

The Corporation of the Township of Nipissing
45 Beatty Street
Nipissing ON POH 1W0
Telephone 705-724-2144 Fax 705-724-5385
www.nipissingtownship.com

## \*\*\* AGENDA \*\*\* Tuesday, June 21, 2022 \*\*START TIME 6:30 p.m.\*\*

- 1. Disclosure of pecuniary interest.
- 2. Delegation: Near North Enviro Education Centre regarding a survey project in the Almaguin Area.
- 3. Staff Reports.
- 4. Committee Reports.
- 5. Resolution: Adopt the minutes of the meeting held June 7, 2022.
- 6. Resolution: Support Town of Aurora Motion 10.1 Private Member's Bill C-233 "Keira's Law".
- 7. Resolution: Donation to Near North Crime Stoppers.
- 8. By-Law: Procedural By-Law updates electronic meetings, live-streaming procedures.
- 9. By-Law: Delegate Authority for Site Plan Approval to a Municipal Staff Member, per the *Planning Act*, subsection 41 (4.0.1).
- 10. Correspondence.
- 11. Accounts to pay.
- 12. By-Law: Confirming Proceedings of Council.
- 13. Adjournment.

Council meetings will be held in person at 2381 Highway 654, Township of Nipissing Community Centre and virtually utilizing the Zoom platform; and will be livestreamed to the Township of Nipissing YouTube channel.

https://www.youtube.com/channel/UC2XSMZqRNHbwVppelfKcEXw



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#### **REPORT TO COUNCIL**

Date:

June 20, 2022

From:

Kris Croskery-Hodgins, Municipal Administrator

Re:

Boundary Road Meeting/Alsace Road

#### **BACKGROUND/OVERVIEW**

A meeting took place between Mayor Tom Piper, Operations Superintendent Dan MacInnis, Mayor Peter McIsaac, Engineer Codey Munshaw, Roads Superintendent Scott Toebes and myself on Thursday, June 16<sup>th</sup> to discuss capital road and bridge repairs required for the upcoming construction seasons of 2022 and 2023.

Meeting requests from November 2020 and December 2021 were not completed to schedule the required work on the Alsace Road repairs tentatively scheduled for the 2022 construction season. The result of this was a temporary solution suggestion of pulverizing the 2.5 km of road surfacing, grading and maintaining in a gravel condition until the 2023 construction season and budget finalization.

A written submission was provided to the Municipality of Powassan for consideration at their next Public Works meeting and we anticipate a response and confirmation of next steps by the end of this week.

The Township of Nipissing agreed to assume the lead role in preparation of delegation submission requests for Minister meetings in the 2023 season in order to attempt to secure funding for the repairs required for the Hummel Bridge and updates on the engineering reporting timeline were provided to the meeting group.

#### **SUMMARY**

Pending a response from the Municipality of Powassan, pulverizing of the Alsace Road surface has been tentatively scheduled and public notice information is being prepared.

Awaiting Bridge Study Reports for the current status and next steps on the Hummel Bridge to help guide the delegation requests and funding support requests.

#### **MINUTES**

#### TOWNSHIP OF NIPISSING Tuesday, June 7, 2022

A regular meeting of the Township of Nipissing Council was held on Tuesday, June 7, 2022. The meeting was held in person at the Township of Nipissing Community Centre, and livestreamed to the Township of Nipissing YouTube Channel.

Present: Mayor Tom Piper and Councillors Steve Kirkey, Tom Marchant, Liz Moore and James Scott.

Staff: Fire Chief Will Bateman, Operations Superintendent Dan MacInnis and Administrative

Assistant-Deputy Clerk Kristin Linklater.

**Zoom:** Kris Croskery-Hodgins, Municipal Administrator.

Guests: Oscar Poloni, KPMG.

Disclosure of pecuniary interest: None.

#### **Staff Reports:**

Dan MacInnis, Operations Superintendent – written report. Kris Croskery-Hodgins, Municipal Administrator – verbal report.

#### **Committee Reports:**

Liz Moore: Nipissing Township Museum Board.

Tom Marchant: Planning Training.

Steve Kirkey: Powassan District Union Public Library Board. James Scott: Township of Nipissing Recreation Committee.

Tom Piper: Eastholme Home for the Aged Board of Management.

Oscar Poloni, KPMG, provided a presentation to Council on explanations to the Financial Statements compared to Budget figures, surplus and deficit calculations and comparisons to area municipalities of similar size and household counts.

R2022-128 L. Moore, J. Scott: That the minutes of the Council Meeting held May 24, 2022 be adopted as published. **Carried**.

R2022-129 S. Kirkey, T. Marchant: That we approve the Summer Newsletter for circulation as presented. **Carried**.

R2022-130 S. Kirkey, J. Scott: WHEREAS the owner of Part Lot 7, Concession 19; Part Lot 8, Concession 19; Part Lot 9, Concession 19 and Part Lot 10, Concession 19 has offered to convey part of Birchgrove Road which crosses the property, to the Township of Nipissing for road purposes; AND WHEREAS the Township of Nipissing Official Plan policy is to acquire title to roads that have historically been used and maintained as public roads in the Township but have not been dedicated as public highways;

NOW THREREFORE the Township is willing to accept the portion of Birchgrove Road to the Municipality for road purposes, as shown as Part 2, Part 3, Part 4, and Parts 5, 7 and 8 on Plan 42R21816. **Carried.** 

R2022-131 S. Kirkey, L. Moore: That we accept the correspondence as presented. **Carried.** 

R2022-132 J. Scott, T. Marchant: That the statement of accounts dated May 26 and June 7, 2022; totaling \$374,287.88 be approved. **Carried**.

R2022-133 L. Moore, T. Marchant: That we pass By-Law No. 2022-33, being a by-law to confirm the proceedings of Council at its meeting held on June 7, 2022. Read the first, second and third time and passed this 7<sup>th</sup> day of June, 2022. **Carried**.

R2022-134 T. Marchant, S. Kirkey: That the meeting be adjourned. Time: 7:49 p.m. Next regular meeting to be held June 21, 2022. **Carried**.

Mayor:

Municipal Administrator:

Minutes prepared as per Section 228 (1)(a) of the Municipal Act, S.O. 2001, c. 25. Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the council. Minutes to be approved by Council at the next regular Council Meeting.



#### TOWNSHIP OF NIPISSING

#### **RESOLUTION**

DATE:

June 21, 2022

NUMBER:

R2022-136

Moved by

Seconded by

WHEREAS the Town of Aurora circulated Motion 10.1 regarding Private Member's Bill C-233 "Keira's Law;

AND WHEREAS the Council of the Township of Nipissing supports the request put forward to raise the level of education on domestic violence and coercive control for federally appointed Judges;

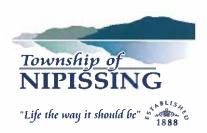
NOW THEREFORE BE IT RESOLVED that this Resolution of Support be circulated to MP Anthony Rota and to Karina Gould, MP, Minister of Families, Children and Social Development.

For Against

PIPER KIRKEY MARCHANT MOORE SCOTT

Carried

Mayor: Tom Piper



#### TOWNSHIP OF NIPISSING

#### **RESOLUTION**

DATE:

June 21, 2022

NUMBER:

R2022- 137

Moved by

Seconded by

THAT a donation of \$100 be made to Near North Crime Stoppers.

For

Against

PIPER KIRKEY MARCHANT MOORE SCOTT

Carried

Mayor: Tom Piper

#### THE CORPORATION OF THE TOWNSHIP OF NIPISSING

#### **BY-LAW NUMBER 2022-34**

Being a by-law to Amend By-Law Number 2020-47, cited as the "Procedural By-Law" to update terminology, to determine meeting location and to provide electronic participation and livestreaming guidelines for meetings.

WHEREAS the Township of Nipissing Council passed By-Law Number 2020-47, the Procedural By-Law, to establish rules governing the proceedings of Council, the calling of meetings and the conduct of Members pursuant to Section 238 of the *Municipal Act*, 2001;

**AND WHEREAS** the continuation of electronic meeting platforms and livestreaming of meetings enhances public participation and transparency;

**NOW THEREFORE** the Council of the Corporation of the Township of Nipissing amends By-Law Number 2020-47 to the following:

- 1.6 Chief Administrative Officer be removed.
- 1.19 Officers have Chief Administrative Officer removed and Municipal Administrator inserted.
- 1.26 Report have CAO-Clerk removed and Municipal Administrator inserted.
- 2.3 His or her removed and their inserted.
- 2.7 Meeting location 45 Beatty Street be removed and 2381 Highway 654 inserted.
- 2.10 CAO removed.
- 2.11 CAO-Clerk removed and Municipal Administrator inserted.
- 2.12 CAO removed.
- 2.13 CAO removed.
- 2.14 No person at a meeting shall: d. his or her removed and their inserted.
- 2.14 CAO removed.
- 2.18 Remove CAO from two locations, leaving Clerk.
- 3.7 Chief Administrative Officer be removed and Municipal Administrator inserted. Reference inserted as "(See Chief Administrative Officer duties as listed in the Act s.229)".
- 4.1 CAO removed.
- 4.2 Council Chambers located at 45 Beatty Street be removed and Township of Nipissing Community Centre, 2381 Highway 654 inserted.
- 4.4 Council Chambers located at 45 Beatty Street be removed and Township of Nipissing Community Centre, 2381 Highway 654 inserted.
- 4.5 Remove and replace with:
  - That in accordance with Section 238 (3.3) of the Municipal Act, 1990 electronic participation by Council and its Committee shall be permitted in open and closed session, subject to the following:
  - a) Members of Council and its Committees when participating in an electronic meeting shall count towards quorum;
  - b) Electronic Participation means, attendance at Council or its Committee meetings, using electronic formats including but not limited to, video or audio teleconference;
  - c) Only appointed members, staff and invited individuals or groups shall be permitted to participate electronically in Council or its Committee meetings;
  - d) Members of Council or its Committees participating electronically shall have the same rights and responsibilities as if the member was in physical attendance;
  - e) Notice of meetings held in accordance with this section shall advise how members of the public may observe the proceedings.
- 4.7 c. Council Chamber, 45 Beatty Street removed and Township of Nipissing Community Centre, 2381 Highway 654 inserted.
- 4.8 Remove "When a Council, local board and committee meeting is held using an electronic meeting format or must limit public attendance for any reason, the meeting shall be made open to the public using a livestream method open to viewing on the internet and the information regarding this option shall be published on the Township website with the meeting information.
  - Insert "When a Council, local board or committee meeting is held as: Electronic meeting with limited attendance by members for any reason; or Limited public attendance for any reason;

the meeting shall be livestreamed to the Township of Nipissing YouTube channel with a recording of the meeting remaining on the YouTube site for no less than four (4) weeks from the meeting date."

And insert "Council, local board and committee meetings shall be livestreamed to the Township of Nipissing YouTube channel with a recording of the meeting remaining on the YouTube site for no less than four (4) weeks from the meeting date."

#### Part 9 be inserted as:

#### PART 9

#### **TECHNICAL CONSIDERATIONS**

- 9.1 The Township of Nipissing will use the Zoom platform to hold electronic meetings, when required.
- 9.2 A digital recording of an electronic meeting will be made and maintained by the Township as per the current records retention by-law.
- 9.3 When holding an electronic meeting with limited attendance for members and/or the public, the meeting will be livestreamed to the Township of Nipissing's YouTube channel.
- 9.4 In the event of electronic disruption such as loss of internet connectivity during an electronic meeting, loss of power during an electronic meeting or technical issues with equipment during an electronic meeting, the meeting will be recorded and posted to the YouTube channel as soon as possible when systems may be restored.

#### 3. Effective Date

That this By-law shall come into force and effect immediately on the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 21ST DAY OF JUNE, 2022.

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Tom Piper, Mayor:

Kris Croskery-Hodgins, Municipal Administrator-Clerk-Treasurer:

#### THE CORPORATION OF THE TOWNSHIP OF NIPISSING

#### BY-LAW NUMBER 2020-47

Being a by-law to establish rules governing the proceedings of Council, the calling of meetings and the conduct of Members.

SHORT TITLE – This By-Law may be cited as the "Procedural By-Law".

WHEREAS a Municipality is a level of government and requires some formality and procedure in meetings so that clear, informed, written decisions, direction, resolutions and by-laws can be both adopted and implemented;

**AND WHEREAS** pursuant to Section 238 of the *Municipal Act*, 2001, is required to establish the procedures governing the meetings of Council and Committees, the conduct of its Members and the calling of meetings;

**AND WHEREAS** Council must adopt by by-law the procedures which address the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise;

**NOW THEREFORE** the Council of the Corporation of the Township of Nipissing hereby enacts as follows:

In addition to this By-Law, Members of Council are governed by the following documents and legislation:

Municipal Act, 2001

Municipal Conflict of Interest Act

Municipal Code of Conduct

Municipal Elections Act

Accessibility for Ontarians with Disabilities Act

Occupational Health and Safety Act

Staff Council Relations Policy

Municipal Freedom of Information and Protection of Privacy Act

Ontario *Planning Act* 

Human Rights Code

Emergency Management and Civil Protection Act

Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

## Part 1 DEFINITIONS

Definitions in this By-Law:

#### 1.1 Act

"Act" means the Municipal Act, 2001, as amended from time to time.

#### 1.2 Ad-Hoc Committee

"Ad-Hoc Committee" means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference set out in a resolution or By-Law and include language indicating the Committee will cease to exist.

#### 1.3 Agenda

"Agenda" means the list of business to be conducted at a Meeting.

#### 1.4 Chair

"Chair" means the person presiding at a Meeting.

#### 1.5 Clerk

"Clerk" means the person appointed by the Township pursuant to Section 228 of the Municipal Act and other relevant legislation.

#### Chief Administrative Officer

"Chief Administrative Officer" means the person appointed by the Township as Chief Administrative Officer (CAO) pursuant to Section 229 of the Municipal Act.

#### 1.6 Council

"Council" means the elected Members of the Municipal Council.

#### 1.7 Council Package

"Council Package" means a copy of the Agenda, reports and all other information that Members require prior to a meeting.

#### 1.8 Closed Meeting

"Closed Meeting" means a meeting of Council or Committee that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislation. Also referred to as "In Camera".

#### 1.9 Deputy Mayor

"Deputy Mayor" means a Member of Council appointed in accordance with the Township's policies to act in the place of the Mayor when the Mayor is absent.

#### 1.10 Electronic Meeting

"Electronic Meeting" means a Meeting where any or all Member(s) may not be physically present but may participate via electronic means of communication.

#### 1.11 Emergency

"Emergency" means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

#### 1.12 Ex Officio

"Ex Officio" means that the Mayor is a Member of all Committees of Council and is entitled to attend, participate and vote, but is not counted in quorum unless specifically appointed to a seat on the Committee.

#### 1.13 Head of Council

"Head of Council" means the Mayor or the Deputy Mayor in the absence of the Mayor.

#### 1.14 Local Board

"Local Board" means a Local Board as defined in the Municipal Act, 2001.

#### 1.15 Meeting

"Meeting" means any regular, special or other meeting of Council, a Local Board or Committee where a quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee as stated in Section 238 of the Municipal Act.

#### 1.16 Member

"Member" means a Member of Council, Local Board or Committee.

#### 1.17 Municipal Act

"Municipal Act" means the Municipal Act, 2001, S.O. c. 25. as amended.

#### 1.18 Municipality

"Municipality" means the Corporation of the Township of Nipissing.

#### 1.19 Officers

"Officer(s)" means a person such as the Chief Administrative Officer, Municipal Administrator, Clerk, Treasurer, Operations Superintendent, Chief Building Official and Fire Chief who holds a position of responsibility with definite rights and duties prescribed by statute or By-Law.

#### 1.20 Order of Business

"Order of Business" means the sequence of business to be introduced and considered in a Meeting, as outlined on the Agenda.

#### 1.21 Point of Procedure

"Point of Procedure" is a statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-Law.

#### 1.22 Presentation

"Presentation" means a person or group (including a Member, staff or Public) who provides information to Council or Committee. May also be referred to as a Petition or Delegation.

#### 1.23 Quorum

"Quorum" means a majority of Members of Council or Committee.

#### 1.24 Recorded Vote

"Recorded Vote" means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes. This may be requested before or after the vote has been taken.

#### 1.25 Regular Meeting

"Regular Meeting" means a scheduled meeting held at regular intervals in accordance with the approved schedule of Meetings.

#### 1.26 Report

"Report" means a written or other report from the Municipal Administrator CAO-Clerk, Department Heads, Staff or Committee.

#### 1.27 Resolution

"Resolution" means a Motion that has been approved by Council.

#### 1.28 Special Meeting

"Special Meeting" means a meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings.

#### 1.29 Standing Committee

"Standing Committee" means a Committee comprised solely of Members of Council.

#### 1.30 Township

"Township" means the Corporation of the Township of Nipissing.

#### 1.31 Unfinished Business

"Unfinished Business" means matters listed in the Agenda which have not been dealt with in their entirety at a previous meeting.

## Part 2 GENERAL MEETING RULES

- 2.1 The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the dispatch of business by Council and its committees and boards.
- 2.2 This By-Law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a meeting.
- 2.3 The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her their authority to Chair any meeting.

- 2.4 In the absence of the Mayor or if he or she refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and have all the rights, powers and authority of the Head of Council.
- 2.5 The Deputy Mayor shall be the Member of Council receiving the highest number of votes in the most recent Municipal Election.
- 2.6 If both the Mayor and Deputy Mayor are unable to act as Head of Council for a meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that meeting. In this instance, the Clerk shall call the meeting to order and conduct the meeting to allow Council to appoint an Acting Mayor.
- 2.7 Unless otherwise authorized by Council, all meetings of Council shall be held at the Township of Nipissing Community Centre, 2381 Hwy 654, Nipissing, Ontario.
- 2.8 A Clerk or Deputy Clerk must be present at all Council Meetings or other meetings where there is a quorum of Council.
- 2.9 Quorum must be in attendance for all Meetings.

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting. The Clerk shall record the names of the Members present at the fifteen (15) minute time limit and will include those names on Minutes for the adjourned meeting and will include those Minutes on the Agenda for the next Meeting.

If at any time during a Meeting there is not a Quorum, the Meeting shall automatically be recessed until there is a Quorum again or until the Chair adjourns the Meeting.

- 2.10 Minutes of all Meetings will be recorded without note or comment.
  After approval, minutes of all meetings except closed meetings, will be posted in accordance with the applicable municipal policies.
  If a Member arrives during a meeting or leaves before the end of the meeting, the CAOClerk will record same, including the time in the minutes. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused.
- 2.11 Staff have a statutory duty to provide advice to Council. As such, Staff, and particularly Officers and Department Heads are expected to attend Council meetings and to provide advice on a regular basis. Staff and Officers shall attend meetings of Council when required by the Municipal Administrator CAO-Clerk.
- 2.12 Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will provide a written statement of interest and its general nature to the CAO-Clerk in accordance with Schedule A, will leave the Council Meeting while the issue is considered and will take no steps to influence the decision in any way, either prior to, during or after the Meeting.

Members will, at all times comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*.

2.13 The Chair shall preside over the meeting, ensure good order and decorum and rule on procedural questions.

All Agenda items to be discussed are to proceed by Resolution.

The Chair or the CAO-Clerk will read the Resolution or question.

A Member who moves a Resolution has the first right of speaking on that Resolution after the Chair.

The seconder has the right of speaking second on the Resolution.

The Chair will then canvas each Member for their opinion on the Resolution.

After being recognized by the Chair, every Member shall respectfully acknowledge the Chair prior to speaking on any matter.

A Member shall not speak a second time on a matter until all Members have had a chance to speak without leave of Council, except:

- a. if questioned by another Member; or
- b. to explain comments which the Member believes have been misunderstood; or
- c. in the case of the mover of a Resolution, in reply just before the Chair and after everyone else has spoken.

No Member, without the leave of Council or the Committee, shall speak to a matter or in reply for longer than five (5) minutes.

Resolutions and amendments to a Resolution must be moved and seconded in writing and signed by the mover and seconder.

A Resolution may be withdrawn at any time prior to the vote thereon with the consent of the majority of Members present.

When a matter is being debated, no other Resolution shall be entertained other than a Resolution:

- to refer the matter to a certain body;
- to amend the Resolution;
- c. to defer the Resolution;
- d. to adjourn the meeting:
- e. that the vote be taken.

A Resolution to refer or defer shall be heard before any Resolution or amendment except a Resolution to adjourn.

A Resolution to refer shall require direction as to the body to which it is being referred and a date that body is to report to Council or Committee and is not debatable.

A Resolution to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable.

A Resolution that the vote be taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak at least once on the particular matter.

Once a Resolution that the vote be taken is passed, the original motion and any amendments shall be voted upon without further debate.

#### 2.14 Conduct

Members are required to follow the Township's Code of Conduct in all Meetings.

No Member shall:

- a. Speak disrespectfully of the Mayor, Deputy Mayor, Member, Staff or a member of the Public;
- b. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of Council;
- c. Speak on any subject other than the subject in debate; and
- Speak in open Council about matters discussed in a Closed Meeting until the matter is authorized for discussion by Council;
- e. Interrupt a Member while speaking, by speaking out, making a noise or disturbance, except to raise a procedural question.

No person at a meeting shall:

- Speak disrespectfully of the Mayor, Deputy Mayor, Member, Staff or a member of the Public;
- b. Use offensive words;
- c. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- d. Leave their his or her seat while a vote is being taken and until the results are declared;
- e. Make any disruptive noise or disturbance during a Meeting;
- f. Enter the meeting while a vote is being taken;
- g. Walk between a Member who is speaking and the Chair.
- h. Engage in conversation or other behaviour, which may disrupt debate.

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

No person shall record a Meeting, in part or in whole, without first obtaining consent from the Chair.

No persons, except Members or the CAO-Clerk or the Secretary of a Committee, may approach Members without permission from the Chair.

No person shall speak aloud at a meeting or address Members without first receiving permission of the Chair to do so. All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate. Members of the Public may not be recognized unless consent is given by a majority of Council and they are speaking to an item on the Agenda.

Any person who contravenes any of the rules in this By-Law are guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair.

- 2.15 Individuals or groups which are listed on an Agenda or are otherwise approved to appear before Council shall be limited to not more than ten (10) minutes with the exception for a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than five (5) minutes.
- 2.16 A Member may, through the Chair, ask questions or request an explanation to a previous speaker arising out of those speaker's remarks.

A Member may, through the Chair, ask questions during the discussion on any particular item on the Agenda and ask questions on the item to any staff of the Township in attendance at the meeting.

Any Member may, once only, request that a Resolution under discussion be read by the Chair at any time during the debate but may not interrupt another Member while they are speaking.

#### 2.17 Points of Procedure

When a Member believes there is a violation of the rules in this By-Law, the Member shall, when recognized by the Chair, raise a Point of Procedure.

On raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure.

Once the Point of Procedure has been dealt with, the debate shall resume unless the ruling has changed this procedure.

No Member shall disobey the rules of Council or a decision of the Mayor or Chair or of the Council on questions of order or procedure or an interpretation of the rules of Council.

Where a person (including a Member) has been warned about misconduct and has continued, the Chair may expel the person from the Meeting and if such person refuses to so leave, the Chair may adjourn the Meeting without any Resolution to do so until such time as the person has left the meeting room.

If the Member apologizes, he or she may, by vote of the majority of Council, be permitted to retake his or her seat.

#### 2.18 Voting – General

Once the vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other Resolution until the vote has been taken.

Voting shall be by way of a "show of hands" in favour or against, except when a recorded vote is requested.

Voting during an Electronic Meeting shall be conducted as a recorded vote.

A Member may request a recorded vote on any Resolution. When a recorded vote is requested, the CAO-Clerk shall call each Member's name in alphabetical order and request and record their vote on the Resolution. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a recorded vote. After completion of a recorded vote, the CAO-Clerk shall announce the result.

A recorded vote may be requested before, during or after the vote has taken place.

If a Member present at a meeting fails or refuses to vote, their vote will be counted as a vote against the Resolution.

The Chair shall announce the results of the vote once the vote is completed.

If a Member disagrees with the announcement by the Chair of the results of any vote, except a recorded vote, the Member may object immediately to the Chair's declaration and require a recorded vote to be taken.

If there is a tie vote, the Resolution will be defeated.

When the question under consideration contains multiple options/issues, any Member can request the Resolution to be split and each option/issue to be voted on separately without requiring a separate Resolution.

- 2.19 A Resolution containing a minor typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Resolution and initialed by the mover and seconder.
- 2.20 The following rules shall apply to amendments to Resolutions:
  - a. an amendment to a Resolution is a change to the question asked in the Resolution;
  - b. only one amendment at a time can be presented to the Resolution;
  - c. only one amendment can be presented to an amendment;
  - d. when an amendment to a Resolution has been decided upon, another may be introduced;
  - e. the order of the voting shall be:
    - i. an amendment to an amendment shall be voted upon;
    - ii. an amendment to a Resolution shall be voted upon next, and
    - iii. the Resolution, as amended, shall finally be voted upon.

An amendment which is simply a rejection of the Resolution will not be permitted.

2.21 When a Resolution has been decided, any Member who voted with the majority can move for the matter to be reconsidered. The Mayor or Chair may ask the Member to confirm that they voted with the majority.

Before a Resolution to reconsider is heard, the Resolution to reconsider must be added to the Agenda. The Resolution to reconsider shall only be added to the Agenda upon Council's approval.

The process whereby a Motion to Reconsider is added to the Agenda is set out below:

- a. A Member who voted in the majority shall move for the Resolution to reconsider to be added to the Agenda;
- b. The Chair shall ask the Member to affirm that they voted with the majority;
- c. The Chair shall hold a vote whereby the Members shall vote on whether to allow the Resolution to reconsider to be added to the Agenda;
- d. When the Member is moving to have the Resolution to reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, the majority of Members must agree to add the Resolution to reconsider to the Agenda.
- e. Where the Member is moving to have the Resolution to reconsider added to the Agenda of a Meeting other than that at which the Resolution was originally voted on, a 2/3 majority must agree to add the Resolution to reconsider to the Agenda.
- f. Once the Resolution to reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- g. No Resolution shall be reconsidered more than twice in the same calendar year.
- h. A Resolution to reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.
- i. Debate on a Resolution to reconsider must be confined to reasons for or against reconsideration.

No Committee shall reconsider any question decided by Council during the current term nor consider any other matter, which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.

2.22 Any Member may appeal a ruling of the Chair by announcing their appeal to the Members.

The Member shall state the reasons for their appeal and the Chair may then indicate why the appeal should be rejected.

Without debate on the appeal, the Members apart from the Member making the appeal and the Chair shall then vote on the appeal.

If the appeal is upheld by the majority of voting Members, then the Chair shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands.

Unless a Member immediately appeals the ruling of the Chair, the ruling of the Chair on the procedural question shall be final.

## PART 3 ROLES AND RESPONSIBILITIES

#### 3.1 Head of Council (Act s.225)

It is the role of the Head of Council to:

- a. Act as Chief Executive Officer ("CEO") of the Township;
- b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c. Provide leadership to Council;
- d. Provide information and recommendations to Council with respect to the role of Council;
- e. Represent the Township at official functions;
- f. Uphold and promote the purposes of the Township;
- g. Promote public involvement in the Township's activities;
- h. Act as the representative of the Township both within and outside the Township locally, nationally and internationally;
- i. Participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents; and
- j. Carry out duties prescribed by the Act or any other Act.

#### 3.2 Chair

It is the role of the Chair to:

- a. Open meetings by calling the Meeting to order;
- b. Address the business listed on the Agenda;
- c. Receive and have read to Council, all Resolutions to be presented;
- d. Put to a vote all Resolutions which are moved and seconded, and to announce the result of the vote;
- e. Decline to put Resolutions to vote which breach the Procedural By-Law or other Legislation;
- f. Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- g. When, in the opinion of the Chair, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- h. Provide information to Members on any matter relating to the business of the Township;
- i. Authenticate by signature all By-Laws, Resolutions and Minutes;
- j. Rule on any points of order raised by Members;
- k. Maintain order, and, where it is not possible to maintain order, adjourn meetings to a time to be named by the Head of Council without any Motion being put forward; and
- I. Call for the adjournment of the Meeting when business is concluded.

#### 3.3 Deputy Head of Council (Deputy Mayor) (Act s.242)

In the event the Head of Council is absent from the Township, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council.

If the Deputy Head of Council is unable to act in place and stead of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the meeting.

#### 3.4 Council (Act s.224)

It is the role of Council to:

- a. Represent the public and to consider the well-being and interests of the Township;
- b. Develop and evaluate the policies and programs of the Township;
- c. Determine which services the municipality provides;
- d. Ensure that administrative policies, practices and procedures and controllership

- policies, practices and procedures are in place to implement the decisions of Council;
- e. To ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- f. Maintain the financial integrity of the Township; and
- g. Carry out duties of Council prescribed in the Act.

#### 3.5 Clerk (Act s.228)

It is the duty of the Clerk to:

- a. Record, without note or comment, all resolutions, decisions and other proceedings of Council;
- b. If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- c. Keep the originals or copies of all By-Laws and of all Minutes of the proceedings of Council;
- d. Perform other duties required under the Act or any other Act;
- e. Perform any other duties as assigned by the Township; and
- f. Prepare and circulate Council Packages to all Members.

The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section 228(4) of the Act.

#### 3.6 Staff (Act s.227)

It is the duty of Staff to:

- a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b. Undertake research and provide advice to Council on the policies and programs of the Township; and
- c. Carry out other duties required under the Act and other duties assigned by the Township.
- 3.7 Municipal Administrator Chief Administrative Officer
  (See Chief Administrative Office duties as listed in the Act s.229)

It is the duty of the Municipal Administrator Chief Administrative Officer to:

- a. Exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the township; and
- b. Perform such other duties as are assigned by the Township.
- 3.8 Members of the Public

It is the role of Members of the Public to:

- a. Attend Meetings which are open to the public;
- b. Follow the rules of order, polite conduct and decorum;
- c. Provide input and information to Council only at meetings, or portions of meetings specifically designed for public engagement and in a manner dictated by Council (e.g. writing, in person, electronic etc.).

## PART 4 MEETINGS

4.1 The inaugural meeting of Council after a regular election shall be held on the first Tuesday following November 15<sup>th</sup> at 6:30 p.m.

At the First Meeting, the CAO-Clerk shall administer the declarations of office for all Members. No business shall be conducted at the First Meeting until the declarations of office have been administered to all Members.

4.2 Regular meetings of Council shall be held in the Township of Nipissing Community

Centre, 2381 Highway 654 Council Chambers located at 45 Beatty Street, Nipissing,
starting at 6:30 p.m. and will be determined and scheduled by the Council before the
beginning of each calendar year with two meetings per month and the possible exception
for the months of July, August and November with one meeting per month.

- 4.3 Council may from time to time, establish a schedule of Public Town Hall Meetings to be held in the municipality at such time and such locations as Council shall, in advance, determine for the purpose of meeting with ratepayers to express their opinions and concerns in connection with municipal issues. Public Notice of the Public Town Hall Meetings shall be published in accordance with the Township's Public Notice By-Law.
- 4.4 Committees and Boards of Council shall meet in the Township of Nipissing Community Centre, 2381 Highway 654 Council Chambers located at 45 Beatty Street, Nipissing. Committees and Boards may from time to time, wish to change the location of a meeting to provide a venue within the Township better suited to address an issue. Public Notice of the venue change for the meeting shall be published in accordance with the Township's Public Notice By-Law.
- 4.5 That in accordance with Section 238 (3.3) of the Municipal Act, 1990 electronic participation by Council and its Committee shall be permitted in open and closed session, subject to the following:
  - a) Members of Council and its Committees when participating in an electronic meeting shall count towards quorum;
  - b) Electronic Participation means, attendance at Council or its Committee meetings, using electronic formats including but not limited to, video or audio teleconference;
  - c) Only appointed members, staff and invited individuals or groups shall be permitted to participate electronically in Council or its Committee meetings;
  - d) Members of Council or its Committees participating electronically shall have the same rights and responsibilities as if the member was in physical attendance;
  - e) Notice of meetings held in accordance with this section shall advise how members of the public may observe the proceedings.

Members of Council, a committee or local board may be physically present at the meeting to participate or may participate electronically.

- a. As per Amended Section 238 of the Municipal Act, 2001, members of Council, a committee or local board may participate in a meeting electronically; and i. a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and ii. a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open to the public.
- 4.6 Council may, by Resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted on the Township website, in print on the Township office message board and published in a local newspaper should time permit.
- 4.7 Special Meetings
  - a. The Head of Council may, at any time, summon a special meeting.
  - b. The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
  - A special meeting shall be held in the Township of Nipissing Community Centre,
     2381 Highway 654 Council Chamber, 45 Beatty Street, Nipissing, unless otherwise specified.
  - d. The notice of a special meeting shall specify the purpose of the meeting.
- 4.8 Except as provided hereunder, all Council, local board and committee meetings shall be open to the public.

When a Council, local board and committee meeting is held using an electronic meeting format or must limit public attendance for any reason, the meeting shall be made open to the public using a livestream method open to viewing on the internet and the information regarding this option shall be published on the Township website with the meeting information.

When a Council, local board or committee meeting is held as:

- a) Electronic meeting with limited attendance by members for any reason; or
- b) Limited public attendance for any reason;

the meeting shall be livestreamed to the Township of Nipissing YouTube channel with a recording of the meeting remaining on the YouTube site for no less than four (4) weeks from the meeting date.

Council, local board and committee meetings shall be livestreamed to the Township of Nipissing YouTube channel with a recording of the meeting remaining on the YouTube site for no less than four (4) weeks from the meeting date.

- 4.9 Notwithstanding Paragraph 4.8, a meeting of Council, local board or committee may be closed to the public if the subject matter being considered relates to:
  - a. The security of the property of the municipality or local board;
  - b. Personal matters about an identifiable individual, including municipal or local board employees;
  - A proposed or pending acquisition or disposition of land by the municipality or local board;
  - d. Labour relations or employee negotiations;
  - e. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - h. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency for any of them;
  - i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonable be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - k. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

A meeting of council, local board or committee may be closed to the public if the following conditions are both satisfied:

- 1. The meeting is held for the purpose of educating or training the members;
- 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 4.10 Council, local board, and committee meeting shall be closed to the public if the subject matter being considered is,
  - a. a request under the *Municipal Freedom of information and Protection of Privacy Act*, if the Council, local board or committee is the "head" of an institution for the purposes of that Act; or
  - b. an ongoing investigation respecting the Township, a local board, or Township controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an ombudsman referred in subsection 223.13(1) of the *Act* or the investigator referred to in subsection 239.2(1) of the *Act*.
- 4.11 Members of Council, a committee or local board may participate electronically in a meeting that is open or closed to the public. (Amended with By-Law Number 2021-22)

- 4.12 Before holding a meeting or part of a meeting that is to be closed to the public, Council, local board or committee shall state by Resolution:
  - a. The fact of the holding of the closed meeting;
  - b. The general nature of the matter considered at the closed meeting.
- 4.13 Subject to Paragraph 4.14, a meeting shall not be closed to the public during the taking of a vote.
- 4.14 Despite Paragraph 4.13, a meeting may be closed to the public during a vote if:
  - (a) Paragraph 4.9 permits or requires the meeting to be closed to the public; and (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or
- 4.14 Meetings or session which are closed to the public may be referred to as "in-camera" meetings or sessions.
- 4.15 Council and Committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a Resolution passed by unanimous vote.

## PART 5 AGENDAS AND SUPPORTING MATERIAL

- 5.1 The Clerk shall prepare the Agenda of Council and Committee meetings as assigned.
- 5.2 Insofar as is practicable, Council Agendas along with supporting material, shall be prepared and made available to members no later than the Friday prior to a regular meeting.
- 5.3 Individuals or groups wishing to appear before Council at a regular meeting should advise the Clerk not later than ten (10) days prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.

The Clerk may decline to add items or delegations to an Agenda. Reasons to decline include, but are not limited to the following:

- More time is required to obtain background information or reports for Council review on the subject;
- b. The subject matter of the Delegation is outside the jurisdiction of Council;
- c. The subject matter is with respect to a matter that should be discussed in a Closed meeting;
- d. The meeting Agenda is already too lengthy;
- e. The subject matter is set to be discussed on another Agenda;
- f. The issue is frivolous or vexatious;

local board.

- g. Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue;
- h. Council previously indicated that it will not hear further from this Delegation; or
- i. The issue should be referred to Administration for action.

- 5.4 Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law:
  - 1. Disclosure of Pecuniary Interest
  - 2. Staff Reports
  - 3. Committee Reports
  - 4. Petitions and Delegations
  - 5. Minutes of Previous Meetings
  - 6. Resolutions
  - 7. New Business/By-Laws
  - 8. Correspondence
  - 9. Accounts
  - 10. Resolution to move to an in-camera (closed) Session
  - 11. Confirming Meeting
  - 12. Adjournment

The business of the Council shall be taken up in the order as listed on the Agenda unless otherwise decided by the Mayor or presiding officer.

#### PART 6 NOTICE

6.1 Public notice of any meeting shall be posted on the bulletin board in the municipal office and on the municipal website. The notice shall include the date, time and location of such meeting. Such notice shall be posted not less than twenty-four (24) hours prior to the said meeting, exclusive of non-business days. Notwithstanding the foregoing, where such meeting is a special meeting called pursuant to this By-Law and it is not possible to provide the aforementioned notice, the Clerk shall make reasonable efforts to provide notice to those concerned and shall ensure that a notice be posted as soon as is practicable after the meeting has been scheduled. Notice of regular meetings or their scheduled dates shall be posted on the bulletin board in the municipal office and on the municipal website. Failure to give notice shall not invalidate the meeting or any decision

taken at the meeting; but the failure to give proper notice shall be called to the attention of Council at its next regular meeting by the Clerk or any member of Council who becomes aware of such failure.

#### PART 7 BY-LAWS

- 7.1 Supporting documentation, reports and drafts of By-Laws shall be circulated to Council prior to presentation for consideration.
- 7.2 Every By-Law shall be introduced by a Resolution stating the full title of the By-Law.
- 7.3 Every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any *Act*.
- 7.4 Every By-law shall be given three readings prior to passage. By-laws may be given three readings on the same day except when requested otherwise by resolution of the majority of the members present or as otherwise provided in law.
- 7.5 Upon passage, By-laws shall be numbered, signed by the Mayor or presiding officer and the Clerk and embossed with the seal of the Corporation.
- 7.6 Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

## PART 8 GENERAL

- When the Mayor is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.
- 8.2 In all matters and under all circumstances, the Members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.
- 8.3 Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
- Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.
- 8.5 No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is provided.

## PART 9 TECHNICAL CONSIDERATIONS

- 9.1 The Township of Nipissing will use the Zoom platform to hold electronic meetings, when required.
- A digital recording of an electronic meeting will be made and maintained by the Township as per the current records retention by-law.
- 9.3 When holding an electronic meeting with limited attendance for members and/or the public, the meeting will be livestreamed to the Township of Nipissing's YouTube channel.
- In the event of electronic disruption such as loss of internet connectivity during an electronic meeting, loss of power during an electronic meeting or technical issues with equipment during an electronic meeting, the meeting will be recorded and posted to the YouTube channel as soon as possible when systems may be restored.

#### THE CORPORATION OF THE TOWNSHIP OF NIPISSING

#### BY-LAW NUMBER 2022-35

Being a by-law to appoint an authorized person for the purposes of Site Plan Approval under the Planning Act.

WHEREAS the More Homes for Everyone Act, 2022 provided changes to the Planning Act, R.S.O. 1990, Chapter P. 13 section 41, (4.0.1) stating that Council shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection 4, Site Plan approval;

AND WHEREAS the Township of Nipissing has a Land Planning Administrator appointed within the Organizational Structure;

Now therefore the Council of the Corporation of the Township of Nipissing Enacts as follows:

 John-Paul Negrinotti, Land Planning and Technology Administrator shall be delegated the authority to provide approval for Site Plan documents as required under the *Planning Act*.

That this By-law shall come into force and effect immediately on the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 21<sup>ST</sup> DAY OF JUNE, 2022.

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Tom Piper, Mayor

Kris Croskery-Hodgins, Municipal Administrator



## TOWNSHIP OF NIPISSING CORRESPONDENCE

#### June 21, 2022

- 1. Resolution from the Town of East Gwillimbury regarding Implications of Provincial Bill 109: More Homes for Everyone Act.
- 2. Letter from the Municipal Engineers Association regarding the Retention of Professional Engineers at Ontario Municipalities.
- 3. Resolution from the Municipality of Chatham-Kent regarding Retirement Home Funding.
- 4. AMCTO information release regarding Municipal Insurance.





Tara Lajevardi, Hon.B.A.
Municipal Clerk/Director of Legislative Services
905-478-4282 ext. 3821
tlajevardi@eastgwillimbury.ca



June 15, 2022

Sent via email: premier@ontario.ca

Honourable Doug Ford Premier of Ontario Legislative Building Queen's Park Toronto ON M7A 1A1

Dear Premier Ford:

Re: Summary and Implications of Provincial Bill 109: More Homes for Everyone Act, 2022

For your information and records, at its electronic meeting held on June 7, 2022 the Council of the Town of East Gwillimbury enacted as follows:

WHEREAS the Town of East Gwillimbury is Canada's fastest growing municipality (with more than 5,000 residents) according to 2021 Census Canada data; and

WHEREAS the Council of the Town of East Gwillimbury has significant concerns regarding the impact of Bill 109 on the community planning process, and the ability of municipalities to deliver on initiatives to address housing supply and attainability, and

WHEREAS the refund provisions in Bill 109 will result in existing taxpayers subsidizing development applications as well as lost revenue and increased staff costs for municipalities; and

WHEREAS the prescription of what constitutes a complete application does not address differing levels of complexities and the unique circumstances and diverse landforms that exist across the province, nor does it recognize the collaborative process and relationships between parties that deliver results for municipalities; and

WHEREAS limiting conditions on Draft Plan of Subdivision does not address the unusual and often challenging circumstances best understood by local municipal staff and elected officials;

#### **Corporate Services**



Tara Lajevardi, Hon.B.A.
Municipal Clerk/Director of Legislative Services
905-478-4282 ext. 3821
tlajevardi@eastgwillimbury.ca

BE IT THEREFORE RESOLVED THAT the Council of the Town of East Gwillimbury requests that Government of Ontario revisit the provisions of Bill 109 and work with all stakeholders, including municipalities represented by the Association of Municipalities of Ontario to deliver legislation that allows municipalities to plan, grow and deliver communities that adhere to local, provincially-approved Official Plans, rather than strict statutory timelines; and

THAT a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, MPP Caroline Mulroney, the Minister of Municipal Affairs and Housing, all York Region Mayors and Regional Chairs in Ontario; and

THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

If you have any further questions, feel free to contact the undersigned.

Yours truly,

Tara Lajevardi, Hon.B.A. Municipal Clerk

Santoperail.

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Caroline Mulroney, MPP York – Simcoe
York Region Mayors and Regional Chairs
Association of Municipalities Ontario

All Ontario municipalities





Office of the President
1525 Cornwall Road
Oakville ON
L6J 0B2

Jun 13, 2022

#### **Municipal Councils of Ontario**

**Subject: The Retention of Professional Engineers at Ontario Municipalities** 

The purpose of this letter is to stress the importance that municipal engineers play in the successful operation of cities, counties, towns, and townships across Ontario.

The Municipal Engineers Association (MEA) is a non-profit association representing the municipal engineering field in Ontario. We have a membership base of over 1,000 municipal engineers across Ontario who are employed as professional engineers at Ontario municipalities and other provincial agencies serving in the engineering/public works field.

We advocate for sustainable municipal infrastructure practices and our members provide significant input into the development of processes, standards, and specifications for use in municipal infrastructure systems such as drinking water delivery, wastewater collection and treatment, storm water management, waste management and transportation systems.

The MEA has been the proponent for the *Municipal Class Environmental Assessment* process since the mid-1980s. We are also a co-proponent of *Ontario Provincial Standards & Specifications* that many Ontario municipalities use when planning for and tendering municipal engineering projects.

There are a number of examples in various current legislation, where the use of a professional engineer is referenced. Key tasks include roles in transportation, natural resources, health and safety, consumer services, environment, tourism, agriculture, climate change, and energy. It is essential that municipalities consider the appointment of professional engineers, especially within the areas of engineering and public works, to afford municipal councils the appropriate due diligence toward public safety. Unfortunately, we are observing a concerning trend where this is no longer the case.

Professional engineers, through education and practical experience requirements, have the knowledge and foresight to not only understand the 'how' of an issue, but also understand the 'why' behind issues as well. Professional engineers are <u>licensed</u> to practice in Ontario through the *Professional Engineers Act* and are bound by statutory accountabilities, which includes a code of ethics. Under this code, professional engineers are required to act at all times with fidelity to public needs; professional engineers regard their duty to public welfare and safety as paramount.

Professional engineers also provide significant value to municipalities through their understanding of risk management, which assists in lowering exposure to claims against a municipality. With insurance premiums rising every year, it is prudent that municipalities appoint a professional engineer to guide these decision-making processes.



As of December 31, 2019, there were 57,134 practicing professional engineers licensed and practicing in the Province of Ontario. Of this number, only 136 professional engineers work for municipalities with a population of 50,000 or less. This represents only 0.2% of licensed and practicing Ontario Professional Engineers being employed by Ontario municipalities serving populations of less than 50,000. Many of these smaller municipalities have a Public Works/Engineering Department head and would benefit by appointing a Professional Engineer.

The vast majority of professional engineers working at Ontario municipalities are employed by larger urban centres having a population greater than 50,000.

For smaller municipalities that do not have the financial resources to employ a full-time professional engineer on their staff, the MEA recommends the appointment of a professional engineer through a licensed consulting firm so that your municipality may meet the needs only a professional engineer can provide.

We would also like to take this opportunity to promote membership in the MEA. There are Ontario municipalities that currently do not have representation in the MEA. If you have a professional engineer(s) on staff and they are not MEA members, we encourage your municipality to have them apply. The MEA offers members access to knowledge, learning and the ability to stay up to date with current industry practices. It truly is great value for a very nominal fee.

On behalf of the MEA, we thank you for taking time to review this letter. Should you have any questions, please reach out to the MEA's Executive Director, Dan Cozzi, P. Eng. at dan.cozzi@municipalengineers.on.ca.

Yours sincerely,

Jason Cole, P. Eng.,

**MEA President 2021 - 2022** 

Municipality of Chatham-Kent
Corporate Services
Municipal Governance

315 King Street West, P.O. Box 640

Chatham ON N7M 5K8

The Honourable Doug Ford, premier@ontario.ca

#### Re: Retirement Home Funding

Please be advised the Council of the Municipality of Chatham-Kent, at its regular meeting passed the following resolution:

"Whereas there are 700 retirement homes in Ontario regulated by the Retirement Homes Regulatory Authority in accordance with the Retirement Homes Act; this includes the Residential Tenancies Act, the Occupational Health and Safety Act, the Ontario Fire Protection Act, the Personal Health Information Protection Act and College of Nurses standards;

And Whereas Retirement Homes are privately owned, renting private accommodation to seniors without access to public funding by the government the same way home care services and long term care homes do;

And Whereas currently 60% of these Ontario Retirement Homes, that are small facilities under 70 beds, are failing financially and/or are facing imminent closure risking loss of supportive, safe and secure environments for 60,000 retirement home residents in Ontario, as per Ontario Retirement Communities Association (ORCA);

And Whereas the cost of living in a retirement home is \$1500 - \$6000 a month which is significantly more expensive versus the cost of homecare services and/or long term care homes, as most assisted living/retirement homes do not provide personal care as a part of the basic fee; instead requiring residents to pay full cost of accommodation and any care services they require;

And Whereas home care services may be provided at no cost to resident "only if" appropriate level(s) of community service provider staffing is available;

And Whereas many Retirement Home residents or individuals in the community, who do not require long term care levels of service, are forced into long term beds due to extinguishing funds and/or lack of adequate financial means to pay for Retirement Home and/or required extra personal care services, inappropriately burdening limited long term care bed or acute hospital bed capacity;

And Whereas many seniors living in Retirement Homes and who experience worsening medical conditions, increased number of falls and overall increased frailty, often do "not" move onto long term care due to lack of long term bed availability and/or family preference, placing significant stress on Retirement Home staffing complements and financial resources;

And Whereas Retirement Homes have not been afforded recent government Nursing and/or PSW staff subsidies as provided to home care service providers and long term care homes:

And Whereas Retirement Homes have not been included in recent reduction of resident activity restrictions.

Therefore Be It Resolved that the Municipality of Chatham-Kent request that the Ontario Government:

- Enable individuals in the community opportunity to apply for financial assistance from the Ministry of Seniors and Accessibility to help cover accommodation costs and/or required personal care service costs at Retirement Home level, similar to available funding assistance for home care services and long term care homes.
- 2. Recognize Retirement Homes as an essential community health care partner and implement an equitable service funding program that facilitates/enables Retirement Homes to safely care for residents who require significant personal care assistance while awaiting a long term care bed.
- 3. Afford equitable Nursing and PSW staffing subsidies retroactively across all divisions of the community health care provision sector, including Retirement Homes.
- 4. Allow for equitable resident activity levels across all divisions of the community health care provision sector, including Retirement Homes.

And further that this resolution be forwarded to the Premier of Ontario, the Ministry of Seniors and Accessibility and all Ontario municipalities.

If you have any questions or comments, please contact Judy Smith at <a href="mailto:ckclerk@chatham-kent.ca">ckclerk@chatham-kent.ca</a>

Sincerely,

Judy Smith, CMO

**Director Municipal Governance** 

Clerk /Freedom of Information Coordinator

C

Ministry of Seniors and Accessibility Ontario Municipalities



Municipal Insurance May 2022

#### **Key Takeaways**

- Municipal insurance rates are rising at a pace that is not sustainable for municipalities.
- The municipal insurance space is changing with new threats such as cyber attacks and an increase in climate-related disasters.
- Ontario's joint and several liability system contributes to high insurance costs, leaving the public paying the price.

#### Issue

Municipal insurance rates have increased significantly in recent years. In many cases, costs have increased between 10-75% with some municipalities facing even higher costs and there are few alternative service providers to turn to. This is not sustainable for municipalities and their residents. Increasing costs related to municipal insurance premiums means challenging budgetary planning with decisions impacting local services.

#### The Need for Reform

There are many factors that affect the unsustainable rise in municipal insurance rates for municipalities. The examples used in this brief are not meant to provide an exhaustive list, but rather highlight some of the systemic as well as emerging challenges with municipal insurance. Finding a solution that will solve this issue for municipalities will require innovation and long-term commitment.

#### Joint and Several

Ontario's <u>Joint and Several Liability tort system</u> is one piece of the puzzle, exacerbating already high municipal insurance costs. The <u>Negligence Act, 1990</u> directs that a person injured by two or more defendants may collect full damages from just one regardless of their proportion of liability. This means that by design, defendants in civil suits who are found to be as little as 1% at fault can still be required to pay 100% of the damages.

Joint and several liability encourages plaintiffs to unfairly target defendants who have or are perceived to have the ability to pay damages. For this reason, municipalities have often become the targets of litigation and can be forced to offer large settlements to avoid extensive litigation. In some cases, municipalities delay or cut back services to limit exposure to liability.



Ultimately whether municipalities litigate, settle or reduce exposure to liability to mitigate risk, their residents and ratepayers suffer the consequences. Reforming joint and several liability could save the municipal sector \$27 million in insurance costs.

#### **Cyber Attacks**

Ontario municipalities are frequently the target of cyberattacks<sup>vii</sup>, the scale, frequency, and sophistication of which are causing major disruptions to critical operations<sup>viii</sup>. Cyberattacks in Canada increased by 50% in 2021.<sup>ix</sup> One way that municipalities can prepare for this is by obtaining cyber insurance. However, since the risk of a cyberattack is high and more municipalities are making cyber-related claims with higher damages, cyber insurance rates have increased for municipalities in recent years, contributing to high municipal insurance premiums.<sup>x</sup>

Furthermore, many municipalities are no longer able to secure cyber insurance as many providers have stopped offering this as they perceive it to be a losing proposition with the frequency of municipal cyberattacks.xi Knowing that a cyber threat is likely, municipalities are in a difficult position where it is both challenging to secure coverage and if it is possible to obtain, it is extremely costly.

#### **Climate Related Disasters**

Municipalities are seeing more natural disasters as climate change has increased the occurrence of flooding, tornadoes, fires and other catastrophes.\*ii Municipalities need to both insure their infrastructure assets, which can be severely at risk during a natural disaster, and have coverage to protect the municipality against liability for infrastructure failure.\*iii Claims related to infrastructure damage and liability have increased, with municipalities making more claims and for higher amounts.\*iv This has contributed to higher costs for municipal insurance policies, as well as changes to limit liability.\*v

#### What can be done?

There are alternative models to Ontario's joint and several liability system, some of which were reviewed by the government in 2014 through a consultation led by the Attorney General. These alternatives offer different models of reallocation of uncollectable contributions as well as liability capping to ensure reasonable limits on damages and caps on liability in certain circumstances. This ensures that a municipality is on the hook for a proportion that is not beyond two times its total proportion of damages.xvi

**Saskatchewan Model**: Includes a reallocation provision where if the uncollectable contributions of a defendant is assigned to the remaining parties, it is done so in a way that is proportionate to the degree of fault among the defendants and plaintiff.

**Multiplier Model**: Limits the municipality's liability so if one defendant is unable to pay liability, this amount does not go beyond double the municipality's proportion of damages. This model would apply for road authorities only.



**Combined Model**: Places reasonable limits on the damages that may be recovered in certain circumstances. The Saskatchewan Model would be applied first with the Multiplier Model only applying if it was needed to ensure a municipality does not pay more than double its proportion of damages.<sup>xvii</sup>

In 2019, in response to a consultation regarding joint and several liability led by the Attorney General, the Association of Municipalities of Ontario (AMO) recommended a model of full proportionate liability to replace joint and several liability.xviii This would limit the liability of each co-defendant to the proportion of the loss for which they were found to be responsible. Other alternatives to the status quo that the Province could explore include giving the courts discretion to apply different forms of liability depending on the case, introducing a cap on the amount of damages available for claims for economic loss, and a hybrid system of proportionate liability and caps on damages.

Beyond joint and several liability reform, there are other mechanisms that the Province can explore to ensure that municipalities have access to insurance premiums that are predictable and sustainable for their ratepayers. For example, Ontario used to have a non-profit reciprocal insurance provider for municipalities, the Ontario Municipal Insurance Exchange (OMEX). These providers are common in other jurisdictions in Canada, however, OMEX ceased operations in 2016 with joint and several liability among the reasons that operations became challenging.xix This resulted in limited provider options for Ontario municipalities.

As AMO suggested in their 2019 submission, the Province can consider if there are any provincial requirements or regulations that could better support the non-profit reciprocal municipal insurance market, and if there are actions that can be taken to better protect municipalities in Ontario in sourcing their insurance needs.\*\*

The Province can also look at reducing municipal insurance rates through strategic investments in areas where municipalities are at risk for pricey claims. For example, the Province could increase investment to <u>ensure municipal infrastructure</u> is climate resilient and/or that municipalities have robust measures in place to protect them against cyberattacks.

#### Conclusion

The high cost of municipal insurance is not sustainable for Ontario municipalities resulting in extensive municipal budgetary pressures. While threats to municipalities are evolving and changing, the municipal insurance system has not evolved to account for these changes. The province should work in collaboration with the municipal sector to investigate increasing costs to municipal insurance rates and alternatives to the current regime.

#### Ideal solution

Our members would like to see the Province:

1. Collaborate with the municipal sector to investigate increasing costs to municipal insurance rates and find equitable solutions.



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Share/Reports/LocalShareProposedActionPlan20170525.pdf

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xii Nick Dunne, "Why are municipal-insurance rates skyrocketing in Ontario?". TVO. April 2021.

https://www.tvo.org/article/why-are-municipal-insurance-rates-skyrocketing-in-ontario

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\*\* Insurance Bureau of Canada and the Federation of Canadian Municipalities: "Investing in Canada's Future: The Cost of Climate Adaptation at the Local Level". February 2020. <a href="http://assets.ibc.ca/Documents/Disaster/The-Cost-of-Climate-Adaptation-Report-EN.pdf">http://assets.ibc.ca/Documents/Disaster/The-Cost-of-Climate-Adaptation-Report-EN.pdf</a>

xvi AMCTO: "Issue at a Glance: Joint and Several Liability". August 2019.

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xvii AMCTO: "Issue at a Glance: Joint and Several Liability". August 2019.

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https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Reports/2019/TowardsaReasonableBalanceAddressingGrowingMunicipalLiabilityandInsuranceCosts20191001.pdf

xix Association of Municipalities of Ontario (AMO): "Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs". October 2019.

https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Reports/2019/TowardsaReasonableBalanceAddressingGrowingMunicipalLiabilityandInsuranceCosts20191001.pdf

\*\* Association of Municipalities of Ontario (AMO): "Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs". October 2019.

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## TOWNSHIP OF NIPISSING RESOLUTION

DATE:

June 21, 2022

NUMBER: R2022- 1니

Moved by

Seconded by

That the statement of accounts dated: June 9, 17 and 20, 2022;

Totaling \$262,680.72 be approved.

For Against

PIPER KIRKEY MARCHANT MOORE SCOTT

Carried

**Mayor: TOM PIPER** 

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Bill Register					c	he Corpor	ation of th	ne Tov	The Corporation of the Township of Nipissing	Nipissing AP01067
Rill # Vendor Name	9	Bill Date Du	Due Date	Bill Total	ray tal By	Account	GST/HST	ST	Rebate	Expense
		2		202,597.71	1/2		4,276,73	 	3,697.73	198,899.98
Effective: 2022/06/20										
Summary		Debit		Credit						
	FITNESS CENTRE DEPOSITS	20.00								
1-10-150-120-000 Iransfe 1-10-150-121-000 Transfe	Fransfer Public School English Fransfer Separate School Eng	11,659.31	/	School	Rong	Roard 2nd	JEUM PAYMENT	PACE	MCA IT	
•	Transfer Public School French	1,032.01	\		)	í	-		) į	
	Transfer Separate School Fr	2,018.16 /								
	Ses	309.92								
1-20-210-576-280 Cleanir	Cleaning & Maintenance	530.12								
	Telephone - Station #2	66.08								
	Building & Ground Mtc Station #2	7.52								
	Telephone - Station #1	158.34								
1-30-300-505-652 Buildin	Building & Ground Mtc Station 1	42.22								
1-30-300-506-570 PROF	PROFESSIONAL DEVELOPMENT	945.65								
1-30-305-504-264 CEMC	CEMC DEVELOPMENT	61.98								
1-30-320-354-000 911 Ex	911 Expenses	61.06								
-	GAS & OIL PUMP 1 UNIT 4	1,091,15		7						
1-50-400-508-365 Health	Health Centre Contributions	10,000.00	ſ	しょうこうしょし		Same From R. D.				
1-55-612-488-282 LANDF	LANDFILL HYDRO	84.60								
_	LANDFILL CELL PHONE	125.11								
	Dump Materials And Supplies	253.13								
	Recycling Operating	4,925.18								
1-60-602-504-602 Emerg	Emergency Preparedness Materials	634.47								
	Health & Safety Materials	51.32								
1-60-602-624-290 Telephone	one	513.36								
1-60-602-624-602 Garago	Garage Materials	174.03								
1-60-602-626-600 HTM F	HTM Patching Rentals	167.90								
1-60-602-636-602 Dust C	Dust Control Materials	19,507.90	1	d LOA05	CACCIUM	ÚM ÚM				
1-60-602-642-602 LTM P	LTM Patching Materials	699.07								
	Repairs #12 Excavator	513.63								
1-60-604-900-420 Repair	Repairs Backhoe #1	774.24								
1-60-604-906-420 Repair	Repairs Grader #4	404.00								
-	Community Centre - Hydro & Propa	523.47								
	Community Centre - Telephone	59.01								
_	Cleaning Supplies	98.03								
1-70-710-215-999 Kecre	Recreation Event Programming Exp									

## Page 5 of 5

# Bill Register

Bill Register	ter		>eQ	The Corpora	The Corporation of the Township of Nipissing	wnship of Batch:	ip of Nipissing Batch: AP01067
Bill # Vendor Name	lor Name	Bill Date Due Date	Bill Total	Account	GST/HST	Rebate	Expense
1-70-710-444-000 Programs	Programs	71.03					
1-70-830-560-282	1-70-830-560-282 Museum - Hydro	47.99					
1-70-830-560-290	1-70-830-560-290 Museum - Telephone	60.03					
1-70-830-560-583	1-70-830-560-583 Museum - Candy/Pop/Yogurt	28.49					
1-70-830-560-591	1-70-830-560-591 MUSEUM PROGRAMS, GARDEN	10.61					
1-70-830-560-652	1-70-830-560-652 Museum - Yard Maintenance	7.10					
1-01-005-020-007	1-01-005-020-007 HST Partial Rebate	2,052.84					
1-01-005-025-006 GST Rebate	GST Rebate	1,644.89					
1-03-040-100-000	1-03-040-100-000 Accounts Payable Trade		202,597.71				
		202,597.71	202,597.71				

## Bill Register

Bill Register	ter			he Corporat	The Corporation of the Township of Nipissing	vnship of	Nipissing
						Batch	Batch: AP01068
Bill # Vend	Vendor Name	Bill Date Due Date	Bill Total By	Account	GS1/HS1	Kebate	Expense
		Totals	6,945.73		787.57	680,95	6,264.78
Effective: 2022	2022/06/20						
Summary		Debit	Credit				
1-20-210-576-292	Postage	1,135.96 - P.	Par Tax Bill mailing	CO: 1: 50			
1-20-210-576-299	OFFICE SUPPLIES & MAINTENAN	40.69		Silver of			
1-20-210-576-331	Professional Development	656.00		ć			
1-20-210-592-000	Election 2022	ı	Election supplies -	s - torms,	torms, ballot boxes		
1-30-300-503-652	Building & Ground Mtc Station #2	170.74		•			
1-30-300-505-299	Office Supplies	11.59					
1-30-300-505-652	Building & Ground Mtc Station 1	56.56		ŝ.j.			
1-30-300-506-091	Fire Dept - Capital	305.27					
1-30-300-506-473	Fire Prevention - Public Education	69.19					
1-30-300-506-580	Equipment Certification and Mtc	66.15					
1-30-300-506-680	Radio Equip. & Licence	95.10					
1-30-320-383-266	BLEO EXPENSES	34.54					
1-30-604-814-421	GAS & OIL PUMP 2 UNIT 3	48.43					
1-30-604-922-421	GAS & OIL UNIT 2	55.74					
1-30-604-924-421	GAS & OIL UNIT #1 PICK UP FD	203.52					
1-60-602-624-602	Garage Materials	42.81					
1-70-710-215-999	Recreation Event Programming Exp	118.02					
1-70-710-432-652	CANADA DAY	1,321.58 - Fif	FIREWORKS				
1-70-710-444-000	Programs	29.71					
1-70-830-560-280	Museum -Structural/Other	61.05					
1-70-830-560-299	Museum - Office Supplies	100.00					
1-01-005-020-007	HST Partial Rebate	378.05					
1-01-005-025-006	GST Rebate	302.90					
1-03-040-100-000	Accounts Payable Trade		6,945.73				
		6,945.73	6,945.73				
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# Time-Input Register

Schedule: Additional Pay (Add)

PR Group: Volunteer Firefighters (FD)

Deposit Date 2022/06/22

Pay Period 2021/12/01	
oay (Add)	(CD)

	Debit Credit	2,625.00	29,160.02
λ		Fire Officers Stipend	Fire Fighters Points
Group G/L Summary	Account	1-30-300-539-230	1-30-300-540-500

31 785 02

# Payroll Register

General Leage	ger Distributions (Report Summary)		,
		Debit	e C
1-01-002-012-000	Bank		21,352.2
000 707 000 7			

paynoll processed June 9, 2003