matter in accordance with the formal complaint or inquiry procedure outlined in Options B and C.

11.4 An individual is encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code or the law. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing a formal complaint/inquiry procedure in Option B or C.

### **Option B: Formal Complaint Procedure - To the Integrity Commissioner - Complaint Review Request**

11.5 Any individual (i.e. a person entitled to vote or a person “demonstrably acting in the public interest”) who identifies or witnesses behaviour or an activity by a sitting Member of Council or a Designated Board, that they believe is in contravention of the Code of Conduct for Members and Designated Boards, may file a formal complaint directly with the Integrity Commissioner in accordance with the following conditions:

- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
- b) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct. A supporting form setting out the evidence in support of the allegation must also be included. The assistance of the General Manager Corporate Services/ Town Clerk is available for assistance with completing the form, on request.
- c) If the complainant is a Member of Council, their identity shall not be protected if the Integrity Commissioner finds that the complaint was not made in good faith.

### **Filing of Complaint and Classification by Integrity Commissioner**

11.6 The complaint shall be filed with Integrity Commissioner for initial classification (the Intake Review) to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council

## Corporate Policy

policies. If the matter pertains to an alleged breach of The *Municipal Conflict of Interest Act*, Option C of this Code applies.

- 11.7 If the complaint does not include a supporting form, the Integrity Commissioner may defer the classification or subsequent investigation until a form is received.

### Complaints Outside Integrity Commissioner Jurisdiction at Intake Review stage

- 11.8 If the complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation (except the *Municipal Conflict of Interest Act*) or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

#### Criminal Matter

- 11.9 If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

#### Municipal Freedom of Information and Protection of Privacy Act

- 11.10 If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the General Manager Corporate Services/ Town Clerk for Access and Privacy review.

#### Other Policy Applies

- 11.11 If the complaint appears to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

#### Lack of Jurisdiction

- 11.12 If the complaint is for any other reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

#### Matter Already Pending

- 11.13 If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding related to the *Municipal Conflict of Interest Act*, a Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

### **Option C: Inquiry Procedure - To the Integrity Commissioner - The Municipal Conflict of Interest Act (MCIA)**

- 11.14 Any individual (i.e. a person entitled to vote or a person “demonstrably acting in the public interest”) may apply in writing to the Integrity Commissioner, pursuant to the *Municipal Conflict of Interest Act*, for an inquiry to be carried out concerning an alleged contravention

## Corporate Policy

of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, except during the regular election period, i.e. between nomination day and election day,

- 11.15 The procedures to be followed for such an application shall be the same as provided for in section 14 of this Code.

As is the case with formal complaints under the Code of Conduct, the Integrity Commissioner will determine (the Intake Review) whether to conduct an inquiry, and if such an inquiry is undertaken the inquiry will follow the same general processes and procedures and use the same powers and authorities as apply under this Code of Conduct. If in the opinion of the Integrity Commissioner a request for an Inquiry under the *Municipal Conflict of Interest Act* would be more appropriately addressed under this Code of Conduct, the Integrity Commissioner shall proceed accordingly.

- 11.16 Upon completion of an inquiry, the Integrity Commissioner may, at his/her discretion;

- a) Apply to a Judge for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of the Act. If the judge finds that the Act has been contravened, under the *Municipal Conflict of Interest Act* the judge may order any or all of the following:
  - Reprimand the member
  - Suspend the remuneration paid to the member for a period of up to 90 days.
  - Declare the member's seat vacant
  - Disqualify the member from being a member during a period of not more than seven years after the date of the order
  - Require the member to make restitution
- b) Advise the applicant if the Commissioner will not be making an application to a judge.
- c) In either case, the Commissioner will publish written reasons, in the form of a Report to Council, for the decision.

## 12. Refusal to Conduct Investigation or Inquiry following the Intake Review

- 12.1 If the Integrity Commissioner is of the opinion that the referral of a matter is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or inquiry and, where this becomes apparent in the course of an investigation, shall terminate the investigation or inquiry.

## 13. Opportunities for Resolution

- 13.1 Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

## 14. Investigation

- 14.1 The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act* or any other relevant statute:
- a) Provide the complaint and supporting material to the member whose conduct is in



## Corporate Policy

- question (the respondent) with a request that a written response to the allegation be provided within ten business days; and
- b) Provide a copy of the response provided by the respondent to the complainant with a request for a written reply within ten business days.
  - c) If, in the sole discretion of the Integrity Commissioner, any further steps in the exchange of documents is necessary or warranted to provide the Commissioner with a full understanding of the circumstances, the Commissioner may seek further written comments from the parties, prior to finally reviewing the materials.
- 14.2 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any Town work location relevant to the complaint for the purpose of investigation and potential resolution.
- 14.3 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- 14.4 The Integrity Commissioner shall retain all records related to the complaint and investigation as prescribed in the Town of Caledon Records and Information Policy ("Records Retention Schedule").

### No Complaint Prior to Municipal Election

- 14.5 Notwithstanding any other provision of this procedure no requests for a complaint review or inquiry may be referred to the Integrity Commissioner or forwarded by the General Manager Corporate Services/Town Clerk for review and/or investigation after the nomination day established in the Municipal Act and until the first official meeting of Council following the election.

## 15. Reports to Council

### **Annual Report**

- 15.1 The Integrity Commissioner shall report to Council annually on the work undertaken by the office for the preceding year including a summary of all complaints received and their disposition (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner) as well as a summary of the number of requests for advice, training, education and information provided by the Integrity Commissioner in that year.

### **Investigation and Inquiry Report**

- 15.2 The Integrity Commissioner shall report to the complainant and the respondent member generally no later than 90 days after the official receipt of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
- 15.3 If during the course of the investigation any new information is provided to the Integrity Commissioner, the Integrity Commissioner may in the interest of procedural fairness provide notice to the respondent Member of the new information.

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- 15.4 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any sanctions imposed by the Integrity Commissioner as well as any recommended corrective actions.
- 15.5 The General Manager Corporate Services/Town Clerk shall give a copy of the report referred to in s.15.4 to the complainant and the respondent Member. Subject to the conditions in paragraph 15.7 below, that respondent Member shall have the right of reply when the report is considered by Council.
- 15.6 Where the complaint is not sustained, except in exceptional circumstances as determined by the Integrity Commissioner, the Integrity Commissioner shall not report to Council the result of the investigation except as part of an annual report.
- 15.7 If the report of the Integrity Commissioner includes sanctions of a pecuniary nature, such as the replacement of property or its value, of monies spent or suspension of remuneration paid to the Member, then the Member shall have a right to respond to the report during its consideration by the Council but shall not have the right to vote on the report.
- 15.8 It is a violation of the Code of Conduct to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code.

### Member not Blameworthy

- 15.9 If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act*.

### No Reports Prior to Municipal Election

Notwithstanding any other provision of this Procedure, the Integrity Commissioner shall not make any report to Council or to any other person after nomination day as established under the *Municipal Act* until the first official meeting of Council following the election.

## 16. Duty of Council

The General Manager Corporate Services/Town Clerk shall submit any investigation report by the Integrity Commissioner to Council at its next meeting and the report shall be considered in Open Session.

## 17. Public Disclosure

- 17.1 The Integrity Commissioner, General Manager Corporate Services/Town Clerk and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol. The *Municipal Act* sets out specific rules about confidentiality at s. 223.5 and 223.6.

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Such preservation of confidentiality shall extend to the identity of the complainant, the respondent and the nature of the complaint, except as set out in sections 11.16, 15.4 – 15.6 and 17.4 of this Code.

- 17.2 Persons filing a complaint or application for an inquiry under this Code of Conduct and the *Municipal Conflict of Interest Act* are urged at all times to keep those actions and associated documents confidential, in order to not interfere with the course of any subsequent investigation or inquiry.
- 17.3 The Integrity Commissioner shall retain all records related to the complaint and investigation as prescribed in the Town of Caledon Records and Information Management Policy (“Records Retention Schedule”).
- 17.4 At the time of the Integrity Commissioner’s report to Council, the identity of the person who is the subject of the complaint (the respondent) shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred. Where there is ambiguity resulting from any provisions of this Code as to confidentiality during and at the conclusion of the procedures set out, the determination of the Integrity Commissioner shall be final.
- 17.5 All reports from the Integrity Commissioner to Council will be made available to the public on the Town’s website.

### 18. Non-Compliance with the Code

Where the Integrity Commissioner determines that a Member has contravened this Code; he/she is authorized to:

- a) Reprimand the Member;
- b) Recommend that Council remove the Member from an advisory committee or local board;
- c) Recommend that the appropriate Committee or local board remove the Member as Chair of a Committee or local board;
- d) Require the Member to repay or reimburse monies received;
- e) Require the Member to return the property or item, or reimburse the value;
- f) Request the Member to apologize to Council, the complainant, or both;
- g) Suspend the remuneration paid to the Member in respect of their services as a Member for a period of up to ninety (90) days.



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## SCHEDULE A

### EXCEPTIONS UNDER MCIA AS TO WHAT CONSTITUTES A CONFLICT

Section 5 does not apply to a pecuniary interest in any matter that a member may have,

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

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## SCHEDULE B

**Subject: Social Media Guidelines for Members of Council and Designated Boards**

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### Statement

Social media provides members with a valuable and convenient tool to communicate, inform and engage residents about Council work and members' activities. Social media allows for efficient and direct engagement between members and the public. When used in accordance with the Code of Conduct, social media enables members to communicate with the public regarding municipal issues and raises awareness of local events and activities.

The Social Media Guideline operates with and as a supplement to existing federal and provincial statutes and municipal by-laws including, but not limited to:

- Criminal Code of Canada
- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code
- Town of Caledon By-Laws and Policies including the Code of Conduct

### Definitions

Code of Conduct: means the Town of Caledon's Council Code of Conduct as it applies to members of the Town of Caledon Council and of its local boards.

Electronic Address: means an address used in connection with the transmission of an electronic message to any similar account.

Member/Members: Refers to persons elected to the position of Mayor or Councillor and to all persons duly appointed by Council to the Town of Caledon's designated Committees, Boards and Task Forces, all of whom are hereinafter referred to as Member/Members.

Social Media: refers to freely accessible, third-party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media include: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.

Town: means The Corporation of the Town of Caledon.

### Purpose

The purpose of this Guideline is to clarify how the Code of Conduct for Members of Council guides a member's use of social media.

Failure to follow the guidance set out in this Guideline may lead to a finding that a member has contravened the Code of Conduct. Members may seek confidential advice from the Integrity Commissioner with respect to specific situations that may arise.

### Use of Title, Town Property, Services and Other Resources, and Influence of Office



# Corporate Policy

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A social media account is “identified as a member’s social media account” or one that “uses publicly-funded resources” if it:

- a. uses any Caledon.ca email address as a point of contact for registration purposes;
- b. identifies the member as a current member of the Caledon Town Council in the handle name, the user name or the profile description;
- c. is publicized on the member’s constituency website or the Town of Caledon’s contact page for members of Council;
- d. uses the Town logo or any other proprietary mark of the Town of Caledon;
- e. contains official Town of Caledon contact information for the Member;
- f. is managed using Town of Caledon resources including computers, smart phones, tablets and/or staff.

Personal and professional social media accounts should be separate. If members are using a social media account that does not feature any of the above, this would be considered a personal account.

Regardless of whether the social media account used is a personal or professional one, the general rules established in the Code of Conduct apply. For clarity, comments on a personal social media account that breach the rules of appropriate behaviour will be treated in precisely the same way as if such comments were made verbally or in writing in different media.

Recognizing, however, that members of council regularly participate in events and activities and use social media to publicize them, the guideline includes a caveat that members may periodically post voluntary and unsolicited content that:

- a. Raises awareness of local events and activities;
- b. Publicizes the member’s attendance at a ceremony, event or activity that is otherwise permissible under the Code of Conduct; or,
- c. Publicizes the member’s interactions with constituents, including local businesses.
- d. Content that promotes or appears to promote any third-party interest including events, products, services, or goods other than Town recognized, endorsed or sponsored products or events.

Members of Council should abide by these guidelines whether they mention the Town by name or not.

## General Guidelines

Use of a member’s title in a social media profile provides legitimacy, from the perspective of social media providers and the public. This legitimacy is similar to the use of letterhead or other official Town resources.

Successful social media use requires authenticity, interactivity and a blending of the personal with

## Corporate Policy

the professional. Members of Council should follow the guidelines below when making posts or comments on any social media site whether it is public or private.

1. As a Member of Council of the Town, members will approach social media by using sound judgement and common sense, using the Town's Code of Conduct, and other applicable policies as guidelines.
2. At no time shall Members of Council reveal, disclose, or discuss:
  - a. Information gained in the execution of his or her duties that is not available to the public. This includes confidential information from in camera and other meetings.
  - b. Private or confidential information about other Members of Council, Town staff, or members of the public.
  - c. Content that promotes or appears to promote any candidate or political party in any election at the municipal, federal, or provincial level, including leadership campaigns.
  - d. Content that promotes or appears to promote any third-party interest including events, products, services, or goods
3. If asked a question about Town operations (snow removal, pool times, etc.) Members of Council are asked to refer residents to the Town's official customer service channels on social media, phone, or email.
4. Members should not use social media to engage in criticism of Town staff, members of the public, or other Members of Council.

### Social Media and Canada's Anti-Spam Legislation (CASL)

In general, CASL does not apply to the one-way general broadcast of a commercial message on social media. For example, this could include the general broadcasting of Tweets on Twitter. However, messages sent directly to users through a social media closed two-way direct messaging system, would qualify as sending messages to an "electronic address" under CASL and may be subject to legal action.

For Candidates during the campaign period in an election year, a message must be commercial in nature for CASL requirements to apply. Generally, most political messages are not commercial in nature; those that appear to be, tend to solicit contributions. Political messages where the primary purpose is to solicit a contribution are not excluded from CASL.

### Specific Election Year Requirements

To comply with the *Municipal Elections Act*, the Code of Conduct, and the Town's Use of Corporate Resources for Election Purposes policy, members must take affirmative steps to clearly distinguish between use of social media for personal or election purposes. To take such steps members must adopt one of the following two approaches:

- a. Maintain Separate Election Accounts During an Election Campaign. Establish separate and distinct social media accounts for re-election purposes that are clearly labelled as election accounts and that are not identified as a member's account or use publicly-funded resources.

## Corporate Policy

- b. Maintain a Single Account Subject to Restricted Use During an Election Campaign. Members who choose not to maintain separate and distinct election accounts and who intend to use a social media account that has been identified as a member's social media account or use publicly-funded resources within the meaning of this Guideline for any purpose relating to their re-election must (as applicable):
  - i. on Nomination Day of an election year until the end of the "election campaign period" defined in s. 88.24 of the *Municipal Elections Act, 1996*,
    - 1. cease producing and distributing any publication, including business cards, that includes account information (i.e. user names, handle names) for the social media account.
  - ii. for the duration of the "election campaign period" as defined in s. 88.24 of the *Municipal Elections Act, 1996*:
    - 1. remove any reference to the Town of Caledon, the Town logos, or images proprietary to the Town of Caledon, and reference to the member's title from the account handle name, the user name, on the profile description;
    - 2. ensure that the account's registration information does not include any Caledon.ca email addresses or Town of Caledon phone numbers;
    - 3. remove all references to the account from a member's website;
    - 4. expressly notify followers or friends on the social media platform that the account will be used for purposes related to re-election, provide an alternative source of information for followers interested in constituency services, and label the account appropriately.

### Confidential Information and In Camera Meetings

The Code of Conduct prohibits members from disclosing or releasing confidential information acquired by virtue of their office. Members must not post content on social media that discloses information or conduct during *in camera* meetings. Due to the immediacy of social media and its ease of access on smart phones or computers, members should not use social media in any form during *in camera* or other confidential meetings.

### Respecting Staff

The Code of Conduct requires members to be respectful of the role of staff to provide professional and politically neutral advice. Members should not use social media to engage in criticism of Town staff. The public nature of social media can increase the risk of harming the professional and ethical reputation of Town staff.

### Respecting Each Other and the Public

The public expect members of Council to maintain decorum at Town Hall, they expect members to act with decorum on social media. Members must never use social media as a platform to treat members of the public, one another or staff without respect.

## Municipal Integrity Commissioners of Ontario Statement of Principles

As members of the Municipal Integrity Commissioners of Ontario (MICO), we endorse and undertake to promote these attributes and values as we carry out our roles as integrity commissioners in the communities we serve.

We employ the principles of reasonableness, fairness and natural justice to inform the interpretation and application of ethical codifications, so that in any circumstance the principal objective is the enhancement of the public interest.

As independent statutory accountability officers appointed by and reporting to municipal councils and other public bodies, we recognize that our primary role is to foster a culture of healthy ethical behaviour amongst elected and appointed officials.

**We do this** by exercising our responsibilities in a diligent, expert and respectful manner, guided at all times by a considered assessment of what will best serve the public interest.

**We do this** by championing the tenets of local democracy, accountability, transparency, procedural fairness and natural justice.

**We do this** by understanding that our jurisdiction is established by provincial statute, local enactments and judicial decisions.

**We do this** by exercising our authority in a manner that promotes good governance, and effective and equitable solutions.

**We do this** by being articulate, careful, curious, courageous, empathetic, humble, impartial, knowledgeable and timely, whenever there is cause to examine or advise on an issue of ethical responsibility.

**We do this** by exercising restraint and a solution-oriented perspective, favouring teaching opportunities over sanctions.

**We do this** by being collaborative, while protecting the independence of our role.

**And we do this** by making findings on the balance of probabilities, while exercising the judgment of a reasonable person fully informed of relevant facts and circumstances.

## **Staff Report 2019-0257**

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Meeting Date: December 3, 2019

Subject: 2019 School Green Fund Recommendations

Submitted By: Katelyn McFadyen, Manager, Energy and Environment

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### **RECOMMENDATION**

That School Green Fund grants, in the total amount of \$15,815, be allocated to the recipients outlined in Table 1 of Staff Report 2019-0257 and funded from the School Green Fund operating account; and

That the Mayor and Clerk be authorized to execute School Green Fund agreements with the Dufferin-Peel Catholic District School Board and the Peel District School Board for the School Green Fund.

### **REPORT HIGHLIGHTS**

- The School Green Fund, established in 2013, provides funding to Public and Catholic schools in Caledon for the development and implementation of environmental projects, and to support the implementation of the Town's Community Climate Change Action Plan.
- The Town's 2019 call for applications resulted in 11 submissions with funding requests totaling almost \$20,000.
- Staff recommends that a total of \$15,815.00 be distributed amongst 10 schools, outlined in Table 1, based on the Corporate Environment Committee's evaluation of the applications received.

### **DISCUSSION**

The purpose of this Report is to summarize the projects being recommended for funding through the Town's 2019 School Green Fund by the Environment Committee and seek Council approval to distribute and execute agreements with 10 schools.

The Town's Community Climate Change Action Plan is comprised of actions aimed at reducing greenhouse gas (GHG) emissions in several sectors within the Town. One priority action area involves educating students and residents about climate change and the importance of reducing GHG emissions. This action is to be partially addressed through the implementation of a School Green Fund. In 2013, Council approved the School Green Fund grant program through Report DP-2013-104.

The 2019 School Green Fund application window closed on October 18<sup>th</sup>, 2019, allowing four weeks for all local Caledon Public and Catholic schools to submit an application. A total of 11 School Green Fund applications were received in 2019, which equates to almost 50 percent of all Public and Catholic schools in Caledon.



Evaluation Procedure

An overview of the evaluation process of the School Green Fund is outlined below:

1. Energy and Environment staff accept and pre-screen project applications to ensure that the minimum eligibility criteria are met, outlined below:
  - Applicant school must be under the Peel District School Board or the Dufferin-Peel Catholic District School Board and must:
    - Receive approval from Public School Facilities Management Team;
    - Receive approval from Catholic School Grants Approval Committee.
  - One project and grant per school per year;
  - Funding must be used within a year of project approval.
2. The Staff Environment Committee, consisting of staff across various Town Departments, conduct independent evaluations of each grant application and provide a score out of 10, using an evaluation matrix. The evaluation considers:
  - Whether the project has a clear environmental focus;
  - How the project aligns with Town Energy and Environmental Strategic Plans and Policies;
  - The project deliverables and outcomes;
  - Student and staff engagement;
  - Budget and timeline.
3. Following the independent evaluations, the Staff Environment Committee meet, as a group, to finalize comments, scores for each application and to determine the recipients of the School Green Fund. Projects with an average score of 8-10, are eligible to receive their full funding request. Projects that receive an average score of 6-7 from the Committee, are eligible to receive partial funding (equivalent to 66% of the total funding request). Lastly, projects that receive a score of less than 6 are not recommended for funding by the Committee. Funding allocation is subject to budget available.

Applications recommended to receive 2019 funding are listed in Table 1 below.

Table 1: School Green Fund Application Summary			
School Name	Project Name	Funding Request	Recommended Funding Award
Allan Drive Middle School	Pollinator and Landscape Garden	\$2,000.00	\$1,320.00
Belfountain Public School	Rain Garden Project	\$2,000.00	\$1,320.00
Caledon Central Public School	Outdoor Classroom Project	\$1,978.00	\$1,978.00
Caledon East Public School	Outdoor Classroom Project	\$2,000.00	\$0.00
Holy Family Elementary School	Eco Garden Project	\$1,654.32	\$1,092.00

**Staff Report 2019-0257**

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<b>James Grieve Public School</b>	School Tree Planting Project	\$1,600.00	\$1,600.00
<b>Mayfield Secondary School</b>	Garden Tower Project	\$2,000.00	\$2,000.00
<b>Robert F. Hall Secondary School</b>	Greenhouse Project	\$2,000.00	\$2,000.00
<b>Southfields Village Public School</b>	Outdoor Classroom Project	\$2,000.00	\$2000.00
<b>St. Cornelius Elementary School</b>	Outdoor Classroom Project	\$2,000.00	\$2,000.00
<b>St. Evan Catholic Elementary School</b>	Drought-Resistant Garden Project	\$764.00	\$505.00
		<b>\$19,996.00</b>	<b>\$15,815.00</b>

Full project descriptions of each application and their score are attached as Schedule A to Staff Report 2019-0257.

**FINANCIAL IMPLICATIONS**

Annual funding of \$18,000 for the School Green Fund grant (account 01-09-44040-365-62393) is available in the Energy and Environment Division's operating budget. The recommended disbursements for 2019's School Green Fund grants total \$15,815, which is within the approved budget for this program.

**COUNCIL WORK PLAN**

Not Applicable

**ATTACHMENTS**

Schedule A: School Green Fund Project Descriptions and Environment Committee Evaluation Results

**Schedule A to Staff Report 2019-0257– School Green Fund Project Descriptions and Environment Committee Evaluation Results**

<b>School Applicant</b>	<b>Project Title</b>	<b>Project Description</b>	<b>Funding Request</b>	<b>Average Score</b>	<b>Funding Approved</b>	<b>Comments (If partial or no funding allocated)</b>
<b>Allan Drive Middle School</b>	Pollinator and Landscape Garden Project	The proposed project is to plant trees, shrubs, and a perennial garden to beautify the school and provide students with a hands-on learning experience.	\$2,000.00	7.5	\$1,320.00	The Environment Committee is recommending partial funding because the application did not provide enough detail on measurable outcomes, specifically engagement and how the outcomes will be achieved.
<b>Belfountain Public School</b>	Rain Garden Project	The proposed project is a partnership with the Credit Valley Conservation Authority for the planning and design to create a rain garden to divert run off from pooling in depressed areas of the parking lot/walkway.	\$2,000.00	7.38	\$1,320.00	The Environment Committee is recommending partial funding because the application did not provide enough detail on the budget, student wide engagement and project outcomes, specifically the rain garden (i.e. role, location, size).
<b>Caledon Central Public School</b>	Outdoor Classroom Project	The proposed project is to create an interactive learning environment for students by constructing an outdoor classroom that will incorporate naturalized seating, trees and natural vegetation.	\$1,978.00	8.88	\$1,978.00	No comments-full funding recommended.
<b>Caledon East Public School</b>	Outdoor Classroom Project	This proposed project involves repurposing a wooded area on the school property into a green learning area for students.	\$2,000.00	5.63	\$0.00	The Environment Committee is not recommending funding for this project because a limited description of project objectives, deliverables, budget and how student engagement would be achieved.

## Schedule A to Staff Report 2019-0257– School Green Fund Project Descriptions and Environment Committee Evaluation Results

<b>Holy Family Elementary School</b>	Eco Garden Project	The purpose of this project will build on previous work on the schools eco garden to attract wild life and enhance land stewardship with students. This will eventually be a classroom to promote sacredness of the environment.	\$1,654.00	7.5	\$1,092.00	The Environment Committee is recommending partial funding because the project application didn't provide enough specific detail on a connection with the Town's Environmental Plans, how the students will be engaged in the project and project outcomes and deliverables.
<b>James Grieve Public School</b>	School Tree Planting Project	This project aims to enhance green space by planting trees to attract wildlife, and further student education through hands on learning.	\$1,600.00	8.13	\$1,600	No comments-full funding recommended
<b>Mayfield Secondary School</b>	Garden Tower Project	The purpose of the project is to purchase indoor garden/food towers to create awareness around local food production. Students will be involved in setting up the Towers and will collaborate with teachers to understand aspects of sustainable agriculture such as the impact on climate change, water conservation and local food.	\$2,000.00	8.88	\$2,000.00	No comments-full funding recommended
<b>Robert F. Hall Secondary School</b>	Greenhouse Project	The proposed project involves building a greenhouse on school grounds to teach students about gardening and local food production. Food produced will be sold locally can be incorporated into the school's hospitality classes to further learning.	\$2,000.00	8.63	\$2,000.00	No comments-full funding recommended
<b>Southfields Village Public School</b>	Outdoor Classroom Project	The proposed project involves planting 8 tree saplings and a pollinator gardens to create an outdoor classroom. The classroom will provide an experiential learning space for students to learn about biodiversity.	\$2,000.00	8.00	\$2000.00	No comments-full funding recommended

**Schedule A to Staff Report 2019-0257– School Green Fund Project Descriptions and Environment Committee Evaluation Results**

<b>St. Cornelius Elementary School</b>	Outdoor Classroom Project	The proposed project involves creating an outdoor classroom including a pollinator, native grass, wildflower and herbs and vegetable garden. The classroom will promote incorporating environmental stewardship into the life sciences curriculum.	\$2,000.00	9.25	\$2,000.00	No comments-full funding recommended
<b>St. Evan Catholic Elementary School</b>	Drought Resistant Garden Project	The proposed project involves creating an eco-garden with drought -resistant and native plant species. This will enhance student understanding of their environment and provide food and shelter to native wildlife.	\$764.00	6.75	\$505.00	The Environment Committee is recommending partial funding because the application didn't link the proposed project to the Town's Environment Plans and Policies and did not provide detail on measurable project outcomes.
<b>Total</b>			<b>\$19,996</b>		<b>\$15, 815</b>	

## **Staff Report 2019-0114**

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Meeting Date: December 3, 2019

Subject: Animal Care and Control By-law Variance Process

Submitted By: Laura Hall, Manager, Regulatory Services

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### **RECOMMENDATION**

That a By-law be enacted to amend Animal Care and Control By-law 2019-43 for the purposes of introducing a Variance Process as outlined in Schedule A of Staff Report 2019-0114; and

That a By-law be enacted to amend Delegated Authority By-law 2016-106, as amended, to delegate authority to the Manager, Regulatory Services to administer the variance process within the proposed By-law; and

That a new non-refundable fee in the amount of \$350.00 plus HST for the Animal Care and Control By-law variance application and review process be added to the 2020 Fees by-law.

### **REPORT HIGHLIGHTS**

- While the Town's new Animal Care and Control By-law took effect on September 1, 2019, Council directed Staff to review the feasibility of adding a variance process.
- Varying the requirements of a By-law can accommodate differing circumstances and an efficient process can be set out directly in a By-law with authority delegated to Staff to oversee administration.
- The Town has recently included similar variance processes in the Fence By-law and Sign By-law.
- Stakeholder consultation was completed with national pigeon groups and their local members as their concerns over certain By-law requirements was a key factor in consideration of a variance process.
- It is recommended that the variance process outlined in the By-law attached as Schedule A be included in the Animal Care and Control By-law.
- The proposed variance process includes clear application requirements, a public notification procedure and criteria is set out to ensure objective decision making when evaluating if a variance should be granted.

### **DISCUSSION**

#### **Background**

At the Town Council Meeting held on June 25, 2019, members of Council debated the adoption of a new Animal Care and Control By-law. While the By-law was approved and took effect on September 1, as a result of the discussion Staff were directed to review and report back on the feasibility of adding a variance process. Therefore, the purpose of this

report is to explain a proposed variance process, outlined in Schedule A, which is recommended for inclusion in the Animal Care and Control By-law.

### **Purpose of a Variance Process**

While a By-law applies rules to everyone equally, realistically residents will face unique and differing circumstances. Therefore, strict application of a By-law may not be appropriate in every case. Varying requirements to accommodate special circumstances offers flexibility and, when used carefully, may better meet the needs of the community. This can be achieved by developing a transparent process through which residents can bring forward a request for relief from certain Sections of a By-law.

### **Process Review**

To develop the most effective option for the Animal Care and Control By-law, Staff have reviewed different methods for considering variance requests. First, it is important to note that if a process is not set out in the By-law a report must be prepared and provided to Council when a variance is requested. This is currently the case with the Noise By-law where multiple exemption reports are prepared by Staff annually. A considerable fee of \$706.25 is applied for each request due to the Staff time required to bring a report forward. As reports are subject to the Council meeting schedule, providing a decision to an applicant in a timely manner can be challenging. From a customer service standpoint this process may be seen as onerous especially if the nature of the requested variance is minimal.

Alternatively, a variance process can be added directly to a By-law. Section 23.2 of the *Municipal Act, 2001*, provides that certain powers can be delegated by Council to an employee of the municipality. Therefore, a Staff member may be provided the authority to oversee and administer a variance process including application intake, public notifications, review and approval. This approach has become common as both the Town's Sign By-law and Fence By-law, each updated in 2017, include similar processes. While only one fence variance has been requested, to date 9 sign variances have been successfully processed.

### **Stakeholder Consultation**

Significant public consultation was conducted in spring 2019 as part of the Animal Care and Control By-law review. Discussions were held with representatives from national pigeon organizations including the Canadian Pigeon Racing Union, the Canadian Pigeon Fancier's Association and their local members. As concern regarding the one (1) acre lot size requirement to keep pigeons was a key reason for considering a variance process, Staff have completed additional consultation with these groups to gain feedback.

While there was support for the proposed variance process, several suggestions were provided. One respondent identified that to maintain objectivity, investigating Officers should not be responsible for granting or denying variances. Further, there was agreement that a neighbour notification process was valuable to gather input broadly, provide context to comments received from complainants and create fairer decision making. Another individual offered that Staff responsible for granting or denying a variance should seek

information from the applicant to ensure they are adequately educated. While concern over the one (1) acre lot size persisted, there was recognition that the variance process could address this on a case by case basis as necessary and that mitigating impacts on neighbours was crucial. Finally, one respondent did continue to voice strong opposition to the regulation of pigeons generally. The proposed variance process reflects the feedback received.

### **Recommended Variance Process**

It is recommended that the Town's Animal Care and Control By-law 2019-43 be amended to include the variance process set out in the draft By-law attached as Schedule A to this report. The proposed process will create a clear, transparent and objective review balancing variance requests against potential community impacts. Key aspects of the process are explained in detail below.

#### Applicable Sections

Staff reviewed the Animal Care and Control By-law and determined that there are Sections within certain Parts which warrant consideration of a variance including:

- Part 4 – Dogs (with the exception of Dangerous Dogs as appeals to such Orders are managed by the Appeal Board),
- Part 5 – Cats; and
- Part 6 – Hens and Pigeons.

Sections of the By-law that are generally administrative, provide minimum standards of care or address certain issues such as prohibited animals or running at large are excluded. The proposed By-law clearly sets out the Parts for which a variance request can be submitted.

#### Application Process

To ensure a consistent approach, authority to oversee the application and review process is solely delegated to the Manager, Regulatory Services (defined as Director within the By-law). Further, the way a variance request may be submitted, and the information required, is set out in the By-law to create a clear application process for both residents and Staff to follow. Applicants will have the opportunity to explain their circumstances by providing a detailed description of why the variance is required and, as necessary, the Manager may ask for additional information to evaluate a request. Applications will only be reviewed when complete ensuring Staff have all necessary information to make a decision.

#### Neighbour Notification

To properly evaluate a variance request it is crucial that the public has the opportunity to provide input. This can identify and mitigate potential impacts on the community. Therefore, the draft By-law includes a procedure for seeking feedback from residents.



Depending on the nature of a variance request, impacts may be limited to specific lots or more widespread. Therefore, the Manager, Regulatory Services will assess requests on a case by case basis and individuals that may be affected will be contacted. Notice will be delivered by mail and include a brief outline of the variance and a comment form for resident to provide written feedback. Comments returned to Regulatory Services will be used to inform the decision of the Manager on whether the variance should be granted. This notification process is similar to the one approved in the Fence By-law and follows statutory examples such as those set out in the *Planning Act* for zoning variances.

### Approval Process

The draft By-law provides the Manager, Regulatory Services with the responsibility for deciding if a variance is approved or refused. Conditions may also be applied to approvals allowing the Manager to ensure they are balanced with concerns received through the public notice process. However, to maintain transparency the criteria on which a decision will be based must be clearly set out. Therefore, the By-law specifically outlines the factors the Manager will consider in making a decision on a variance including:

- (1) whether it is in accordance with the general intent and purpose of the By-law;
- (2) if approved, would the resulting variance cause harm or a negative impact to any animals;
- (3) if approved, would the resulting variance be in keeping with the surrounding area and would there be any negative impact on adjacent residents;
- (4) are there any special circumstances and would strict application of the provisions of this By-law result in unnecessary difficulty or hardship for the applicant; and
- (5) would approval of the variance result in any impacts to the health, safety or welfare of the public.

While the decision of the Manager will be final, the criteria above creates a consistent and objective decision making process. Finally, if the conditions of a variance are not complied with, the Manager will have the power to revoke approval and reapply the original Sections of the By-law.

### **Next Steps**

Should Council approve the recommendations within this report Staff will take the following next steps:

1. By-laws will be brought forward to the next Town Council meeting to amend Delegated Authority By-law 2016-106, as amended, Animal Care and Control By-law 2019-43.
2. An application form, comment form and other required resources will be developed to implement the new variance process.
3. Staff will monitor the type of variances requested to identify any changing trends that may warrant further updates to the By-law.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications to this report. Based on the amount of Staff time expected to administer the proposed variance process, it is recommend that a non-refundable fee of \$350.00 plus HST be added to the 2020 Fees By-law.

Each request will present unique circumstances making it difficult to accurately determine the average resources required. However, based on an initial conservative assessment, Staff estimate that the time necessary to process a variance request may range between 5-7 hours. Cost will increase if additional time is required and may vary based on potential mileage and other overhead expenses. Staff conducted a review of variance and exemption fees in other municipalities for a variety of By-laws and noted that the fees range between \$120.00 to \$1,200.00.

Staff will continue to monitor the variance process and, as experience is gained through its administration, the fee may be further adjusted in a future budget if necessary to reflect the average Staff time and associated resources required. Currently, there is no material impact expected to the Regulatory Services 2020 budget as a result of this new process.

## **COUNCIL WORK PLAN**

Improved Service Delivery

## **ATTACHMENTS**

Schedule A: Proposed Amendment to Animal Care & Control By-law 2019-43

## Schedule A to Staff Report 2019-0114

### THE CORPORATION OF THE TOWN OF CALEDON

#### BY-LAW NO. 2019-xx

A By-law to amend By-law 2019-43 which provides for the care and control of animals within the Town of Caledon

WHEREAS Section 11 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass By-laws with respect to animals;

WHEREAS the Council of the Corporation of the Town of Caledon deems it necessary to amend By-law 2019-43, being a By-law to provide for the care and control of animals within the Town, to add a process through which variances to the provisions of the By-law can be granted;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Part 8, entitled Administration, of Town of Caledon Animal Care and Control By-law 2019-43 shall be amended by adding the following new heading and Sections immediately after Section 8.3 and completing any resulting clerical changes within the By-law:

#### **Variance Process**

8.4 The *Director* is hereby delegated the authority to administer the variance process as outlined herein.

8.5 With the exception of Sections 4.15 through 4.22, a *person*, or agent on behalf thereof, may request a variance from any provisions within Part 4, Part 5 or Part 6 of this By-law.

8.6 A request for a variance shall be submitted to the *Director* on the application form prescribed by the *Town* and shall only be deemed to be complete and ready for a review by the *Director* if it includes:

- (1) the name, address and contact information of the applicant;
- (2) reference to the specific Section(s) of the By-law from which the variance is sought;
- (3) a detailed description explaining why the applicant requires the variance;
- (4) any other material deemed necessary by the *Director* to evaluate the request; and
- (5) payment of the non-refundable fee as outlined in the *Town's Fees By-law*, as amended.

8.7 Where a complete application is received and the *Director* is of the opinion that the requested variance may impact particular adjacent *lots* or their residents, notice of the variance request may be provided to the *landowners* of those *lots* and such notice shall be delivered:

- (1) personally, with service deemed effective on the date the notice is given;
- (2) by posting the notice in a conspicuous location on the *landowner's lot*, with service deemed effective on the day after posting; or
- (3) by registered mail, with service deemed effective on the 5<sup>th</sup> day after mailing.

8.8 The *Director* is authorized to approve or refuse a request for a variance from the provisions of this By-law and approval of a request may be in whole or in part with terms and conditions as deemed necessary by the *Director*.

8.9 In considering a request for a variance, the *Director* shall have regard to the following:

- (1) whether it is in accordance with the general intent and purpose of the By-law;
- (2) if approved, would the resulting variance cause harm or a negative impact to any *animals*;
- (3) if approved, would the resulting variance be in keeping with the surrounding area and would there be any negative impact on adjacent residents;
- (4) are there any special circumstances and would strict application of the provisions of this By-law result in unnecessary difficulty or hardship for the applicant; and
- (5) would approval of the variance result in any impacts to the health, safety or welfare of the public.

8.10 The decision of the *Director* in respect of a variance request shall be deemed final.

8.11 Every *person* to whom a variance is granted shall comply with the variance including all terms and conditions applied.

8.12 The *Director* may revoke a variance where there is reason to believe that the variance or any terms and conditions thereto have not been complied with, and upon revocation, the original provisions of the By-law shall apply.

## **Staff Report 2019-0290**

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Meeting Date: December 3, 2019

Subject: Proposed Changes to Proposed 2020 OPP Budget

Submitted By: Heather Haire, Treasurer, Finance and Infrastructure Services

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### **RECOMMENDATION**

That the Caledon Policing Stabilization Reserve be utilized to reduce the proposed 2020 OPP Operating budget by \$62,785 for an overall 2020 Caledon OPP operating budget of \$12,550,899 as outlined in Table 1 of Staff Report 2019-0290 if the Region of Peel implements all budget reduction targets, as requested by Regional Council on November 14, 2019, in the Region of Peel's final 2020 budget.

### **REPORT HIGHLIGHTS**

- On October 29, 2019, Town Council approved the proposed 2020 OPP budget of \$12,613,684 which is an increase of 3.65% over the 2019 OPP budget.
- On November 14, 2019 a resolution was approved at the Regional Council meeting to reduce the proposed Regional 2020 property tax increase from 1.7% to a maximum 1.5%.
- As part of the work to reduce by 0.2% (to a maximum of 1.5%), the Region of Peel has provided the Town a budget reduction target of \$62,785 for the 2020 Caledon Ontario Provincial Police (OPP) budget.
- Given other 2020 budget pressures (such as the loss of grant funding), and timing of this notice, staff recommend utilizing the Caledon Policing Stabilization Reserve to provide a one-time funding, in the amount of \$62,785, to meet this target.

### **DISCUSSION**

Policing in Caledon is provided by the Ontario Provincial Police. Costs for policing is included in the Regional budget and part of the Region's portion of property taxes. Caledon OPP costs are recovered, on the Regional levy, from Caledon taxpayers only while Peel Regional Police costs are recovered on the Regional levy from Mississauga and Brampton taxpayers. Accordingly, the Caledon OPP budget is approved by Town of Caledon Council and then included in the Region of Peel's budget process for consideration by Regional Council. In anticipation of a November (Peel Region) budget book release and a December 5, 2019 Caledon OPP presentation at the Region of Peel Council meeting on the Region's 2020 budget, Town of Caledon Council approved the Caledon 2020 OPP budget, in the amount of \$12,613,684 (increase of 3.65% over 2019 Caledon OPP budget) on October 29, 2019.

On November 14, 2019 a resolution was approved at the Regional Council meeting to reduce the proposed Regional 2020 property tax increase from 1.7% to a maximum 1.5%. To enable a decrease in property taxes of 0.2%, the Region of Peel has provided direction that the 2020 Ontario Provincial Police (OPP) budget should be reduced by \$62,785. Town

staff have discussed the matter with the OPP and Regional Staff and due to the other 2020 budget pressures affecting the 2020 OPP budget, such as the decrease in grant funding, and timing of this notice, staff recommend utilizing the Caledon Policing Stabilization Reserve to provide one-time funding in the 2020 budget to achieve this target. The Caledon Policing Stabilization Reserve is held at the Region of Peel, funded by previous Caledon OPP surpluses, and has a current uncommitted balance of \$5.3 million. The purpose of this reserve is to minimize annual fluctuations in property tax caused by uncertainties in revenues and expenditures. It is also used to mitigate operating deficits that may arise because of unexpected events, economic uncertainties or unanticipated funding changes.

As a general rule, reserves and reserve funds should not be used to as a source of funding for on-going operations/the operating budget. However, utilizing the Caledon Policing Stabilization Reserve would be appropriate to reduce the tax impact for the 2020 budget due to the following reasons:

- The Caledon Policing Stabilization Reserve is funded by previous OPP surpluses (variances between budget and actuals).
- The Caledon Policing Stabilization Reserve has been utilized before in this fashion to phase in cost increases/"spikes" related to the OPP budget.
- Due to the loss in grant funding, the OPP faces additional budget pressures in 2020 that could be phased in by use of the Caledon Policing Stabilization Reserve.
- There is a fixed duration for the proposed draw (i.e. one-year) no plan to fully deplete the reserve to fund on-going operations.
- Due to the late timing/notice of the budget reduction target, there are limited options available to reduce the proposed 2020 OPP budget without impacting service levels.
- Staff will endeavour to find savings in the 2021 budget in conjunction with the OPP to reduce the 2021 OPP budget increase by \$62,785.

With this budget adjustment the 2020 OPP budget would be revised as shown in Table 1 below.

**Table 1:** Proposed changes to 2020 Budget and 2021-2023 OPP Projections

	2019 Approved Budget	2020 Proposed Budget	2021 Projection	2022 Projection	2023 Projection
OPP Contract & Projections	\$11,958,411	\$12,284,965	\$12,706,439	\$13,150,356	\$13,610,243
2020 budget reduction to be funded by the Caledon OPP Policing Stabilization Reserve		(\$62,785)			
OPP Property Services Costs	\$540,557	\$568,719	\$586,903	\$598,641	\$610,614
Equipment	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Recoveries from Grants (Community Safety and Policing Grant, Court Security and Prisoner Transportation Grant)	(\$480,000)	(\$390,000)	(\$390,000)	(\$390,000)	(\$390,000)
<b>Net OPP Operating Expense Budget</b>	<b>\$12,168,968</b>	<b>\$12,550,899</b>	<b>\$13,053,342</b>	<b>\$13,508,998</b>	<b>\$13,980,857</b>
<b>% Increase</b>		3.14%	4.00%	3.49%	3.49%
<b>\$ Increase over previous year</b>		<b>\$381,931</b>	<b>\$502,443</b>	<b>\$455,656</b>	<b>\$471,859</b>

Town Staff will be presenting the 2020 proposed OPP budget at the Region of Peel on December 5, 2019. Due to lead times for the Regional meeting, the Caledon OPP's proposed 2020 budget presentation sent to the Region is the same presentation approved by Town Council on October 29, 2019. Subject to approval of this report, staff will communicate how the Town will meet the 2020 budget reduction target of \$62,785, at the December 5, 2019 Regional meeting.

At the time of writing this report, the 2020 regional budget is still being deliberated along with what the 2020 budget reductions, if any, will be. In regards, to the proposed decrease in the Region's proposed 2020 property tax increase, Town Staff are working with Regional Staff to model the overall impact on the Town's 2020 overall proposed tax increase and will provide an update to Council if a change occurs.

### **FINANCIAL IMPLICATIONS**

The financial implications associated with this report are outlined above.

### **COUNCIL WORK PLAN**

Subject matter is not relevant to the Council Workplan.

### **ATTACHMENTS**

Schedule A: Region of Peel Resolution



November 19, 2019

## Corporate Services

### Office of the Regional Clerk

10 Peel Centre Dr.  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

peelregion.ca

John MacKenzie, Chief Executive Officer  
Toronto and Region Conservation Authority  
101 Exchange Avenue  
Vaughan, ON  
L4K 5R6

Deb Martin-Downs, Chief Administrative Officer  
Credit Valley Conservation  
1255 Old Derry Rd  
Mississauga, ON  
L5N 6R4

Hassaan Basit, Chief Administrative Officer  
Conservation Halton  
2596 Britannia Rd  
Burlington, ON  
L7P 0G3

Carri-Lynn Holmes, Director of Finance and Planning  
Peel Regional Police  
10 Peel Centre Dr  
Brampton, ON  
L6T 4B9

Fuwong Wong, Director of Corporate Services and Chief Financial Officer  
Ontario Provincial Police  
15924 Innis Lake Rd  
Caledon East, ON  
L7C 3B3

Dear External Agency Members,

**Subject: Resolution to reduce proposed Regional property tax increases from 1.7% to a maximum 1.5%**

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Please be advised that following resolution was approved at the November 14, 2019 Regional Council meeting:

Whereas the Region of Peel has always strived to provide best value for its taxpayers;



**Corporate  
Services**

Office of the  
Regional Clerk

10 Peel Centre Dr.  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

[peelregion.ca](http://peelregion.ca)

And whereas, the cuts announced by the provincial government have created both pressures on the Region of Peel budget and uncertainty; however, given that there is only one tax payer, it is incumbent upon us to make sure that property tax increases are sustainable;

And whereas, declining levels of commercial and industrial property taxes in the Region are already putting undue burden on residential property tax payers who are already struggling with the high costs of home ownership;

And whereas, in past years the City of Mississauga has done an analysis of what different levels of taxation would mean in terms of service levels;

And whereas, staff is proposing a Regional property tax increase of 1.7%;

Therefore be it resolved, that during the 2020 budget deliberations, staff present options to reduce the proposed Regional property tax increase from 1.7% to a maximum of 1.5%;

And further, that a copy of this resolution be forwarded to the Peel Regional Police, Ontario Provincial Police (Caledon Detachment), Credit Valley Conservation, Halton Conservation and the Toronto Region Conservation Authority for their attention.

To enable a decrease in the property tax of 0.2%, a total reduction of \$5.6 million to the current proposed net expenditures is required. The pro-rated (based on the 2019 share of the total net expenditures) reduction for each organization is as follows:

- Region of Peel - \$3,214,137
- Peel Regional Police – \$2,182,786
- Ontario Provincial Police – \$62,785
- Credit Valley Conservation – \$77,804
- Toronto and Region Conservation Authority – \$59,645
- Conservation Halton – \$1,554

Should you have any questions please contact Norman Lum at extension 3567 or at [norman.lum@peelregion.ca](mailto:norman.lum@peelregion.ca)

Sincerely,



Kathryn Lockyer  
Regional Clerk  
Director of Legal Services

HW:ad

**Corporate  
Services**

**Office of the  
Regional Clerk**

10 Peel Centre Dr.  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

[peelregion.ca](http://peelregion.ca)

C:

Michael Tolensky, CFO, TRCA

Jen Morvek, Supervisor of Capital and Budget Planning, TRCA

Jeff Payne, Director and Deputy Chief Administrative Officer, CVC

Roger Tharakan, Senior Manager of Financial Services, CVC

Lawrence Wagner, Senior Director of Corporate Services, CH

Marnie Piggot, Director Financial and Administrative Services, CH

Karen Doobay, Manager of Business and Planning, PRP

Heather Haire, Treasurer Finance, OPP

Steven Van Ofwegen, Commissioner of Finance and Chief Financial Officer

## **Staff Report 2019-0271**

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Meeting Date: December 3, 2019

Subject: Automated Speed Enforcement Implementation

Submitted By: Arash Olia, Interim Manager, Transportation Engineering

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### **RECOMMENDATION**

That the Automated Speed Enforcement implementation in Caledon, as outlined in Staff Report 2019-0271, be endorsed;

That the Town enter into a Memorandum of Understanding with the Region of Peel to govern the roles and responsibilities of each level of government in order to implement Automated Speed Enforcement in Caledon;

That a copy of this report be forwarded to the Ministry of Transportation (MTO), the Ministry of the Attorney General, Region of Peel and Ontario Provincial Police.

### **REPORT HIGHLIGHTS**

- The legislation that allows municipalities to use Automated Speed Enforcement (ASE) was passed on May 20, 2017, to use ASE's only in School Zones, and in Community Safety Zones.
- The Region of Peel has proposed that a portable ASE be installed at Community Safety Zones/School Zones along the Regional Roads within the Town of Caledon. The timing on this is based on Region's agreement with the Vendor, Toronto Joint Processing Centre, and the Province, and has been earmarked for 2020.
- The number of ASE tickets are estimated to be 31 per hour per ASE site (7,500 per year).

### **DISCUSSION**

#### **Background and Purpose**

On May 30, 2017, Bill 65, *the Safer School Zone Act*, was passed by the Province of Ontario. This legislation permits municipalities to use Automated Speed Enforcement (ASE), commonly referred to as "photo radar", to enforce speed limits on roadways in Community Safety Zones and School Zones where posted speed limits are less than 80 km/h.

To assist in the consistent implementation of ASE's across the province, the Ontario Traffic Council (OTC) organized an ASE Working Group that includes representatives from different government organizations across Ontario. The OTC's ASE Working Group

has been working together for over a year the technical details related to ASE implementation, including development of technical standards, agreement on a common set of technology/equipment to be used across the province, and input into the development of provincial government regulations under which the ASE program will operate (see Schedule A). Being a priority for the Town, staff from the Town's Traffic Engineering division have been participating in the OTC ASE Working Group from the beginning.

On September 24, 2019, Council provided the following staff direction:

That the Province of Ontario/Ministry of Transportation of Ontario be requested to list the Town of Caledon in the Provincial regulation related to Automated Speed Enforcement; and

That Town staff continue to work in collaboration with Peel Region, the Ontario Provincial Police, the Ministry of Transportation of Ontario, the Ministry of the Attorney General, other municipalities in Ontario, and Ontario Traffic Council to further investigate how the Automated Speed Enforcement (ASE) program can be implemented and report back to Council.

The purpose of this report is to provide an update with the Council regarding staff investigation on the implementation and implications of the deployment of ASE to reduce operating speeds and improve safety within designated Community Safety Zones/School Zones in the Town of Caledon.

### **Automated Speed Enforcement Operations**

ASE's are installed roadside with camera technology and speed measurement devices that can automatically detect the speed of a vehicle, compare that speed to a posted speed limit, and if necessary take photographs of the license plates of vehicles that are travelling in excess of the posted speed limit. ASE's can be either fixed or mobile deployment. The benefit of mobile ASE's is that they can be moved regularly between sites to reduce the operating speed across the network.

Similar to red light camera images, it is proposed that all ASE images/photos will be delivered to the Toronto Joint Processing Centre (JPC). Provincial Offences Officers at the JPC review the photos and determine if an offence occurred. Based on the review, an offence notice/ticket is mailed directly to the owner of the vehicle, and a copy is sent to the municipality where they are filed with the Court Office by a designated Provincial Offences Officer.

To allow for the operation of the ASE Program, the Region of Peel has been working on operational agreements with the City of Toronto to manage the processing centre as well

as with the Ministry of Transportation of Ontario to provide the vehicle licence plate information and the vendor for leasing a portable camera.

### **Automated Speed Enforcement Site Selection**

Recently, the Region of Peel has proposed that a portable ASE be installed within the Community Safety Zones/School Zones within Caledon. The timing on this is subject to completion of an agreement between the Region and JPC, the Province and Vendor and has been earmarked for 2020.

For the purpose of the initial deployment, a mobile ASE device will be rotated through selected Community Safety Zones subject to detailed design review and assessment of each site by staff with the approved vendor.

To allow for the implementation of ASE in Caledon, Town staff recommend that the Town negotiate and enter into a Memorandum of Understanding with the Region of Peel to govern the roles and responsibilities of each level of government in order to implement ASE within Community Safety Zones/School Zones along Regional Roads in Caledon.

The *Safer School Zones Act* specified ASE could only be used by municipalities in School Zones and Community Safety Zones with posted speed limits less than 80 km/h. The OTC has recently issued a Guidelines for the use of ASE in Ontario to ensure that automated speed enforcement is used as a road safety tool to promote compliance with posted speed limits in school and community safety zones with a resulting improvement in collisions and other outcomes. The Guidelines provides guidance on the evaluation, site selection, signage, speed limit, devices, transition zones, charging process.

The site selection process is based on the traffic volume, travel speed, length, time of service, collision records, zone environment, and school population. Prior to finalizing the locations, a site audit should be conducted to ensure there are no physical impediments that may prevent or restrict the full functionality of the ASE equipment, including power supply. The following criteria will be reviewed at all proposed sites:

- All necessary regulatory signs are in place;
- There are no obstructions to the ASE equipment including on-street parking;
- There is no road work planned. ASE should not be used if there is road work or construction in the school or community safety zone;
- If the location involves a change in the posted speed limit, the ability to accommodate a sufficient buffer;
- There is adequate boulevard space to accommodate the ASE equipment;
- There are no sharp curves in the road or extreme grading that may affect the operation of the ASE system;
- No speed limit reductions are planned or recently implemented.

### **Impact on Legal Services**

Legal Services staff have been working with Transportation Engineering staff on this initiative to provide support for the proposed program. The volume of speeding offences is expected to be significant (particularly in the initial few months of operation) and therefore, there is concern regarding available court resources to manage the expected demand.

Based on the existing traffic data, Transportation staff estimate that the number of ASE tickets could be 31 per hour (7,500 per year) per ASE site. The Region of Peel is responsible for the installation, operation, maintenance, repair and removal of the ASE and the Town is responsible for the prosecution after an ASE ticket is issued. For the Town, this includes operating and administering the Provincial Offences Court and collection of fines from the infraction tickets. The estimated cost to run an ASE site is \$300,000 per year and is paid for by the Region of Peel; this is based on the deployment of a mobile site generating 5,000 offences annually.

Transportation Engineering staff and Legal Services staff are working together to ensure the volume of charges can be managed and will monitor to ensure that the resources are made available so that the program will not be put in jeopardy.

### **FINANCIAL IMPLICATIONS**

Based on the estimation of ASE deployment, the current Caledon POA courthouse could handle the estimated 7,500 tickets. Currently, the average charge volume for Caledon is approximately 28,000 matters per year, of which approximately 14,000 are scheduled matters (for either trial or early resolution), and on average, 480 are appealed to a higher court per year. The impact on the prosecution team will have to be assessed and will be monitored as ASE is deployed. As stated, Peel Region is expected to be responsible for installation, operation, maintenance, repair and removal of the ASE system on Regional Roads in Caledon. The Town of Caledon will be responsible for the operation and administration of the Provincial Offences Court, including handling the prosecution of ASE-related infractions and collection of fines.

Fines for speeding in Ontario are pro-rated for each kilometer over the posted speed limit, as prescribed in section 128(14) of the *Highway Traffic Act*. As such, the total fine revenue is subject to the number of infractions as well as the degree to which speeding infractions are over the legal limit.

At this time, staff are planning to monitor the volume of work, whether there will be an overall net cost projected for the Town related to the ASE deployment and the accuracy of the projected number of tickets. The monitoring will include the Town costs related to ASE (including fine payment processing, courier costs from Toronto to Town Hall for the certificate of offences, court scheduling, prosecution and adjudication time/costs,

collections) along with the associated fine revenue to determine the 2021 and future budget impacts. Staff will also work with the Region to obtain information on the effectiveness of the ASE program in Caledon when the data is available.

On November 19, 2019 Council directed Staff to investigate using the Caledon Policing Reserves, held at the Region of Peel, to fund costs associated with ASE and Red-Light Cameras. Staff discussed the matter with the Caledon OPP as to whether this could be considered a Policing matter. As the programs are joint Town and Region initiatives, which do not involve or require oversight by the police, the Caledon OPP's response was that these are not considered a police matters. Town staff also consulted with Regional Staff as it relates to the use of the Caledon Policing Reserves. Based on the description and the purpose for which the capital reserve and rate stabilization were approved (as "OPP"), Regional Staff provided an opinion that was in line with the OPP response, e.g. that this is not a police matter, therefore the use of the "OPP" reserves would not be appropriate.

### **COUNCIL WORK PLAN**

This work aligns with the Sustainable Growth pillar in the Council Work Plan 2018-2022, to continue implementation of the Transportation Master Plan including transit, infrastructure, cycling, traffic management, traffic calming, liveable and walkable communities.

### **ATTACHMENTS**

Schedule A: OTC Response to the Ministry of Transportation regarding ASE



**Ontario Traffic Council**  
[www.otc.org](http://www.otc.org)

**Ontario Traffic Council**

3100 Garden St, P.O. Box 800300 RPO Rossland Garden, Whitby ON L1R 0H1

Phone: 647-346-4050

E-mail: [info@otc.org](mailto:info@otc.org)

September 30, 2019

Ministry of Transportation  
Road Safety Policy Office  
Safety Policy and Education Branch  
87 Sir William Hearst Avenue  
Building "A", Room 212  
Toronto ON M3M 0B4

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2019-2020**

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Manoj Dilwaria  
City of Thorold

**Past President**  
Jeffrey Smart  
Tacel Ltd.

**Executive Director**  
Geoff Wilkinson

Re: Regulation Proposal: 19-MTO027

The Ontario Traffic Council (OTC) would like to thank the Ontario Government for allowing us the opportunity to provide our feedback and support of the Regulation Proposals for Enhancing Municipal Road Safety through Automated Speed Enforcement (ASE), Proposal Number 19-MTO027.

In anticipation of the proclamation of the Safer School Zones Act 2017, the Ontario Traffic Council (OTC) formed an Automated Speed Enforcement Working Group. This Group consists of 28 municipalities interested in working alongside the MTO on developing a consistent and sustainable ASE program. Our collective goal is to increase safety in school community safety zones, through improved speed compliance.

Participating municipalities include Niagara Region, Peel Region, York Region, Waterloo Region, Durham Region, Toronto, Mississauga, Brampton, London, Ottawa, Kingston, Ajax, Caledon, Hamilton, Greater Sudbury, Vaughan, Oakville, Oxford County, Burlington, Markham, Oshawa, Milton, Guelph, Cambridge, Whitby, Peterborough, Niagara Falls, Greater Sudbury. In addition to municipalities, MTO and MAG staff have also participated in the ASE Working Group meetings.

The OTC and our ASE Working Group are fully supportive of the ASE Regulations as outlined in the Regulatory Postings as posted on the Province's website. The OTC, participating municipalities and the MTO have worked very diligently over the past two years to address and overcome issues and challenges that may have inhibited the implementation of the ASE Program in Ontario.

While there may be opportunities to enhance the ASE Program after the Regulations are in place, the OTC is confident the ASE Program as developed today will act as a useful and effective tool for municipalities to use across Ontario to help protect our vulnerable road users in school zones. We have been and remain committed to the mutual MTO and Municipalities goal of implementing ASE beginning December 1, 2019.

Yours truly,

A handwritten signature in black ink, appearing to read "Geoff Wilkinson".

Geoff Wilkinson,

c.c. OTC ASE Working Group 11



## Staff Report 2019-0276

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Meeting Date: December 3, 2019

Subject: Integrity Commissioner Appointment

Submitted By: Chad Curtis, Specialist, Legislative Services

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### RECOMMENDATION

That John E. Fleming be appointed as the Integrity Commissioner for the Town of Caledon from January 1, 2020 to December 31, 2023 for a fee of \$40,000 for a 4-year agreement, and

That a by-law to establish the Office of the Integrity Commissioner be enacted.

### REPORT HIGHLIGHTS

- In 2018, Council approved extending the contract with John E. Fleming as the Town's Integrity Commissioner (IC) for a period of one year expiring on December 31, 2019.
- At the October 29, 2019 Code of Conduct Committee meeting, members discussed the current Integrity Commissioner and their satisfaction of the services provided.
- Staff recommend appointing John E. Fleming as the Integrity Commissioner for a period of four years expiring on December 31, 2023.
- The Integrity Commissioner now provides services for both Members of Councils and Designated Boards.

### DISCUSSION

The purpose of this report is to recommend the appointment of John E. Fleming as the Integrity Commissioner until December 31, 2023.

#### *Role of Integrity Commissioner*

Prior to Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, the Integrity Commissioner served an independent advisor to Council on a wide range of issues. With Bill 68 the Integrity Commissioner is now required to provide advice to local boards, referred to as "designated boards" in the proposed Code of Conduct for Member of Council and Designated Boards. The Integrity Commissioner provides Members of Council and Designated Boards with education and advice to assist in maintaining a high standard of accountable and ethical behaviour. The Integrity Commissioner conducts complaint investigations under the Code of Conduct for Members of Council and Designated Boards. Members of Council and Designated Boards are able to make inquiries and obtain advice from the Integrity Commissioner on various issues including the Code of Conduct and receive advice concerning the *Municipal Conflict of Interest Act* to assist them in their role.

It is not prescribed in either the *Municipal Act*, or the *Municipal Conflict of Interest Act* that the Integrity Commissioner must be a lawyer.

### Background

In 2010, Town Council established the Office of the Integrity Commissioner pursuant to the to the *Municipal Act, 2001* and passage of By-law 2010-129, as amended by By-law 2015-090.

In 2017, Bill 68, *Modernizing Ontario's Municipal Legislation Act* amended the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act (MCIA)* to require an Integrity Commissioner and expanded the Code of Conduct to include designated boards amongst other prescribed provisions. In addition, the role of the Integrity Commissioner was expanded to conduct inquiries of alleged breaches of the *MCIA*. In 2018, Council extended the contract of John E. Fleming until December 31, 2019.

### Services

In accordance with the existing contract agreement, the proposed agreement attached as Schedule A to Staff Report 2019-0276, the Integrity Commissioner is responsible for providing the following services:

- To provide advice and training to Members of Council and Designated Boards regarding their obligations under the Code of Conduct for Council and Designated Boards and the law in Ontario.
- To conduct inquiries and investigations into alleged contraventions of the Code of Conduct for Members of Council and Designated Boards in accordance with the procedures set out in the Code of Conduct for Members of Council and Designated Boards.
- Make decisions, including the imposition of penalties, in alleged contraventions of the Code of Conduct for Members of Council and Designated Boards.
- To provide advice and conduct inquiries on matters related to the *MCIA*.
- Prepare and deliver an annual report to Council containing a summary of the activities of the office of the Integrity Commissioner during the calendar year; and
- Perform various other services at the request of Council and Designated Boards such as provide written materials for reference, web site distribution, provide oral presentations on ethical obligations and responsibilities, etc.

### Annual Reports

In accordance with the existing contract agreement, the proposed agreement attached as Schedule A to Staff Report 2019-0276 includes the provision that Council receives an annual report summarizing the Integrity Commissioner's activities and work over the past year. This report typically includes summaries of meetings held by the Municipal Integrity

Commissioners of Ontario (MICO) and provides updates on activities in other municipalities and best practices for Council members.

Rationale

Mr. Fleming has served as the Town's Integrity Commissioner since 2010. He brings a wealth of experience and knowledge to the Town. Staff believe his experience working in the provincial and municipal sector brings a unique skill set to the position. In addition, Mr. Fleming is well respected among his peers and belongs to MICO participating in its meetings to stay apprised of current issues and trends in Council, ethics/integrity and general practice activities. He possesses a thorough understanding of the Town of Caledon's Code of Conduct for Members of Council and Designated Boards as he has been instrumental in drafting the document. Mr. Fleming is experienced in the duties and expectations of an Integrity Commissioner and has a competitive costing structure.

Mr. Fleming has played a vital role on the Code of Conduct Committee, providing regular feedback on the Code changes and undertaking research in his field designed to provide greater clarity and guidance in the Code. He provided updates to the Committee regarding experiences in the field.

At the October 29, 2019 Code of Conduct Committee meeting, members discussed the current Integrity Commissioner and their satisfaction of the services he provides. At the meeting the Committee expressed support to re-appoint Mr. Fleming as the Town's Integrity Commissioner until 2023. Similarly, Staff have developed a good working relationship with Mr. Fleming during his tenure in the position.

The proposed agreement contains:

- The services the Integrity Commissioner will provide to the Town, Council and Designated Boards
- Details regarding the annual retainer and hourly wage
- Provisions for independent legal advice in respect to his obligations as Integrity Commissioner
- Indemnification to the Integrity Commissioner as required by legislation
- Liability insurance provided by the Town

If Council is supportive of the appointment of Mr. Fleming, a by-law to establish the Office of the Integrity Commissioner and appoint Mr. Fleming will be brought forward to Council's consideration.

If Council is not supportive of the appointment of Mr. Fleming, Staff request that a six-month contract extension be approved to facilitate a selection process suitable to Council (e.g. Expression of Interest, Request for Proposal, or Quotation) to acquire an Integrity

Commissioner. If this option is selected by Council, Staff will pursue Council's direction to procure an Integrity Commissioner for the period of July 1, 2020 to December 31, 2023.

Procurement Process

Non-standard procurements up to \$50,000 in value are awarded by the Department General Manager and Manager, Purchasing & Risk Management and are reported to Council via memorandum twice annually. All non-standard procurements over \$50,000 require Council approval prior to making an award in accordance with the Town's Purchasing Bylaw No. 2019-24.

**FINANCIAL IMPLICATIONS**

The costs associated with the Town's Integrity Commissioner services are included in the Corporate Services Legislative Services Contracted Services operating budget. An annual retainer, as per the existing contract, is set at \$10,000 with the option to provide supplemental work as required by the CAO or Clerk, funded by Legislative Services Contracted Services operating budget.

**COUNCIL WORK PLAN**

The matter contained in this report is not relevant to the Council Work Plan.

**ATTACHMENTS**

Schedule A: Proposed Agreement with John E. Fleming Occasional Consulting Inc.

THIS AGREEMENT MADE this     day of December, 2019.

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF CALEDON**

(hereinafter referred to as “Caledon”)

and

**JOHN FLEMING OCCASIONAL CONSULTING INC.**

(hereinafter referred to as “the Contractor”)

WHEREAS Caledon Council enacted By-law 2010-129 (the “Integrity Commissioner By-law”) creating the Office of Integrity Commissioner for Caledon;

AND WHEREAS Council of The Corporation of the Town of Caledon enacted By-law 2015-090 amending By-law 2010-129;

AND WHEREAS Council of The Corporation of the Town of Caledon enacted By-law 2019-XXX amending By-law 2010-129;

AND WHEREAS Council of The Corporation of the Town of Caledon adopted Resolution Number 2019-XXX granting an appointment to John E. Fleming as the Integrity Commissioner for the Town of Caledon until December 31, 2023;

AND WHEREAS Council considers it desirable to enter into an agreement with John Fleming Occasional Consulting Inc. through its principal John E. Fleming upon the following terms and conditions and in mutual consideration of the promises made between Caledon and the Contractor in this Agreement.

NOW THEREFORE Caledon and the Contractor agree as follows:

**Services**

1. The Contractor acknowledges and agrees that John E. Fleming shall at all times provide professional services to Caledon pursuant to this agreement and that John E. Fleming shall not cease to provide these services without the prior written consent of Caledon.
2. The Contractor shall perform the following services as set out in Caledon By-law 2019-XXX, as amended:
  - a. conduct investigations into alleged contraventions of the Code of Conduct for Members of Council and Designated Boards in accordance with the procedures set out in the Code of Conduct,
  - b. conduct inquiries and investigations into alleged contraventions of the Code of Conduct for Members of Council and Designated Boards and the *Municipal Conflict of Interest Act* in accordance with the procedures set out in the Code of Conduct,
  - c. apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and local boards,
  - d. make the decisions, including the imposition of penalties, in regard to the alleged contraventions of the Code of Conduct for Members of Council and Designated Boards and
  - e. prepare and deliver an annual report to Council containing a summary of the activities of the office of the Integrity Commissioner during the calendar year.

3. The Contractor may perform the following services at the request of a Member of Council or Designated Board or at the request of Council as set out in Caledon By-law 2010-129, as amended:
  - a. prepare written materials for distribution to and use by Members of Council and Designated Boards regarding the role of the Integrity Commissioner and ethical obligations and responsibilities of Members of Council and Designated Boards under the Code of Conduct for Members of Council and Designated Boards and any other procedures, rules or policies governing their ethical behaviour,
  - b. prepare written materials and content for the Town of Caledon's web site for distribution to and use by the public to aid in their understanding of the role of the Integrity Commissioner and ethical obligations and responsibilities of Members of Council and Designated Boards under the Code of Conduct and any other procedures, rules or policies governing their ethical behaviour,
  - c. deliver an oral presentation to Members of Council and Designated Boards regarding the role of the Integrity Commissioner and ethical obligations and responsibilities of Members of Council and Designated Boards under the Code of Conduct and in respect of any other procedures, rules or policies governing their ethical behavior,
  - d. provide advice to individual Members of Council and Designated Boards regarding their ethical obligations and responsibilities of Members of Council and Designated Boards under the Code of Conduct and any other procedures, rules or policies governing their ethical behavior
  - e. provide advice and recommendations to Council regarding amendments to the Code of Conduct and in respect of any other procedures, rules or policies governing their ethical behaviour.
  - f. provide education to Members of Council and Designated Boards regarding their obligations under the Code of Conduct for Members of Council and Local Boards and the law in Ontario.
4. If Caledon requests that the Contractor perform any additional or supplementary work beyond the services set out in this Agreement, Caledon shall negotiate the nature of and cost of the work with the Contractor.
5. The Contractor shall not perform any additional or supplementary work beyond the services set out in this Agreement, without the prior written authorization and consent of the Town Clerk.

#### **Term**

6. The Contractor shall provide the services commencing on 1 January 2020 and, unless terminated earlier pursuant to this Agreement, continuing until 31 December 2023.
7. The Contract shall not renew automatically after its expiry on 31 December 2023.

#### **Remuneration**

8. The Contractor's annual retainer for services provided under this Agreement shall be \$10,000 each calendar year for the term of the contract to be drawn down at a rate of \$300 per hour exclusive of HST incurred by the Contractor in connection with the performance of the services. The retainer for the term shall be paid by Caledon at the time of the execution of this agreement and on January 1 of each subsequent year.

- a. For services performed in excess of the annual retainer noted in subsection 8(a), Caledon shall pay the Contractor at the rate of \$300 per hour exclusive of HST incurred by the Contractor in connection with the performance of the services.
  - b. Unused hours of service remaining at the end of the year shall not carry forward to the following year.
- 9. Caledon shall reimburse the Contractor for all reasonable disbursements and expenses in addition to the hourly rate specified in section 8, including:
  - a. mileage, which shall be the mileage rate in effect for Caledon and which shall be calculated by using the shorter of
    - i. the distance between the Contractor's home/office to Caledon and
    - ii. the location from which the Contractor actually travels to Caledon,
  - b. independent legal advice in respect of his obligations under this Agreement, provided that Town Clerk has approved the solicitor to be retained for this Purpose,
  - c. disbursements of photocopying, long distance telephone charges, fax transmissions, postage and courier charges.
- 10. The Contractor is responsible for completing all required documentation for and submitting all required amounts to the federal and provincial governments with respect to payments made to him by Caledon pursuant to this Agreement.
- 11. Payment of any invoices submitted by the Contractor shall be made only after this Agreement has been duly executed and the services billed for have been completed to the satisfaction of Caledon.
- 12. The Contractor shall include the following information in each invoice submitted by him:
  - a. a breakdown of the time spent, nature of work performed, hourly billing rate and total costs of the Contractor, and
  - b. calculation of HST.

## **Insurance**

- 13. The Contractor agrees to obtain and to maintain at all times a policy of Standard Automobile and Non-Owned Automobile Liability Insurance and shall protect himself against all liability arising out of the use of owned or leased vehicles, used by the Contractor, its employees or agents. The limits of the liability for both owned and non-owned vehicles shall not be less than Two Million Dollars (\$2,000,000.00) per occurrence.
- 14. The policy of insurance shall provide that if cancelled or changed in any manner, thirty days prior written notice by mail or facsimile transmission must have been given by the insurer to Caledon failing which such cancellation or change shall be void as against the Town, and shall be maintained in good standing during the entire period that services are provided pursuant to this Agreement.
- 15. The Contractor shall be entirely responsible for the cost of any deductible that is maintained in any insurance document.
- 16. The Contractor shall provide annual certificates of insurance to Caledon confirming compliance with the insurance requirements as outlined above.
- 17. Caledon shall maintain liability insurance throughout the term of this contract. Coverage shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than \$2,000,000 per occurrence. Such insurance shall name the Contractor as an additional insured thereunder, and the policy shall be endorsed to include Blanket Contractual Liability and

Personal Injury Liability insurance coverage. Caledon shall forward a Certificate of Insurance evidencing this insurance with the executed agreement. This Certificate shall state that coverage will not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by mail to the Contractor.

### **Indemnity**

18. Caledon shall indemnify and save harmless the Contractor from any and all cost, claims, demands, damages, suits, actions, and judgments made, brought or recovered against the Contractor for any personal injury, bodily injury or property damage to a third party caused by or resulting from the duties of the Contractor pursuant to this Agreement provided that:
  - a. the Contractor acted honestly and in good faith in performance of his Duties; and,
  - b. the Contractor had reasonable grounds to believe he was acting in accordance within the scope of his authority as set out in this Agreement and in the *Municipal Act, 2001*; and,
  - c. the Contractor had reasonable grounds to believe his conduct was lawful.
19. Caledon shall indemnify and save harmless the Contractor from any and all cost, claims, demands, damages, suits, actions, and judgments made, brought or recovered against the Contractor by a Member of Council or Designated Board acting in his/her personal capacity, and not in his/her role as a member of municipal Council or member appointed to a Designated Board, for any personal injury, bodily injury, property damage or other damage caused by or resulting from the duties of the Contractor pursuant to this Agreement provided that:
  - a. the Contractor acted honestly and in good faith in performance of his duties; and,
  - b. the Contractor had reasonable grounds to believe he was acting in accordance within the scope of his authority as set out in this Agreement and in the *Municipal Act, 2001*; and,
  - c. the Contractor had reasonable grounds to believe his conduct was lawful.

### **Termination**

20. The Contractor may terminate this Agreement by providing Caledon with at least 60 days' written notice of the Contractor's intention to terminate this Agreement.
21. Caledon may terminate this Agreement, on 60 days' written notice, with or without cause.
22. The Contractor agrees to accept payment for services performed by the Contractor to the date of termination, on a pro-rated basis in accordance with the provisions of the Agreement, in full satisfaction of any and all claims under this Agreement and does hereby release Caledon from and waives any claims, demands, losses, charges, liabilities, actions, causes of action and any other proceeding of any nature that the Contractor may make or bring against Caledon in respect of any loss, damage, injury or death to any person or property of the Contractor arising directly or indirectly, resulting from or sustained by reason of the termination of this Agreement by Caledon.

### **Conflict of Interest**

23. Where the Contractor, either on his own behalf or while acting for, by, with or through another, has acquired or acquires any pecuniary interest, direct or indirect, including any interest in:



- a. a contract or contracts with any person or municipal or other corporations, or,
  - b. in any contract or proposed contract that is reasonably likely to be affected by the recommendations made by the Contractor, the Contractor shall forthwith disclose his interest to Caledon, who shall have the right to decide whether such interest constitutes a conflict of interest.
- 24. The Contractor confirms that no member of Caledon Council or Designated Board and no officer or employee of Caledon is, will be, or has become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise however in or in the performance of the Agreement or in the supplies, work or business in connection with the Agreement, or in any portion of the profits thereof, or any supplies to be used herein, or in any of the monies to be derived therefrom.
- 25. The Contractor confirms that he does not have any involvement in political campaigning, political endorsement or related issues with respect to candidates running for office in any municipal election, or with the current members of Caledon Council or any involvement with the Caledon Chief Administrative Officer.
- 26. If Caledon concludes in its sole discretion that the Contractor has a conflict of interest within the meaning of this section, Caledon, without limiting the generality thereof, may terminate this Agreement forthwith.

#### **Criminal Record**

- 27. The Contractor affirms that he does not have:
  - a. a record of any criminal offences for which a pardon has not been granted, or
  - b. a record of provincial offences for the previous 5 (five) years that would detract from the performance of the services.

#### **Confidentiality/Non-Disclosure**

- 28. The Contractor recognizes that in providing the services the Contractor may acquire detailed and confidential knowledge of Caledon's operations, its taxpayers and residents and other confidential documents and information.
- 29. The Contractor agrees that the Contractor shall not in any way use, divulge, furnish or make accessible to any person, either during the term of the Agreement or at any time thereafter, any confidential information relating to Caledon, or its taxpayers and residents acquired by the Contractor in the course of providing the services to Caledon.
- 30. This provision shall survive the termination of this Agreement and the Contractor's provision of services hereunder.
- 31. A failure to comply with this section constitutes both a breach of the Agreement and a cause for termination of this Agreement without notice or compensation.

#### **Return of Property**

- 32. Upon termination of this Agreement, the Contractor shall promptly deliver to Caledon any and all property, technology, data, manuals, notes, records, plans or other document including any document stores on any video or software related medium, held by the Contractor concerning Caledon's services and programs, know-how, developments and equipment.

#### **Notice**

- 33. Any notice required or permitted to be given under this Agreement shall be delivered personally, by prepaid registered mail, or by facsimile transmission to:

The Corporation of the Town of Caledon

6311 Old Church Road  
Caledon, ON, L7C 1J6  
Attention: Town Clerk

The Contractor at:

John Fleming Occasional Consulting Inc.  
Attn: John Fleming

**Assignment**

34. The Contractor shall not assign this Agreement.

**Entire Agreement**

35. This Agreement constitutes the entire agreement between Caledon and the Contractor and it is agreed that there is no term, condition, warranty, or representation, collateral or otherwise, that may govern or affect the relationship between Caledon and the Contractor, other than those contained in the Agreement. This Agreement may not be modified or amended except in writing by Caledon and the Contractor.

**Governing Law**

36. This Agreement shall be interpreted in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF this Agreement has been signed on behalf of Caledon and on behalf of the Contractor by their authorized signing officers.

**JOHN FLEMING OCCASIONAL CONSULTING INC.**

\_\_\_\_\_  
John E. Fleming, President  
(I have the authority to bind the corporation)

**THE CORPORATION OF THE TOWN OF CALEDON**

\_\_\_\_\_  
Allan Thompson, Mayor

\_\_\_\_\_  
Carey Herd, Town Clerk

We have authority to bind the Corporation.

Members

Councillor C. Early  
Chair: L. Champion  
Vice Chair: J. Groe (Arrived at 6:28 p.m.)  
G. Kennedy  
J. Payne  
D. St. Clair (Absent)

Town Staff

Legislative Specialist: C. Curtis  
Council Committee Coordinator: J. Lavecchia

**CALL TO ORDER**

L. Champion called the meeting to order at 6:15 p.m.

**DECLARATION OF PECUNIARY INTEREST**

**L. Champion disclosed a pecuniary interest with respect to item 6.1 Committee Report 2019:0261: Accessibility Award for Business as the business nominated is a TD Branch and she is employed with TD Bank.**

**RECEIPT OF MINUTES**

Moved by: J. Payne - Seconded by: G. Kennedy

That the Accessibility Advisory Committee meeting minutes dated October 7, 2019, be received.

Carried.

**REGULAR BUSINESS**

1. Site Plan Reviews

a) Site Plan Review: SPA 19-61 - 0 Mayfield Road

The Committee reviewed the site plan and confirmed the following recommendations:

1. Site plan shall indicate that the accessible parking spaces shall comply with the design requirements outlined in the Town's Traffic By-law 2015-058 - Schedule K;
2. Site plan shall indicate that the lighting at the main entry of the rental area shall be at a minimum level of 35 lux; and
3. Site Plan shall clearly indicate that the main entrance doors be automatic and that the main entrance is clear of barriers such as garbage receptacles and planters.

b) Site Plan Review: SPA 19-05 - 0 King Street

The Committee reviewed the site plan and confirmed the following recommendations:

1. Site plan shall indicate that the accessible parking spaces shall comply with the design requirements outlined in the Town's Traffic By-law 2015-058 - Schedule K;
2. Site plan shall clearly indicate the main entrance doors be automatic and that the main entrance is clear of barriers such as garbage receptacles and planters;
3. Exterior travel routes (sidewalks) shall be a minimum of 1.5 m wide as per the Design of Public Spaces legislation of the AODA; and
4. Site Plan shall indicate that the lighting at the main entrance and accessible parking spaces shall be at a lighting level not less than 35 lux.

c) Site Plan Review: SPA 19-20 - 50 Sloan Drive

The Committee reviewed the site plan and directed staff to inquire about the composition of gravel and the location of trailers as it relates to the site plan.

**Councillor C. Early left the meeting at 6:47 p.m. and returned at 6:49 p.m.**

d) Site Plan Review: SPA 19-16 - 12728 and 12738 Kennedy Road

The Committee reviewed the site plan and confirmed the following recommendations:

1. Site Plan shall indicate that accessible parking space(s) for the site comply with By-law 2015-058 - Schedule "K";
2. Site Plan shall indicate that each accessible access aisle leading directly to an access route or walkway contains a curb ramp that meets the provisions of the Ontario Building Code as it relates to curb ramps;
3. Site Plan shall indicate exterior lighting at accessible parking space(s) shall be at a lighting level not less than 35 lux;
4. Lighting on exterior routes of travel shall comply with the Town's lighting standard;
5. All sidewalks shall be connected, when crossing over to another street, with accessible features such as tactile surfaces and curb ramps; and
6. The Community Mail Box shall be well lit via a light standard and a curb depression from the sidewalk and/or roadway to the mail box landing area.

## 2. 2018-2022 Multi Year Accessibility Plan

C. Curtis, Legislative Specialist, provided an overview of the Accessibility Advisory Committee's 2018-2022 Multi-Year Accessibility Plan. He outlined potential goals for the Committee's consideration for the development of a Committee Work Plan and discussed ways to improve the engagement activities of the Committee. The focus of the 2018-2022 Multi-Year Accessibility Plan is to promote accessibility and eliminate barriers to facilities, programs and services in the Town.

## **COMMITTEE REPORTS**

### **Committee Report 2019-0261: Accessibility Award for Businesses**

**L. Champion declared a pecuniary interest with respect to Committee Report 2019-0261: Accessibility Award for Business as the business nominated is a TD Branch and she is employed with TD Bank. She left the meeting at 7:12 p.m. and did not participate in the discussion or vote with respect to the recommendation.**

**J. Groe assumed the role of Vice Chair at 7:12 p.m.**

C. Curtis, Legislative Specialist, provided the Committee with the nominations for the 2019 Accessibility Award for Business. He noted that the Award for Business is an opportunity for businesses to advocate for accessibility in Caledon. Mr. Curtis highlighted the grading guidelines and award criteria.

Members of Committee asked questions and received responses from staff.

Moved by: G. Kennedy - Seconded by: J. Payne

That TD Bank, located at 12684 Highway 50 in Bolton, be awarded the 2019 Accessibility Award for Business.

Carried.

**L. Champion returned to the meeting and resumed the role of Chair at 7:22 p.m.**

## **ADJOURNMENT**

On a verbal motion by L. Champion, the meeting adjourned at 7:31 p.m.

# Memorandum

Date: September 17, 2019

To: Members of Council

From: Katelyn McFadyen, Manager, Energy and Environment

Subject: Review of the Town's Participation in the Blue Dot Movement

Through resolution 2019-105, Staff were directed to review the Town's participation in the Blue Dot movement, in response to correspondence from the public expressing interest in the initiative. The purpose of this Memo is to provide a review of staff's analysis of the Blue Dot Initiative.

## Blue Dot Initiative

The David Suzuki Foundation in collaboration with Eco Justice founded the Blue Dot Movement in 2014. The core objective of the movement is to amend the Canadian Charter of Rights and Freedoms to include a right to a healthy environment. This is done through creating a groundswell of grassroots support to help Canadian's act to encourage municipalities to pass a declaration requesting this amendment from the Federal Government.

The Right to a Healthy Environment includes:

- The right to breathe clean air;
- The right to drink clean water;
- The right to consume safe food;
- The right to access nature;
- The right to know about pollutants and contaminants released into the local the local environment;
- The right to participate in decision-making that will affect the environment.

The Blue Dot movement indicates that over 110 nations globally have recognized the right to live in a healthy environment, however Canada does not. In addition, to date approximately 174 municipal declarations have been passed in support of the Blue Dot movement. Amongst these municipalities include the Town of Halton Hills, Town of Oakville, City of Mississauga and the City of Brampton. It is important to note, that many of these municipalities altered the model resolution to align with their jurisdictional authority and better align with the goals, objectives and policies of key plans and strategies (i.e. Official Plan and Climate Change Plans).

## Alignment with the Town of Caledon's Strategic Plans and Policies

In conducting a review of the Blue Dot Resolution Energy and Environment staff engaged with internal departments including Policy and Sustainability, Economic Development, Engineering and Road Operations to understand alignment and impact on the Town's policies, programs and initiatives. It was concluded after this consultation that there is strong alignment with the Blue Dot's core objectives of the

Right to a Healthy Environment, as outlined in Table 1 below. It was also revealed through consultations, that aspects of the resolution were outside of municipal jurisdiction.

Table 1: Blue Dot Alignment with Town Policies and Objectives	
Blue Dot Focus Area	Town Alignment
Breathe Clean Air	<ul style="list-style-type: none"> <li>• Anti-Idling By-Law: To prohibit the idling of vehicles for longer than 2 minutes;</li> <li>• Encouraging zero emissions vehicles: To encourage the uptake of electric vehicles, the Town currently has 13 public EV charging stations and is working collaboratively with the Peel Climate Change Partnership (comprised of the Region of Peel, City of Mississauga, City of Brampton, the Credit Valley Conservation Authority, the Toronto and Region Conservation Authority and the Town of Caledon) on the development of a zero emission vehicles strategy;</li> <li>• Corporate GHG Reduction Strategy: Council recently endorsed a five-year strategy to reduce corporate emissions within the areas of fleet, waste, water and buildings;</li> <li>• Climate Change Plan: The Town is currently updating its Community Climate Change Action Plan to outline strategies to reduce community GHG emissions;</li> <li>• Transportation Initiatives: The Town promotes active transportation through the Transportation Master Plan, active transportation task force, and recently received the Bike Friendly Community designation. The Town is also starting a transit service in September 2019;</li> <li>• Incentive Programs: The Town offers incentive programs to existing businesses through Community Improvement Plans for energy retrofits, and for large industrial commercial developments for renewable energy and Leadership in Energy and Environmental Design certification;</li> <li>• Clean Air Council (CAC): The Town is a member of CAC, committing to take action to improve air quality and address climate change in the Greater Toronto Area;</li> <li>• Air Quality Steering Committee: The Town participates in the Regional Air Quality Steering Committee to provide oversight, offer advice and identify priorities of the Regional Air Quality Modelling Program.</li> </ul>
Drink Clean Water	<ul style="list-style-type: none"> <li>• Source Water Protection: The Town implements the Regional Wellhead Protection Program through Official Plan policies and zoning by law provisions to regulate potential water contaminating land uses within the Town;</li> <li>• Official Plan: Other policies contained within the Official Plan promote the protection management and enhancement of water resources, through the requirement of studies (i.e. hydrogeological investigations) prior to approval of new developments;</li> <li>• Stormwater Management: This plan promotes the safe and effective management of stormwater and runoff and to improve surface and groundwater quality, and to protect, restore and replenish surface and groundwater resources;</li> <li>• Salt Management Plan: This Plan, in accordance with the <i>Environmental Protection Act</i> "Code of Practice for the Environmental Management of Road Salts" promotes winter road safety and the efficient use of salt to reduce environmental impacts. The Plan also identifies salt vulnerable areas that require enhanced protection through the reduced application of salt or use of other materials.</li> </ul>

Eat Safe Food	<ul style="list-style-type: none"> <li>Food Charters: Council has endorsed two Charters (Region of Peel and the Headwaters Food and Farming Alliance) to promote safe, local and healthy food;</li> <li>Community Climate Change Action Plan: The Plan contains actions to promote local food and food security;</li> <li>Community Green Fund Program: This program has supported the installation and ongoing maintenance of community gardens managed by local volunteer organizations and not-for-profit groups.</li> </ul>
Access Nature	<ul style="list-style-type: none"> <li>Caledon is home to over 260km of publicly accessible trails and over 65 public park spaces;</li> <li>West Bolton Sustainable Neighbourhood Retrofit Action Plan: Key themes within this plan focus on bringing people and nature together through an integrated trails system;</li> <li>Bike Friendly Community: The Town continues to make investments towards Caledon's Bike Friendly Community Strategy;</li> <li>Tourism Promotion: The Town highlights outdoor experiences, trails and camping opportunities as part of local tourism promotions.</li> </ul>
Be Aware of Pollutants and Contaminants Released in the Environment	<ul style="list-style-type: none"> <li>Corporate Waste Management: The Town banned the sale of water bottles at Town Hall, implemented a waste retrofit program at facilities, expanded composting to four facilities, and has battery collection at four locations (Work Yard 1, Town Hall, Mayfield Recreation Complex and Caledon East Community Complex);</li> <li>Regional Waste Management Group: The Town currently participates with area municipalities within the Region of Peel to identify opportunities to improve corporate and community waste management;</li> <li>Emergency Spills Program: When a contaminant is reported, the Town's operation team remediates the spill accordingly in accordance with the <i>Environmental Protection Act</i>;</li> <li>Excess Soils Management: The Town ensures excess soils for construction projects are managed in accordance with the <i>Environmental Protection Act</i>.</li> </ul>
Participate in Decision Making that will impact the Environment	<ul style="list-style-type: none"> <li>Climate Change Action Plan Task Force: A Task Force made up of Town stakeholders and community members representing different sectors collaborate with Town staff on the update of the Climate Change Action Plan;</li> <li>Public Information Centres (PIC): The Town hosts public information centres for any major engineering projects. The Town presents project alternatives that assess the technological, social, economic and natural environment impact and costs to the public to help inform decision making;</li> <li>Development Applications: All development applications must go before Council for approval. In support of decision making, developments are subject to a series of environmental studies, outlined in section 6.2 of the Town's Official Plan. The Town is also required to host PIC's with the public on major planning decisions.</li> </ul>

## Agricultural Community Engagement

Due to the prominence of the agriculture community in Caledon, Staff also engaged with the Peel Federation of Agriculture and the Ontario Federation of Agriculture, for their position on the Blue Dot Resolution. Both organizations were not supportive of the Blue Dot initiative, noting concerns about:

- Business competitiveness if additional regulations were imposed on the agricultural community;

- Potential banning of pesticides, which are a fundamental pest management tool used by farmers and are regulated by upper tier levels of government;
- Noted that the agricultural community already participates in extensive food, soil and water testing by government agencies to ensure safe food and drinking water and a healthy surrounding natural environment;

## **Motion Requirements**

The Blue Dot Resolution highlights additional requirements for the Town to monitor progress towards promoting the right to a healthy environment locally. These requirements include the identification of objectives, targets and timelines that the Town will take to address the residents right to a healthy environment, and to review progress towards these requirements every five years. The resolution also highlights the need to engage with residents as part of this process. As highlighted in Table A to this Memo, staff have numerous existing plans in place, each with their own unique actions and objectives and timelines that relate to the Right to a Healthy Environment. Core to the development of many of these initiatives is an extensive community and agency stakeholder engagement process.

Second, there is also a requirement for the Town to forward the resolution to the Provincial and Federal Government to enshrine a citizen's right to a healthy environment into the *Ontario Environmental Bill of Rights* and the *Canadian Charter of Rights and Freedoms* in addition to other applicable legislation and policies.

## **Made in Caledon Blue Dot Resolution**

After a thorough review, Staff have concluded that many of its existing initiatives, policies and plans align well with the Blue Dot Resolution. Staff have however highlighted the following concerns with adopting the resolution in its model form:

- Staff capacity to address the requirements of reporting on the Town's progress on the Blue Dot motion every five years. Specifically, the initiatives outlined in Table A, each have their own unique objectives, actions and timelines, often governed by provincial and federal legislation. Aligning these within a five-year timeframe, and introducing additional progress monitoring, on top of what is already undertaken, will be a challenge for staff;
- As noted above, the Town is currently undertaking numerous initiatives that align with the Blue Dot resolution. There is opportunity to better align the resolution with existing Town Plans and policies that promote a healthy environment (i.e. Climate Change Action Plan and the Town's Official Plan);
- Aspects of the Blue Dot resolution go beyond the jurisdictional authority of the municipality;
- Feedback from the PFA and OFA highlighted concerns related to additional rules and regulations that may burden the agriculture community.

These concerns can be mostly addressed by developing a "Made in Caledon" resolution, similar to the approach taken by surrounding municipalities in Ontario.



# Memorandum

Date: December 3, 2019

To: Members of Council

From: Devan Lobo, Senior Analyst, Corporate Initiatives, Strategic Initiatives

Subject: 2020 ROMA and OGRA Conferences

Throughout 2020, Members of Council will continue to have the opportunity to attend a number of annual municipal association conferences on behalf of the Town of Caledon, offering policy input and engaging with other orders of government. This memo is to provide Members of Council with an overview of staff support with respect to such conferences and a summary of delegation requests submitted for the upcoming Rural Ontario Municipal Association (ROMA) Conference.

From January 19-21, 2020, the ROMA Conference will occur in Toronto. This year's conference, Rural Ontario: Moving Forward, will be a full educational conference, with access to industry experts, provincial representatives, and product and service providers discussing and debating current municipal issues. In addition, the Province accepts delegation requests with provincial Ministers. As part of the Town's government relations efforts, municipalities can request delegations with Ontario government ministries as well as representatives of the opposition parties to present issues and challenges that require provincial support. In advance of these conferences, staff monitor provincial policy announcements and other issues impacting Caledon and submit delegation requests that align with previously endorsed Council policy positions. Leading up to the conferences, staff coordinate background information and briefing materials for the Mayor and Council, as well as provide support when requested at the advocacy meetings.

Delegation requests with the Ministry of Municipal Affairs and Housing, the Ministry of Infrastructure, the Ministry of Energy, Northern Development and Mines, the Ministry of Transportation, the Ministry of Natural Resources and Forestry, and the Ministry of Environment, Conservation and Parks were submitted to address advocacy priorities identified in the 2018-2022 Council Work Plan:

- Regional governance and rural representation
- Affordable housing challenges
- Broadband internet access for rural communities
- Natural gas expansion and affordable energy
- Greater Toronto Area (GTA) West Corridor
- GO Transit service
- Aggregate site rehabilitation
- Climate change and infrastructure impacts

The deadline to request a meeting was December 2, 2019. The Caledon delegation also plans to meet with the NDP Caucus, Liberal Caucus and Green Party who are currently accepting delegation requests via email.

### **Next Steps**

Once the Ministries confirm the Town's delegation requests (traditionally one week before the beginning of the conference), staff will work with the Office of the Mayor to coordinate conference briefing materials and schedule time to brief those attending the Conference.

The Ontario Good Roads Association Conference will take place from February 23-26, 2020. Caledon plans to submit a delegation request to the Minister of Transportation, with respect to transportation challenges in Caledon.

Following the conferences, staff will provide further information to Council with a summary of what was requested and any follow-up action that was committed to in the meetings.

# Memorandum

Date: December 3, 2019

To: Members of Council

From: Sandra Dolson, Economic Development Officer, Strategic Initiatives

Subject: Economic Development Strategy Project Update

Caledon Council's Work Plan and the Corporate Strategic Plan reflect the importance of our rural economy and the need for an Economic Development Strategy (Strategy) for the Town of Caledon.

On June 18, 2019 Council received an Economic Development Strategy Project Overview memorandum which outlined the purpose and next steps regarding the project.

The Strategy will provide relevant direction in the form of short, medium and long-term goals and actions to guide the Town's Economic Development initiatives for the next 10 years.

It will also provide important guidance to the Official Plan Review process regarding business attraction and retention.

This memorandum is provided as a project update and to highlight key findings from the research/consultation stage.

## Project Schedule

July, 2019	MDB Insight, an experienced consultant specializing in Economic Development hired
	Project commenced
July – August	Background review and economic base analysis
September – November	Consultation, assessment, consultation report and SMT presentation
December – January	Best practice review, economic vision, action plan & implementation strategy
March/April, 2020	Final strategy and report to Council

The project has two components: 1. Research and, 2. Strategy & Implementation Plan Development

## 1. Research and Consultation

The Strategy will be based on relevant research using the most current data from various sources, consultation and best practices.

The background review, economic base analysis and consultation has been completed.

### Research: Key economic base factors

- 12% population growth from 2011 to 2016.
- 38,845 in the labour force.
- 22,000 residents travel to communities including Toronto, Brampton & Mississauga to work in retail, finance, insurance & healthcare. 6,000 residents work in Caledon.
- Caledon attracts 13,000 workers from other communities to work in manufacturing, transportation & warehousing & agriculture.
- 3,237 businesses, 68% sole-proprietorships and 27% employ 1-9 people.
- Concentration of transportation & warehousing, construction & manufacturing businesses.
- Growth in construction, retail, accommodation & food services.
- Caledon's agriculture sector accounts for 87% of Peel's total gross farm receipts - \$81 million.

### Consultation: Summary

- One on one interviews with Mayor, CAO, Councillors, and several staff
- One on one interviews with cross section of business owners: 10
- Online community survey: 213
- Online business survey: 42
- Random telephone Business Retention and Expansion survey: 85
- Business consultation session: 14 in attendance

### Consultation: Key findings

#### General Public:

- 89% indicated that '*Caledon is an excellent place to live*' and 62% indicated that '*Caledon is welcoming to newcomers*'.
- Satisfaction was highest with services including waste management, public library, community festivals and events, education, recreation facilities and services, housing choices and healthcare services.
- Satisfaction was lowest with services including planning and development, employment services, retail shopping environment and transportation infrastructure.

#### Business Community:

- Business satisfaction is quite strong at 79%; with 33% being very satisfied and 46% somewhat satisfied.
- 29% of all businesses indicated an increase in revenues compared to 36% decline and 33% no change over the last 12 months
- 51% of businesses expect revenues to increase in the next year

- 68% of businesses plan on maintain operations, while 17% of businesses aim to expand over the next 2 years.

The business community was asked “how satisfied they are with various services and factors of doing business in Caledon. For each item, they were asked to rank: *Very Satisfied, Somewhat Satisfied, Somewhat Dissatisfied or Very Dissatisfied.*”

- Water availability, cell service, roads & highways and medical services were rated as very satisfied
- Housing, taxes, skilled labour rated as somewhat satisfied
- Areas such as internet services, unskilled labour, property for purchase or lease, funding programs, development charges and development/building process were rated lower in satisfaction level.

Businesses and residents were also asked to “indicate how important each of the following factors are to the future growth of Caledon by rating: *Very Important, Somewhat Important, Somewhat Not Important, Not Important at All or Don't Know.*”

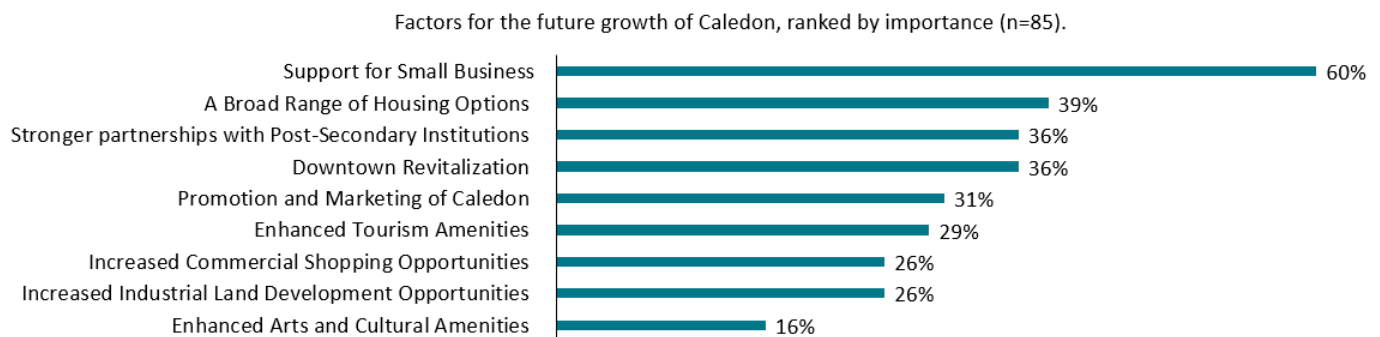


Figure 1

Through the interviews and consultation with the business community, the following were identified as priorities to achieve:

- Business support initiatives that promote business retention and expansion, innovation, supply chain growth and cluster development.
- Partnerships with post-secondary institutions and leveraging of regional innovation ecosystem to promote local innovation, entrepreneurial growth.
- Improved broadband and digital awareness for businesses to participate in the creative economy.
- Reduced red tape as it relates to development approvals and a more customer service approach in dealing with business and investors.
- Take a leadership role in the growth of food processing and agri-food business opportunities given the rural nature of Caledon.
- Walkable corridors and improved trail connections to connect villages and urban areas.
- Encourage densification and ensure a wide range of housing options to meet the demands of current and future residents.
- Targeted tourism initiatives that support a four-season market for visitors and investors.

- Improved storytelling and innovative message delivery about good news stories, sector strengths and opportunities/careers available in the municipality.

Identified challenges:

- Need for a timely and effective development approval process.
- The lack of adequate broadband service is a significant constraint in attracting and retaining businesses.
- Need to update and modernize OP and zoning bylaw; move from prescriptive approach to permissive approach.
- Gaps in transit infrastructure is affecting commercial development and the ability of business to attract/retain workers.
- Lack of affordable housing and rental options is affecting residential and commercial growth.
- Caledon's business community is not aware of business support funds and/or programs that Caledon Economic Development offers.
- Big box retailers affecting the ability to attract and grow niche retail, professional service firms, co-working spaces and alternative commercial uses.
- Lack of support for tourism and the promotion of community-based assets.
- Available employment land is in private ownership, limited public land available for development

## 2. Strategy & Implementation Plan Development

The Strategy will consist of a vision, goals, strategies, and measurable action items to achieve diversified business attraction, business retention, downtown revitalization, support rural/agricultural businesses, development and growth of entrepreneurship and the tourism sector.

The Strategy will include an Implementation Plan (Plan). The Plan will include, but not be limited to:

- realistic and prioritized short, medium and long-term actions and tactics including roles and responsibilities, timeframes, evaluation criteria, and key performance indicators
- recommendations for improvement of investment readiness, including employment land needs
- recommendations for tools and tactics to encourage downtown revitalization
- recommendations to improve community capacity gaps to foster the development of the identified sectors and attract business
- identify financial implications, funding sources and potential partnerships
- recommend potential key sectors, newly identified or otherwise, to pursue for increased economic diversification including a plan to target those sectors
- recommendations of potential collaborative and alignment opportunities with partners
- identify staff capacity to execute actions and based on comparators and best practices, provide advice/recommendations should gaps exist

The Strategy will provide the Town of Caledon, its business community, leadership, and Economic Development and Tourism Division with a significantly improved understanding of trends and key policy

directions, actions and tactics to be undertaken by the Division and by municipal Departments and may include partnership with key businesses and organizations.

### **Next Steps**

Best practice review – December 2019  
Strategy & Implementation Plan – January 2020  
Report to Council – March/April 2020

# Memorandum

Date: December 3, 2019

To: Members of Council

From: Amanda Fusco, Manager, Legislative Services/Deputy Clerk, Corporate Services

Subject: Rescinding of Resolution No. 2013-182 (Region of Peel By-law 20-2013)

***Enactment of Region of Peel By-law 2019-49, By-law to Prohibit Smoking and Vaping in Outdoor Public Places and Workplaces***

On October 29, 2019 Council approved Staff Report 2019-0220, and ratified the following recommendation,

*That Peel Region By-law 2019-49 being a By-law to Prohibit Smoking and Vaping in Outdoor Public Places and Workplaces be endorsed; and*

*That the Peel Region's request for consent to repeal the Peel Outdoor Smoking By-law 20-2013 be endorsed; and*

*That the Peel Region be requested to continue to provide enforcement for complaints pursuant to Peel Region By-law 2019-49 within the Town of Caledon.*

A resolution letter and copy of the staff report were sent to the Regional Clerk. The resolution met the requirements of section 115(5)(b) of the *Municipal Act, 2001 as amended*, to enact By-law 2019-49 of an upper tier through consent of the majority of its lower tiers.

***Repeal of Region of Peel By-law 20-2013, Peel Outdoor Smoking By-law***

Subsequently Town staff were contacted by Regional Staff further requesting that the resolution from 2013, Resolution No. 2013-182, passed March 19, 2013 consenting to Peel Outdoor Smoking By-law 20-2013 be rescinded to meet the requirements of section 115(6)(a) of the *Municipal Act, 2001 as amended*. A copy of the March 19, 2013 Council minutes is attached as Schedule A to this Memorandum.



Schedule A to Memorandum  
Rescinding of Resolution No. 2013-182 (Region of Peel No Smoking By-law)

**Excerpt from March 19, 2013 Town Council Minutes**

Council Meeting Minutes  
Tuesday, March 19, 2013  
Page 10 of 11

2. Moved by R. Paterak – Seconded by R. Whitehead 2013-182

That correspondence received from the Region of Peel dated February 26, 2013 regarding Prohibiting Smoking in Areas Where Children Play and at Entrances and Exits to Municipal Buildings and Facilities, be received; and

That Council hereby consents to the enactment of the Region of Peel By-law 20-2013 the "Peel Outdoor Smoking By-law" to prohibit smoking within nine metres of playground areas, outdoor recreational facilities and within nine metres of the entrances and exits to municipal buildings; and

That Council request Regulatory Services staff to report back to Council at its May 14, 2013 meeting regarding awareness, signage and enforcement as it relates to this initiative.

Carried.

# Memorandum

Date: December 03, 2019

To: Members of Council

From: Katelyn McFadyen, Manager, Energy and Environment

Subject: Made in Caledon Blue Dot Resolution Notice of Motion

Through resolution 2019-105, Staff were directed to review the Town's participation in the Blue Dot movement. In response to this request, Memorandum "*Review of the Town's Participation in the Blue Dot Movement*", attached as Schedule A, was prepared and presented to Council on September 17, 2019.

During a Council meeting held on September 24<sup>th</sup>, members of Council expressed that a "Made in Caledon Resolution" is preferred to address opportunities to better align the Blue Dot resolution with the Town's Strategic Plans and the agriculture community. In response to Mayor Thompson's Notice of Motion, this Memo provides an outline of staff's engagement with the Ontario Federation of Agriculture and the Peel Federation of Agriculture.

## **Recognition of the Importance of the Agriculture Community in Caledon**

Through engagement with the Ontario Federation of Agriculture (OFA) and the Peel Federation of Agriculture, it was highlighted that a "Made in Caledon" Blue Dot Resolution should recognize the importance of agriculture in Caledon and practices such as integrated pest management. Integrated Pest Management is defined by the Ontario Ministry of Agriculture and Rural Affairs Organization as "[An approach] *that combines all available tools to reduce pest populations to an acceptable level in the most economic and environmentally friendly fashion. These tools include cultural, mechanical, biological and chemical pest control measures, as well as regularly monitoring for pests.*" The OFA has highlighted that the agriculture community is heavily regulated by upper levels of government in their integrated pest management strategies, specifically crop protection measures, that are used responsibly by the agriculture community to ensure safe food, soil, water and surrounding natural environment.

## **Attachments**

Schedule A: Memorandum from September 17, 2019: Review of the Town's Participation in the Blue Dot Movement

# Memorandum

Date: September 17, 2019

To: Members of Council

From: Katelyn McFadyen, Manager, Energy and Environment

Subject: Review of the Town's Participation in the Blue Dot Movement

Through resolution 2019-105, Staff were directed to review the Town's participation in the Blue Dot movement, in response to correspondence from the public expressing interest in the initiative. The purpose of this Memo is to provide a review of staff's analysis of the Blue Dot Initiative.

## Blue Dot Initiative

The David Suzuki Foundation in collaboration with Eco Justice founded the Blue Dot Movement in 2014. The core objective of the movement is to amend the Canadian Charter of Rights and Freedoms to include a right to a healthy environment. This is done through creating a groundswell of grassroots support to help Canadian's act to encourage municipalities to pass a declaration requesting this amendment from the Federal Government.

The Right to a Healthy Environment includes:

- The right to breathe clean air;
- The right to drink clean water;
- The right to consume safe food;
- The right to access nature;
- The right to know about pollutants and contaminants released into the local the local environment;
- The right to participate in decision-making that will affect the environment.

The Blue Dot movement indicates that over 110 nations globally have recognized the right to live in a healthy environment, however Canada does not. In addition, to date approximately 174 municipal declarations have been passed in support of the Blue Dot movement. Amongst these municipalities include the Town of Halton Hills, Town of Oakville, City of Mississauga and the City of Brampton. It is important to note, that many of these municipalities altered the model resolution to align with their jurisdictional authority and better align with the goals, objectives and policies of key plans and strategies (i.e. Official Plan and Climate Change Plans).

## Alignment with the Town of Caledon's Strategic Plans and Policies

In conducting a review of the Blue Dot Resolution Energy and Environment staff engaged with internal departments including Policy and Sustainability, Economic Development, Engineering and Road Operations to understand alignment and impact on the Town's policies, programs and initiatives. It was concluded after this consultation that there is strong alignment with the Blue Dot's core objectives of the

Right to a Healthy Environment, as outlined in Table 1 below. It was also revealed through consultations, that aspects of the resolution were outside of municipal jurisdiction.

<b>Table 1: Blue Dot Alignment with Town Policies and Objectives</b>	
<b>Blue Dot Focus Area</b>	<b>Town Alignment</b>
Breath Clean Air	<ul style="list-style-type: none"> <li>• Anti-Idling By-Law: To prohibit the idling of vehicles for longer than 2 minutes;</li> <li>• Encouraging zero emissions vehicles: To encourage the uptake of electric vehicles, the Town currently has 13 public EV charging stations and is working collaboratively with the Peel Climate Change Partnership (comprised of the Region of Peel, City of Mississauga, City of Brampton, the Credit Valley Conservation Authority, the Toronto and Region Conservation Authority and the Town of Caledon) on the development of a zero emission vehicles strategy;</li> <li>• Corporate GHG Reduction Strategy: Council recently endorsed a five-year strategy to reduce corporate emissions within the areas of fleet, waste, water and buildings;</li> <li>• Climate Change Plan: The Town is currently updating its Community Climate Change Action Plan to outline strategies to reduce community GHG emissions;</li> <li>• Transportation Initiatives: The Town promotes active transportation through the Transportation Master Plan, active transportation task force, and recently received the Bike Friendly Community designation. The Town is also starting a transit service in September 2019;</li> <li>• Incentive Programs: The Town offers incentive programs to existing businesses through Community Improvement Plans for energy retrofits, and for large industrial commercial developments for renewable energy and Leadership in Energy and Environmental Design certification;</li> <li>• Clean Air Council (CAC): The Town is a member of CAC, committing to take action to improve air quality and address climate change in the Greater Toronto Area;</li> <li>• Air Quality Steering Committee: The Town participates in the Regional Air Quality Steering Committee to provide oversight, offer advice and identify priorities of the Regional Air Quality Modelling Program.</li> </ul>
Drink Clean Water	<ul style="list-style-type: none"> <li>• Source Water Protection: The Town implements the Regional Wellhead Protection Program through Official Plan policies and zoning by law provisions to regulate potential water contaminating land uses within the Town;</li> <li>• Official Plan: Other policies contained within the Official Plan promote the protection management and enhancement of water resources, through the requirement of studies (i.e. hydrogeological investigations) prior to approval of new developments;</li> <li>• Stormwater Management: This plan promotes the safe and effective management of stormwater and runoff and to improve surface and groundwater quality, and to protect, restore and replenish surface and groundwater resources;</li> <li>• Salt Management Plan: This Plan, in accordance with the <i>Environmental Protection Act</i> "Code of Practice for the Environmental Management of Road Salts" promotes winter road safety and the efficient use of salt to reduce environmental impacts. The Plan also identifies salt vulnerable areas that require enhanced protection through the reduced application of salt or use of other materials.</li> </ul>

Eat Safe Food	<ul style="list-style-type: none"> <li>Food Charters: Council has endorsed two Charters (Region of Peel and the Headwaters Food and Farming Alliance) to promote safe, local and healthy food;</li> <li>Community Climate Change Action Plan: The Plan contains actions to promote local food and food security;</li> <li>Community Green Fund Program: This program has supported the installation and ongoing maintenance of community gardens managed by local volunteer organizations and not-for-profit groups.</li> </ul>
Access Nature	<ul style="list-style-type: none"> <li>Caledon is home to over 260km of publicly accessible trails and over 65 public park spaces;</li> <li>West Bolton Sustainable Neighbourhood Retrofit Action Plan: Key themes within this plan focus on bringing people and nature together through an integrated trails system;</li> <li>Bike Friendly Community: The Town continues to make investments towards Caledon's Bike Friendly Community Strategy;</li> <li>Tourism Promotion: The Town highlights outdoor experiences, trails and camping opportunities as part of local tourism promotions.</li> </ul>
Be Aware of Pollutants and Contaminants Released in the Environment	<ul style="list-style-type: none"> <li>Corporate Waste Management: The Town banned the sale of water bottles at Town Hall, implemented a waste retrofit program at facilities, expanded composting to four facilities, and has battery collection at four locations (Work Yard 1, Town Hall, Mayfield Recreation Complex and Caledon East Community Complex);</li> <li>Regional Waste Management Group: The Town currently participates with area municipalities within the Region of Peel to identify opportunities to improve corporate and community waste management;</li> <li>Emergency Spills Program: When a contaminant is reported, the Town's operation team remediates the spill accordingly in accordance with the <i>Environmental Protection Act</i>;</li> <li>Excess Soils Management: The Town ensures excess soils for construction projects are managed in accordance with the <i>Environmental Protection Act</i>.</li> </ul>
Participate in Decision Making that will impact the Environment	<ul style="list-style-type: none"> <li>Climate Change Action Plan Task Force: A Task Force made up of Town stakeholders and community members representing different sectors collaborate with Town staff on the update of the Climate Change Action Plan;</li> <li>Public Information Centres (PIC): The Town hosts public information centres for any major engineering projects. The Town presents project alternatives that assess the technological, social, economic and natural environment impact and costs to the public to help inform decision making;</li> <li>Development Applications: All development applications must go before Council for approval. In support of decision making, developments are subject to a series of environmental studies, outlined in section 6.2 of the Town's Official Plan. The Town is also required to host PIC's with the public on major planning decisions.</li> </ul>

## Agricultural Community Engagement

Due to the prominence of the agriculture community in Caledon, Staff also engaged with the Peel Federation of Agriculture and the Ontario Federation of Agriculture, for their position on the Blue Dot Resolution. Both organizations were not supportive of the Blue Dot initiative, noting concerns about:

- Business competitiveness if additional regulations were imposed on the agricultural community;

- Potential banning of pesticides, which are a fundamental pest management tool used by farmers and are regulated by upper tier levels of government;
- Noted that the agricultural community already participates in extensive food, soil and water testing by government agencies to ensure safe food and drinking water and a healthy surrounding natural environment;

## **Motion Requirements**

The Blue Dot Resolution highlights additional requirements for the Town to monitor progress towards promoting the right to a healthy environment locally. These requirements include the identification of objectives, targets and timelines that the Town will take to address the residents right to a healthy environment, and to review progress towards these requirements every five years. The resolution also highlights the need to engage with residents as part of this process. As highlighted in Table A to this Memo, staff have numerous existing plans in place, each with their own unique actions and objectives and timelines that relate to the Right to a Healthy Environment. Core to the development of many of these initiatives is an extensive community and agency stakeholder engagement process.

Second, there is also a requirement for the Town to forward the resolution to the Provincial and Federal Government to enshrine a citizen's right to a healthy environment into the *Ontario Environmental Bill of Rights* and the *Canadian Charter of Rights and Freedoms* in addition to other applicable legislation and policies.

## **Made in Caledon Blue Dot Resolution**

After a thorough review, Staff have concluded that many of its existing initiatives, policies and plans align well with the Blue Dot Resolution. Staff have however highlighted the following concerns with adopting the resolution in its model form:

- Staff capacity to address the requirements of reporting on the Town's progress on the Blue Dot motion every five years. Specifically, the initiatives outlined in Table A, each have their own unique objectives, actions and timelines, often governed by provincial and federal legislation. Aligning these within a five-year timeframe, and introducing additional progress monitoring, on top of what is already undertaken, will be a challenge for staff;
- As noted above, the Town is currently undertaking numerous initiatives that align with the Blue Dot resolution. There is opportunity to better align the resolution with existing Town Plans and policies that promote a healthy environment (i.e. Climate Change Action Plan and the Town's Official Plan);
- Aspects of the Blue Dot resolution go beyond the jurisdictional authority of the municipality;
- Feedback from the PFA and OFA highlighted concerns related to additional rules and regulations that may burden the agriculture community.

These concerns can be mostly addressed by developing a "Made in Caledon" resolution, similar to the approach taken by surrounding municipalities in Ontario.

## Presentation Request Summary

### Presenter Information

[View Help](#)

First Name

Donna

Last Name

Ferron

Address Prefix (Optional)

on behalf of ecoCaledon

Street Number

Street Name

Street Type

☒ Road

Unit Number

Unit Type

☒ Building

Postal Code

Province

☒ Ontario

Town/City

Caledon

Country

Canada

Email

donna.ferron@proforma.com

Phone Number

(905) 584-5983

Phone Type

☒ Business

Please state the purpose of the request to present (identify the subject matter to be discussed and any other relevant information):

ecoCaledon is a non-profit organization with a mandate to improve the environment within the Town of Caledon. "This Climate Emergency Delegation by ecoCaledon serves to join towns and cities across the world (over 800) in tackling climate change, establishing the impact of climate change on our Caledon residents and businesses, and supporting Caledon's commitment to actions and strategies for reducing community-wide greenhouse gas (GHG) emissions and improving the adaptive capacity and resiliency of the community to cope with, and adapt to, the local impacts of climate change and a net zero carbon future." Donna Ferron - John MacRae co-chairs ecoCaledon

## Privacy

✓ Personal information contained on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, and will be used for the purpose of providing correspondence relating to matters before Council.

Please note that all meetings are open to the public except where permitted to be closed under legislated authority. Council meetings are audio recorded and available on the Town's website. Questions about this collection should be forwarded to the Municipal Freedom of Information Coordinator at 905.584.2272.

### **Engaging Council through a Presentation**

Persons or organizations wishing to make a public presentation shall submit a request to the Clerk for Council's consideration. If the request is approved, you will be notified by staff in the Legislative Services Division of Council's decision.

Please note that a maximum of 3 presentations will be permitted at each meeting. A maximum of 10 minutes shall be permitted for each presentation and following each presentation, members of Council may ask questions of the presenter.

Presenters are allocated a maximum of ten (10) minutes shall for the presentation, unless otherwise deemed necessary by the Clerk for educational purposes. A maximum of 10 slides is recommended for each presentation.

### **Before the Meeting**

Written material, shall be provided to the Legislative Services Division ten (10) days prior to the Meeting in which the presentation will be heard.

The Council Chamber is equipped with computer equipment for presentations. Please contact the Legislative Services Division at (905) 584-2272 x. 2366 or by [email](#) to discuss arrangements.

### **At the Meeting**

Each presentation is limited to 10 minutes. Following your presentation, you may be asked questions by members of Council. Please be aware that all meetings are open to the public and the media, and as such, your comments may be reported in the newspaper, radio or television.

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## Presentation Request Summary

### Presenter Information

[View Help](#)

First Name

Anthony

Last Name

Hopkins

Address Prefix (Optional)

Street Number

Street Name

Street Type

☒ Road

Postal Code

Province

☒ Ontario

Town/City

Caledon

Country

Canada

Email

Phone Number

Phone Type

☒ Cell

Please state the purpose of the request to present (identify the subject matter to be discussed and any other relevant information):

I wish to outline my concerns about a hill on Shaw's Creek North of Highpoint Sideroad. This hill has been the site of two single-car fatal accidents. My view is that the configuration of the hill makes it inherently unsafe. The nature of signage on that hill suggests that the Town recognizes visibility difficulties for cars using the road at that point. My view is that the hill needs some reconfiguration to reduce the possibilities of further accidents. Such changes are well within the capacities of the Town with respect to the repair and upgrading of roads for convenience and safety purposes. I have had discussions/correspondence with Ms Groves and with Councillor Kiernan about my concerns.

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**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000  
Fax: 416 585-6470

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000  
Téléc. : 416 585-6470



November 1, 2019

Dear Head of Council:

Our government understands that municipalities are closest to the people. We also know that each municipality is unique, and one size does not fit all. This approach is reflected in a number of announcements that we have made recently, which are summarized below.

**Regional Government Review**

After careful consideration of the feedback we heard through the course of the Regional Government Review that was launched in January 2019, and in consultation with my Cabinet colleagues, our government is committed to partnering with municipalities without pursuing a top-down approach. We will work collaboratively and in partnership, and we will not impose any changes on municipalities.

**Renewal of funding programs to identify efficiencies**

The government has announced \$143 million in funding for municipalities across the province to help lower costs and deliver important services to residents over the long term. The new programs include:

**Audit and Accountability Fund**

- We will extend funding for 39 large urban municipalities, by providing up to \$6 million annually for three years beginning in fiscal year 2020-21. More information on the application process will follow in the coming months.

**Municipal Modernization Program**

- Building on Ontario's previous investment to modernize municipal service delivery, 405 small and rural municipalities will have access to an application-based program, which will provide up to \$125 million until 2022-23. The first round of funding under this program will be available in the current provincial fiscal year to support service delivery reviews, similar to the types of reviews eligible under the Audit and Accountability Fund. Details on eligibility and application process for this year's funding are coming soon.

### **Municipal Fiscal Year**

The government is committed to consulting with the municipal sector in 2020 on the alignment of the municipal fiscal year with the Province's. We believe municipalities will be able to provide valuable input regarding how the current budget cycles affect funding allocations for their programs – and if aligning the municipal and provincial budget cycles could enhance public transparency and improve program and service delivery.

### **Voters' List**

Our government is also proposing to work with Ontario's Chief Electoral Officer to eliminate duplication by combining the provincial and municipal voters' lists and giving Elections Ontario the responsibility of managing one voters' list.

### **Ontario Municipal Partnership Fund**

In addition, I would like to highlight that the Minister of Finance recently sent out letters to all Heads of Council regarding the 2020 Ontario Municipal Partnership Fund (OMPF) allocations. This is the earliest that OMPF allocations have ever been announced. As indicated in that letter, the government is maintaining the current structure of the OMPF for 2020.

Thank you for your ongoing commitment to delivering efficient, effective and modern services to the people of Ontario. I look forward to continuing to work together to help the people and businesses in communities across our province thrive.

Sincerely,



Steve Clark  
Minister of Municipal Affairs and Housing

c: The Honourable Rod Phillips, Minister of Finance