REGULAR COUNCIL AGENDA

C-08/2022 - Regular Council
Tuesday, April 19, 2022
5:30 PM
Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

   1.1. Land Recognition Statement

   We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

2. Approval of Agenda

3. Disclosure of Pecuniary Interests and General Nature Thereof

4. Hearing of Presentation, Delegations, Regional Report

4.1. Presentations

4.1.1. COVID-19 Pandemic Update – CEMC

B. Lymburner, Community Emergency Management Co-Ordinator

4.1.2. COVID-19 Pandemic Update – CAO

D. Cribbs, Chief Administrative Officer

4.2. Delegations

4.2.1. Family and Children's Services Niagara re: Mountainview LemonAID Day Proclamation 8 - 16

Darlene McDowell, Past President, FACS Niagara Foundation

4.3. Report of Regional Councillor

5. Adoption of Minutes

5.1. SC-03/2022 - Special Council Meeting - April 4, 2022 17 - 20

5.2. RC-07/2022 - Regular Meeting of Council - April 4, 2022 21 - 34

6. Business Arising from Council Minutes

7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

8. Consent Agenda Items to be Considered in Block

8.1. Presentation of Recommendations Arising from COW or P&P, for Council Approval

8.2. Minutes Approval - Committee

8.3. Staff Reports of a Routine Nature for Information or Action

8.3.1. 2022 Municipal and School Board Election - Policies and Procedures, 2022-0093-Clerks 35 - 239

8.3.2. Special Event Permit Application - Tulip Pick Farm , 2022-0085-Clerks 240 - 244

8.3.3. Q1 2022 Clerk's COW Report, 2022-0031-Clerks 245 - 249

8.3.4. Q1 2022 Corporate Service COW Report, 2022-0072-Corporate Services 250 - 257

8.3.5. Q1 2022 RCW COW Report, 2022-0099-Recreation 258 - 269

8.3.6. Q1 2022 - Planning and Development COW Report, 2022-0082-Planning 270 - 275

8.3.7. Q1 2022 Public Works Department Quarterly Report for the period (January 2022 - March 2022), 2022-0086-Public Works 276 - 285

8.3.8. Q1 2022 - Fire by-law department COW report, 2022-0092-Fire Dept 286 - 294

8.4. Action Correspondence of a Routine Nature

8.4.1. Family and Children's Services Niagara - June 12, 2022, Mountainview LemonAID Day, 2022 295 - 297

8.4.2. Operation Smile Canada - June 19, 2022, Longest Day of SMILES® 298 - 299

8.4.3. Niagara Regional Labour Council - April 28, 2022, National Day of Mourning 300 - 301

8.4.4. Request for Noise By-law Exemption - Pelham Advocates for Trees and Habitat 302 - 303

8.5. Information Correspondence Items

8.5.1. Ontario Must Build it Right the First Time 304 - 306

8.5.2. Niagara Region Correspondence

8.5.2.1. Regional Transitional Incentive Timelines 307 - 336

8.5.2.2. Niagara Official Plan

8.5.2.2.1. Preferred Urban Settlement Area Recommendation 337 - 338

https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=22106

https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=22107

https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=22108

https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=22109

https://www.niagararegion.ca/official-plan/commenting-nov-21-feb-22.aspx

8.5.2.2.2. Niagara Official Plan Statutory Open House and Public Meetings Notice 339 - 340

8.5.2.3. Reduced Load Restrictions By-law 341 - 346

8.5.3. Ministry of Municipal Affairs and Housing - More Homes for Everyone Plan 347 - 347

https://www.ontario.ca/page/more-homes-everyone

8.6. Regional Municipality of Niagara - Action Items

8.7. Committee Minutes for Information

8.7.1. MCC User Group Minutes 348 - 351

January 27, 2022

8.7.2. Summerfest Committee Minutes 352 - 361

January 20, 2022
February 3, 2022

8.7.3. Pelham Seniors Advisory Committee 362 - 373

January 20, 2022
February 17, 2022

8.7.4. Pelham Arts Advisory Committee 374 - 385

January 19, 2022
February 16, 2022

8.7.5. Cannabis Control Committee 386 - 389

February 2, 2022

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1. Reports from Members of Council:

10.2. Staff Reports Requiring Action

10.2.1. Nomination of Pelham Elected Official to Regional Transit Commission, 2022-0102-Chief Administrator Officer 390 - 428

10.2.2. Update to Park Lane Watermain Replacement Project Budget, 2022-0096-Public Works 429 - 432

10.2.3. Recommendation Report for Draft Plan of Condominium and Zoning By-law Amendment - 701 Quaker Road, 2022-0095-Planning 433 - 459

10.2.4. Updated Employee Recognition Policy, 2022-0089-Chief Administrator Officer 460 - 466

10.2.5. Adjustment to Compensation for Elected Officials, 2022-0091-Chief Administrator Officer 467 - 473

10.2.6. Restricted Acts Provisions of the Municipal Act, 2001, Section 275 (Lame Duck), 2022-0055-Clerks 474 - 479

10.2.7. Procedural By-Law Update, 2022-0083-Clerks 480 - 540

11. Unfinished Business

11.1. Request for Noise By-law Exemption - 2 College Street, Fonthill 541 - 542

12. New Business

13. Presentation and Consideration of By-Laws 543 - 550

1. By-law 4446(2022) - Being a by-law to amend By-law #4068(2019), as amended, confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to appoint a member to the Pelham Summerfest Committee (Schedule N).

2. By-law 4447(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the southeast corner of Port Robinson Road and Station Street, legally described as Part of Lot 172, formerly Township of Thorold, now in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following zones: Residential 2 – 316 (R2-316); Residential Multiple 1 – 317 (RM1-317); Residential Multiple 2 – 318 (RM2-318); East Fonthill – Open Space (EF-OS); East Fonthill – Storm Water Management (EF-SWM); East Fonthill – Environmental Protection (EF-EP).

14. Motions and Notices of Motion

14.1. Councillor Wink re: MCC Parking

15. Matters for Committee of the Whole or Policy and Priorities Committee

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

17. Resolution to Move in Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to

the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(b) - personal matters about an identifiable individual, including municipal employees; (d) - labour relations or employee negotiations and (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (1 item – Non Unionized Staff)

AND Section 239(3) of the Municipal Act:

(b) - an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(a) – (1 Item - M04-01-2021)

18. Rise From In Camera

19. Confirming By-Law 551 - 551

20. Adjournment

Application for Proclamation

Administration Services

Organization Name: Family & Children's Services Niagara and FACS Niagara Foundation	
Contact Name: Darlene McDowell, Past President, FACS Niagara Foundation	
Address: 82 Hannover Drive	
City: St. Catharines	Postal Code: L2W 1A4
Phone: 905-734-1449	Email Address: darlenebusch@gmail.com
Proclamation Requested: Mountainview LemonAID Day	
Date(s) of Proclamation: June 12, 2022	

Purpose of Proclamation:
Family and Children's Services Niagara and Mountainview Building Group want to encourage children and families to give back to their community by registering online and setting up lemonade stands across the Town of Pelham and the Niagara Peninsula on Sunday June 12th. All the funds raised will go directly to sending vulnerable children supported by FACS Niagara to summer camps.

Description of Organization
(Please provide a brief description. Additional information may be attached to this form)
Please see attached for description.

Has the same or a similar proclamation been requested of the Town of Pelham Council in past years? ☐ Yes x No

You must provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor.

Personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of processing your request. Question about this collection should be directed to the Town Clerk, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON, L0S 1E0, 905-892-2607 Ext. 315.

Please complete and submit your completed form at least two weeks in advance of the occasion.

Darlene McDowell
Signature

April 6, 2022
Date

Family & Children's Services Niagara (FACS Niagara) is the mandated child protection agency for the Niagara Peninsula (population 447,888). In 2020-21, FACS responded to 6,299 referrals about the safety and well-being of children and youth, completed 2,469 investigations, and protected and served 5,439 children and youth (93% within their community, 7% in care).

Our Mission: To protect, support and strengthen the lives of children, youth, adults and families in Niagara.

Our Vision: A community where children, youth, adults and families achieve their full potential in a safe environment.

Our Values: Caring, Respectful, Collaborative, Acting with Integrity, Accountable.

Founded in 1999, the FACS Niagara Foundation raises funds and awareness to support the work of FACS Niagara helping vulnerable children, youth and families in Niagara to reach their full potential. Thanks to generous donors, sponsors and volunteers, the FACS Foundation raises funds so that local kids in need can enjoy a summer camp experience and youth in care have opportunities for college, university and job skills training.

The Foundation is also providing emergency COVID-19 supports so youth and families can help meet their basic needs and stay strong. The Foundation also supports capital improvements at FACS Niagara facilities and works with the community to support children and families during Holidays and the Festive Seasons.

MOUNTAINVIEW LEMONAID DAY

SUNDAY, JUNE 12, 2022

Kids Helping Kids

Mountainview LemonAID Day is a community driven event, encouraging kids to help kids by raising funds to send children to summer camps.

On Sunday, June 12, teams of kids will set up lemonade stands across Niagara to ask for donations.

MOUNTAINVIEW LEMONAID
FAMILY AND CHILDREN'S SERVICES NIAGARA

facsniagarafoundation.org

Mountainview LemonAID Day

Video

Only 100 Stands

Each of the 100 teams across Niagara will receive:

- LemonAID Stand & Banner
- 4 T-Shirts & Hats
- Lemonade Concentrate
- Pitchers & Stickers
- 100 cups & more

Every dollar kids raise will send other kids to camp!

MOUNTAINVIEW LEMONAID
FAMILY AND CHILDREN'S SERVICES NIAGARA

7
Grimsby
6
Lincoln
25
St. Catharines
6
Niagara
-on-the-Lake
3
West Lincoln
5
Pelham
5
Thorold
18
Niagara Falls
12
Welland
2
Wainfleet
Port Colborne
5
6
Fort Erie
MOUNTAINVIEW
LEMON
AID
FAMILY AND CHILDREN'S SERVICES NIAGARA

PLEASE PROCLAIM
SUNDAY JUNE 12

Mountainview LemonAID Day!

MOUNTAINVIEW LEMONAID
FAMILY AND CHILDREN'S SERVICES NIAGARA

facsniagarafoundation.org

Register today at

www.facsniagarafoundation.org

For more information, please contact us at 905-937-7731 or foundation@facsniagara.on.ca

MOUNTAINVIEW LEMONAID

FAMILY AND CHILDREN'S SERVICES NIAGARA

SPECIAL COUNCIL MINUTES

Meeting #: **SC-03/2022**
Date: **Monday, April 4, 2022, 4:30 pm**
Location: **Town of Pelham Municipal Office - Council Chambers**
20 Pelham Town Square, Fonthill

Members Present **Marvin Junkin**
Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart
John Wink

Staff Present **David Cribbs**
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
Holly Willford
Brianna Langohr
Adam Arbour

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:34pm.

1.1 Land Recognition Statement

Councillor Wink read the land acknowledgement into the record.

2. Approval of the Agenda

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the April 4, 2022 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	

Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Resolution to Move in Camera

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(b) - personal matters about an identifiable individual, including municipal employees; (d) - labour relations or employee negotiations; (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Policy - 1 item)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

5. Rise From In Camera

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report.

	For	Against
Marvin Junkin	X	

Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

6. Confirming By-law

Moved By Wayne Olson

Seconded By Marianne Stewart

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4443(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 04th day of April, 2022.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

7. Adjournment

The meeting was adjourned at 5:42pm.

Moved By Ron Kore

Seconded By Wayne Olson

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for April 4, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	

Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	**7**	**0**

Carried (7 to 0)

_____

Mayor Marvin Junkin

_____

Town Clerk, Holly Willford

REGULAR COUNCIL

MINUTES

Meeting #:	**C-07/2022 - Regular Council**
Date:	**Monday, April 4, 2022**
Time:	**5:30 PM**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**
Members Present:	**Mayor Marvin Junkin** **Councillor Lisa Haun** **Councillor Bob Hildebrandt** **Councillor Ron Kore** **Councillor Wayne Olson** **Councillor Marianne Stewart** **Councillor John Wink**
Staff Present:	**David Cribbs** **Jason Marr** **Teresa Quinlin-Murphy** **Vickie vanRavenswaay** **Barbara Wiens** **Holly Willford** **Sarah Leach, Deputy Clerk**

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1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:55pm.

1.1 Land Recognition Statement

Councillor Wink read the land acknowledgement into the record.

The Mayor announced today is the first day Regional Councillors can attend meetings in person at the Region.

2. Approval of Agenda

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the April 4, 2022 Regular meeting of Council be adopted, as circulated.

Amendment: **Moved By** Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

THAT the agenda be amended to:

- **Move item 10.2.3 Town of Pelham Parking Strategy Report 2022-0081 after item 4.2.1 RV Anderson Delegation with respect to the parking strategy.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Motion as Amended: **Moved By** Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the April 4, 2022 Regular meeting of Council be adopted, as amended.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update – CEMC

The Fire Chief was not in attendance, therefore Mr. David Cribbs, CAO delivered the presentation on behalf of the Fire Chief.

4.1.2 COVID-19 Pandemic Update – CAO

Mr. Cribbs, CAO, provided Council an up-date with respect to COVID-19 on behalf with Chief Lymburner and himself.

Moved By Councillor John Wink
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

4.2 Delegations

4.2.1 Nick Palomba and Adam Mildenberger, RV Anderson

Mr. Nick Palomba and Mr. Adam Mildenberger, RV Anderson provided Council a presentation with respect to the Town of Pelham Parking Study conducted. A copy of the presentation is on file with the Clerk.

Nick Palomba and Adam Mildenberger answered various questions of Council.

Moved By Councillor Ron Kore
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Nick Palomba and Adam Mildenberger of RV Anderson Associates with respect to the Town of Pelham Parking Strategy, for information.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

4.2.2 Town of Pelham Parking Strategy Report, 2022-0081-Planning

Moved By Councillor Lisa Haun
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2022-0081 – Town of Pelham Parking Strategy Report, for information;

AND THAT Council approve the findings of the Pelham Parking Strategy prepared by RV Anderson Associates Limited.

Amendment: **Moved By** Councillor Lisa Haun
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the motion be amended to strike paragraph two of the motion.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Amendment: **Moved By** Councillor Lisa Haun
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive Report #2022-0081 – Town of Pelham Parking Strategy Report, for information.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Councillor John Wink
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. RC-06/2022 - Regular Council Meeting - March 21, 2022

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Abstain (1): Councillor Lisa Haun

Carried (6 to 0)

5.1 RC-06/2022 - Regular Council Meeting - March 21, 2022

6. Business Arising from Council Minutes

7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

Councillor Wink requested item 8.4.2 be lifted for separate consideration.

Councillor Olson requested item 8.3.1 be lifted separate consideration.

8. Consent Agenda Items to be Considered in Block

Moved By Councillor Marianne Stewart
Seconded By Councillor John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the April 4, 2022 Council Agenda be received and the recommendations contained therein be approved, save and except 8.3.1 and 8.4.2:

8.1. Presentation of Recommendations Arising from COW or P&P, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

1. PCOW-02/2022 - March 14, 2022 - Special Committee of the Whole, Public Meeting under the Planning Act

8.2. Minutes Approval - Committee

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. PCOW-02/2022 - March 14, 2022 - Special Committee of the Whole, Public Meeting under the Planning Act

8.3. Staff Reports of a Routine Nature for Information or Action

~~**8.3.1. Outdoor Restaurant Patios in Parking Areas, 2022-0076-Planning**~~

~~**BE IT RESOLVED THAT Council receive Report #2022-0076 – Temporary Outdoor Restaurant Patios in Parking Areas, for information;**~~

~~**AND THAT Council permit the temporary waiving of a maximum of 6 parking spaces for restaurants to allow 'pop-up' parking lot patios to be in parking areas associated with restaurants for the remainder of 2022.(**~~**lifted)**

8.3.2. PSAC Request to Review Development Applications, 2022-0079-Planning

BE IT RESOLVED THAT Council receive Report #2022-0079 – Pelham Seniors Advisory Committee Request to Review Development Applications, for information;

AND THAT Council direct staff to revise the terms of reference for the Pelham Seniors Advisory Committee to include review of seniors' development projects as one of its functions for the next term of the Committee;

AND THAT Council direct staff to engage with the Pelham Seniors Advisory Committee during the Official Plan review and update that is to commence in 2022.

8.3.3. 2021-22 Pelham Distribution System MECP Inspection Report, 2022-0073-Public Works

BE IT RESOLVED THAT Council receive Report #2021-22 Pelham Distribution System MECP Inspection Report, for information

8.4. Action Correspondence of a Routine Nature

8.4.1. Trigeminal Neuralgia Awareness Day Proclamation - October 7, 2022

BE IT RESOLVED THAT Council receive the proclamation request from the Trigeminal Neuralgia Support Group for the Niagara Region;

AND THAT the Corporation of the Town of Pelham hereby proclaim October 7, 2022 as Trigeminal Neuralgia Awareness Day.

~~8.4.2. Request for Noise By-law Exemption - 2 College Street, Fonthill~~

~~BE IT RESOLVED THAT Council receive a request for an exemption of Noise By-law #3130(2010), as amended, for information;~~

~~AND THAT Council approve the Noise By-law exemption at 2 College Street, Fonthill on May 22, 2022 from 2:00 p.m. to 8:00 p.m.~~ (lifted)

8.5. Information Correspondence Items

8.5.1. Ministry of Municipal Affairs and Housing re: Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt: Proposed amendments to the Greenbelt Plan and Greenbelt Area Boundary Regulation and Ideas for adding more Urban River Valleys

BE IT RESOLVED THAT Council receive correspondence from the Ministry of Municipal Affairs of Housing regarding Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt: Proposed amendments to the Greenbelt Plan and Greenbelt Area Boundary Regulation and ideas for Adding more Urban River Valleys to the Greenbelt, for information.

8.5.2 Niagara Region Correspondence

8.5.2.1. Report CSD 8-2022 Property Tax Policy, Rations and Rates

BE IT RESOLVED THAT Council receive the Niagara Region Report CSD 8-2022 - 2022 Property Tax Policy, Ratios and Rates correspondence, for information.

8.5.2.2. Ontario's Entrepreneurial Wine Industry

BE IT RESOLVED THAT Council receive the Niagara Region correspondence regarding Ontario's Entrepreneurial Wine Industry, for information.

8.5.2.3. Safety and Security of Staff and Elected Officials

BE IT RESOLVED THAT Council receive the Niagara Region correspondence regarding Safety and Security of Staff and Elected Officials, for information.

8.6. Regional Municipality of Niagara - Action Items

8.6.1. Regional Report PW 15-2022 Moving Transit Forward - Initial Activities and Next Steps

BE IT RESOLVED THAT Council receive Regional Report CLK-2022-052 Transit Commission Board - Moving Transit Forward, for information;

AND THAT Council direct staff to report back to Council on potential recommendations for representatives for the transitional Transit Commission Board by April 19, 2022.

8.7. Committee Minutes for Information

8.7.1. Pelham Active Transportation Committee

BE IT RESOLVED THAT Council receive meeting minutes dated February 15, 2022 from the Pelham Active Transportation Committee, for information.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

9. Items for Separate Consideration, if Any

9.1 Outdoor Restaurant Patios in Parking Areas, 2022-0076-Planning

Moved By Councillor Marianne Stewart
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2022-0076 – Temporary Outdoor Restaurant Patios in Parking Areas, for information;

AND THAT Council permit the temporary waiving of a maximum of 6 parking spaces for restaurants to allow 'pop-up' parking lot patios to be in parking areas associated with restaurants for the remainder of 2022.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

9.2 Request for Noise By-law Exemption - 2 College Street, Fonthill

Moved By Councillor Marianne Stewart
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive a request for an exemption of Noise By-law #3130(2010), as amended, for information;

AND THAT Council approve the Noise By-law exemption at 2 College Street, Fonthill on May 22, 2022 from 2:00 p.m. to 8:00 p.m.

Moved By Councillor John Wink
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT consideration of the matter be deferred to April 19th, 2022.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.1.1 Councillor Olson re: Niagara Peninsula Aspiring (UNESCO) Global Geopark

Councillor Olson provided Council an overview of a presentation he attended regarding the Niagara Peninsula Aspiring (UNESCO) Global Geopark.

Moved By Councillor Bob Hildebrandt
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the presentation from Councillor Olson with respect to the Niagara Peninsula Aspiring (UNESCO) Global Geopark, for information.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

10.2 Staff Reports Requiring Action

10.2.1 Policy Update - Use of Corporate Resources for Election Purposes , 2022-0056-Clerks

Moved By Councillor Lisa Haun
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2022-0056 Clerks – Policy Update – Use of Corporate Resources for Election Purposes, for information;

AND THAT Council approve the revised Use of

Corporate Resources for Election Purposes Policy, S201-11.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

10.2.2 Recommendation for Draft Plan of Subdivision and Zoning By-law Amendment - Forest Park, 2022-0075-Planning

Moved By Councillor Bob Hildebrandt
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receives Report #2022-75 for information as it pertains to File Nos. 26T19-01-2020 & AM-02-2020;

AND THAT the proposed changes to the draft plan of subdivision and zoning by-law amendment related to Forest Park are minor in nature and no further public meeting is required;

AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration.

AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.

Amendment: **Moved By** Councillor Lisa Haun
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the motion be amended to include:

AND THAT Council direct staff to request the developer to hold an additional public information session meeting.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Motion as Amended: **Moved By** Councillor Lisa Haun
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receives Report #2022-75 for information as it pertains to File Nos. 26T19-01-2020 & AM-02-2020;

AND THAT the proposed changes to the draft plan of subdivision and zoning by-law amendment related to Forest Park are minor in nature and no further public meeting is required;

AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration.

AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B;

AND THAT Council direct staff to request the developer to hold an additional public information session meeting.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

10.2.3 Vaccination Policy Review, 2022-0074-Chief Administrator Officer

Moved By Councillor Ron Kore
Seconded By Councillor Bob Hildebrandt

THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;

AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;

AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Moved By Councillor Wayne Olson
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2022-0074 COVID 19 Vaccination Policy Review, for information;

AND THAT Council modify the Town's existing COVID-19 Vaccination Policy S101-22 by approving options 1, 5 and 7 only, at this time;

AND THAT Council direct the Chief Administrative Officer to return this policy for further Council review and consideration upon any major change in public health conditions, but in any event prior to December 31, 2023.

Amendment: **Moved By** Councillor Bob Hildebrandt
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the motion be amended to strike options 1, 5 and 7 and insert option 2 (suspend the policy).

For (4): Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, and Councillor Marianne Stewart

Against (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Carried (4 to 3)

Amendment: **Moved By** Councillor Ron Kore
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the motion be amended to strike the last paragraph.

For (4): Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, and Councillor Marianne Stewart

Against (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Carried (4 to 3)

Motion as Amended: **Moved By** Councillor Bob Hildebrandt
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive Report #2022-0074 COVID 19 Vaccination Policy Review, for information;

AND THAT Council modify the Town's existing COVID-19 Vaccination Policy S101-22 by approving option 2 (suspend), at this time.

For (4): Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, and Councillor Marianne Stewart

Against (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Carried (4 to 3)

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

Moved By Councillor Ron Kore
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

1. By-law 4441(2022) - Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham; AND to repeal and replace By-law #4312(2021), being a by-law authorizing borrowing.

2. By-law 4442(2022) - Being a by-law to amend By-law #4068(2019), as amended, confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to appoint a member to the Pelham Summerfest Committee (Schedule N).

3. By-law 4444(2022) - Being a by-law to adopt the estimates for the Town of Pelham for its own operations for the year 2022.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Abstain (1): Councillor Lisa Haun

Carried (6 to 0)

14. Motions and Notices of Motion

15. Matters for Committee of the Whole or Policy and Priorities Committee

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

17. Resolution to Move in Camera

Moved By Councillor Lisa Haun
Seconded By Councillor John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(b) personal matters about an identifiable individual and (d) - labour relations or employee negotiations (1 Item - Committee Appointment)

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

18. Rise From In Camera

Moved By Councillor Wayne Olson
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the Pelham Summerfest Committee application from Daniel Klimowicz;

AND THAT Council hereby appoint Daniel Klimowicz to the Pelham Summerfest Committee;

AND THAT the appointment By-Law be presented at the next Regular Meeting of Council being April 19th, 2022.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

Moved By Councillor Lisa Haun
Seconded By Councillor John Wink

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of April 4th, 2022.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

19. Confirming By-Law

Moved By Councillor Lisa Haun
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4445(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 04th day of April, 2022.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

20. Adjournment

The was meeting adjourned at 9:25pm.

Moved By Councillor Wayne Olson
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 19, 2022 at 5:30 pm.

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (7 to 0)

_____

Mayor: Marvin Junkin

_____

Town Clerk: Holly Willford

Clerk's Office
Tuesday, April 19, 2022

Subject: 2022 Municipal and School Board Election – Policies and Procedures

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0093 – Clerks – 2022 Municipal and School Board Election – Policies and Procedures, for information.**

Background:

Section 11 of the *Municipal Elections Act, 1996* (the "Act") states the clerk of a local municipality is responsible for conducting elections within that municipality.

Additionally, Section 12 of the Act states a clerk who is responsible for conducting an election may provide for any matter or procedure that:

a) is not otherwise provided for in an Act or regulation, and

b) in the clerk's opinion, is necessary or desirable for conducting the election.

Analysis:

The Clerk has adopted the attached policies and procedures to govern the 2022 Municipal and School Board Election. These policies and procedures are a complement to the rules and regulations set out in the Act.

The attached policies and procedures have been created to ensure transparency, openness, fairness and consistency throughout the municipal election process.

The Clerk shall make such minor clerical, typographical or grammatical corrections, additions, deletions or other changes to any policy or procedure as may be required for the purpose of ensuring the correct and complete implementation of same for the management of an election.

Financial Considerations:

There are no financial considerations.

Alternatives Reviewed:

No alternatives have been revised.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

It is important candidates, electors and members of the public have access to the policies and procedures which will guide the 2022 Municipal and School Board Election. Providing these documents demonstrates the Town's commitment to running a fair and democratic election.

Consultation:

None.

Other Pertinent Reports/Attachments:

Appendix A – Policy 201-11 Use of Corporate Resources for Election Purposes
Appendix B – Guide to Accessible Elections
Appendix C – Policies and Procedures Governing Response to Emergency Situations
Appendix D – Policies and Procedures for Conducting a Recount
Appendix E – Pelham Election Team: Poll Supervisor Guide
Appendix F – Pelham Election Team: Deputy Returning Officer Guide
Appendix G – Pelham Election Team: Vote Tabulator Guide
Appendix H – Special on Demand Vote by Mail Procedure
Appendix I – Town of Pelham Candidate Guide
Appendix J – Town of Pelham Third Party Advertiser Guide
Appendix K - Candidate Access Portal User Guide
Appendix L – Vote Tabulator Procedure
Appendix M – Town of Pelham Election Sign-By-law

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Sarah Leach, B.A.
Deputy Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

MUNICIPAL ELECTION October 24 2022

Policies and Procedures

Policies and Procedures

Pelham NIAGARA

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1. Purpose

The Clerk who is responsible for conducting an election or by-election may provide for any matter or procedure that is not otherwise provided for in an Act or Regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election. Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms of oaths and declarations and to require their use.

The discretionary authority provided to the Municipal Clerk in the *Municipal Elections Act, 1996,* brings with it a degree of risk and inherent liability. This liability issue is prevalent across the board for public sector organizations where discretion is being exercised. Through development of these policies, the potential for risk is mitigated as matters will be addressed in a consistent manner.

The Clerk has adopted the attached policies and procedures to govern the 2022 Municipal and School Board Election. These policies and procedures are a complement to the rules and regulations found in the *Municipal Elections Act, 1996,* S.O. 1996, c. 32 (the "Act"). This procedure or administrative policy document clearly defines the nature of the discretionary power being exercised, the manner in which the power will be exercised and the person or persons responsible for the exercise of the discretionary authority.

The Clerk shall make such minor clerical, typographical or grammatical corrections, additions, deletions or other changes to any policy or procedure, as may be required for the purpose of ensuring the correct and complete implementation of same for the management of an election.

For the purposes of the 2022 Municipal and School Board Election, additional precautionary measures have been developed to address contemplated health concerns and to develop measures to prevent or mitigate implications of conducting an in-person election during or immediately following a global pandemic, the novel coronavirus, COVID-19. All measures deemed necessary and practical will be incorporated and consistently enforced.

2. The Role of the Clerk

Section 12(1) of the Act states:

A Clerk who is responsible for conducting an election may provide for any matter or procedure that:

- Is not otherwise provided for in an Act or regulation; and
- In the Clerk's opinion is necessary or desirable for conducting the election. 1996, c.32, Sched., s. 12(1).

The Act confers upon the Clerk the power to establish policies and procedures to govern any matters related to an election as the Clerk deems necessary. It is therefore prudent to set out in written form certain policies and procedures for dealing with specific aspects of the municipal election with a view to maintaining fairness and consistency in the conduct of an election, to ensure that all eligible persons have the opportunity to exercise their right to vote and to uphold the integrity of the democratic process. Any reference in this manual to the Clerk is deemed to include any designate.

With this in mind, various procedures have been developed with regards to the conduct of the Town of Pelham 2022 Municipal and School Board Election, and will be provided to all registered candidates.

3. Goals and Objectives

The following are the Clerk's goals and objections for the execution of the 2022 Municipal and School Board Election:

- To ensure that eligible voters can exercise their right to vote and/or be a candidate in a safe and fair manner;
- To ensure the secrecy and confidentially of the vote for all electors;
- To raise awareness and educate voters through a Public Awareness Campaign;
- To encourage participation;
- To be fair, open, consistent and transparent; and
- Given the current worldwide pandemic, novel coronavirus COVID-19, to protect the health, safety and welfare of all stakeholders to the best of the ability of the municipality.

4. Background

The policies and procedures were measured against the principles of democratic elections, universally accepted as:

- The integrity of the election process, and voter accessibility;
- The secrecy of the vote; and
- The proper majority vote decides the election.

The principles that were considered by the Province in the development of the Act were:

- The secrecy and confidentiality of individual votes as being paramount;
- The election should be fair and non-biased;
- The election should be accessible to the voters;
- The integrity of the process should be maintained throughout the election;
- There should be certainty that the results of the election reflect the votes cast; and
- Voters and candidates should be treated fairly and consistently within a municipality.

The Act stipulates that a ballot shall be given only if the deputy returning officer is satisfied that the person is entitled to vote at the voting place, and the person presents the prescribed proof of identity and residence, or completes an application in the prescribed form, including a statutory declaration that he or she is the elector shown on the voters' list [s. 52(1)].

As such, and being mindful of the principles outlined above, consistency in identification requirements and protocols will be used in every voting place, using the approved forms of identification as provided by regulation.

It is the Clerk's belief that the policies and procedures contained within this manual will provide an election structure that meets the needs of the electorate and conforms to the principles of democratic elections.

5. Procedure

5.1. Receiving Nominations

5.1.1. The Clerk or designate will accept nominations for the following:

- Mayor and Regional Councillor (1 to be elected)
- Councillor, Ward One (2 to be elected)
- Councillor, Ward Two (2 to be elected)
- Councillor, Ward Three (2 to be elected)
- Regional Councillor (1 to be elected)
- English Language Public School Board Trustee (English Separate, French Public, French separate filed at alternative municipalities).

5.1.2. The nomination period for the 2022 Municipal and School Board Election begins on Monday, May 2, 2022 and continues until Nomination Day Friday, August 19, 2022. Nomination papers must be filed with the Clerk during regular business hours (8:30 a.m. to 4:30 pm) by appointment. On Nomination Day, nominations may be submitted only between the hours of 9:00 a.m. and 2:00 p.m.

5.1.3. If no nominations have been filed for the vacant office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on August 24, 2022 using Form 1 as prescribed by the Act.

5.1.4. Nominations for municipal offices shall include at least twenty-five (25) endorsements, to be provided on the prescribed Endorsement of Nomination – Form 2.

5.1.5. The Clerk is entitled to rely upon the information filed by the candidate with regards to the required endorsements, it being noted that persons endorsing a nomination must be eligible to vote in an election for an office within the Town of Pelham on the day the person endorses the nomination.

5.1.6. Nominations shall be processed in accordance with the checklist prepared by the Clerk for receiving nominations.

5.1.7. The Clerk may, in writing, designate a person(s) authorized to receive nominations on their behalf.

5.1.8. A person filing a Nomination Form 1 shall provide proof of identity satisfactory to the Clerk or designate receiving the nomination. Accordingly, all candidates will be requested to provide suitable proof of identity and qualifying address when filing a nomination paper. Acceptable proof would be government-issued documentation or a combination of documentation that contains the name, signature and qualifying address of the candidate. Additionally, the Clerk may request proof of Canadian citizenship in the form of a birth certificate (with supporting photo identification), passport or citizenship card; however, it is acknowledged that the Declaration of Qualifications is a statement of Canadian citizenship.

5.1.9. An agent filing a Nomination Form 1 and Form 2 will be required to provide proof of personal identity and proof of the candidate's identity.

5.1.10. All sections of Form 1 must be completed by the candidate and, if applicable, the candidate's agent.

5.1.11. The Declaration of Qualification portion of Form 1 must be signed by the candidate. Original signatures are required.

5.1.12. It is the responsibility of the person being nominated to file a complete and accurate Form 1 – Nomination Paper.

5.1.13. The Clerk shall ensure that the printing of ballots correctly and accurately reflects the name of each candidate as it has been entered on Form 1.

5.1.14. Nominations shall include a minimum of twenty-five (25) endorsements - Form 2, providing clear and complete information to confirm the eligibility of endorsements. Original signatures are required. Each endorsement may

be on a separate page to reduce physical contact during the pandemic.

5.1.15. Nominations shall include a completed Declaration of Qualifications form, to be sworn/affirmed before the Clerk at the time of filing.

5.1.16. The Clerk or designate shall provide each candidate with the following documents:

- Ward Map(s);
- Provincial Candidate's Guide;
- Town of Pelham Candidates Guide;
- List of Polling Location and Dates;
- Vote Tabulator Procedure;
- Town of Pelham Election Sign By-law;
- Niagara Region Sign By-law;
- Guide for Scrutineers (appointment forms provided on request);
- Use of Corporate Resources Policy;
- Notice to Financial Institutions re: Campaign Account;
- Campaign Expense Limit Estimate;
  i. Final certificates will be provided subsequently;
- Campaign Expense Limit Estimate - Own Contributions;
  i. Final certificates will be provided subsequently;
- Campaign Expense Limit Estimate – Parties;
  i. Final certificates will be provided subsequently;
- Guide to Accessible Elections;
- Candidates Consent to Release Personal Information;
- Notice of Penalties;
- Candidates Declaration – Proper Use of the Voters' List;
- Serving the Town as a Mayor or Councillor FAQ Sheet;
- Letter to Landlords, Agents, Condominium Corporations;

- Notice of Filing Requirements and Form 4 Financial Statement;
- Duties of Candidates;
- Candidate Access Portal User Guide; and
- Special on Demand Vote by Mail Procedure.

5.1.17. A fee as required by the Act and the regulations thereunder shall be submitted at the time of filing Nomination Form 1 and Form 2. For the 2022 Municipal and School Board Election, the prescribed nomination filing fee for the Office of Mayor/Regional Councillor is $200.00 and the Office(s) of Ward Councillor and/or School Board Trustee is $100.00.

5.1.18. The fee shall be paid in cash, certified cheque or money order made payable to the Town of Pelham or electronically by debit transaction.

5.1.19. A receipt for the nomination fee shall be properly recorded by the Town Treasurer or their designate and posted to the applicable GL Account.

5.1.20. A copy of the receipt shall be maintained in the candidate's nomination file and one copy provided to the candidate.

5.1.21. Once the nomination is complete, the candidate's name and information as identified on the Consent to Release Personal Information form shall be published to the website and posted to the election notice board in the Town Hall lobby.

5.1.22. Physical file containing nomination papers shall be filed in the Clerk's possession alphabetically by surname.

5.2. Certification – Nomination Examination

The Clerk will proceed in accordance with the Act Section 35 (1).

5.3. List of Nominations Received

5.3.1. The Clerk shall maintain for public inspection and may post on the Town website a list of nominations received for the

2022 Municipal and School Board Election. For purposes of public disclosure (including posting of the list on the municipality's website) candidates will be required to complete and sign a Consent to Release of Personal Information form at the time of filing of a nomination. Requests for information added to this consent to release shall be made in writing by the candidate.

5.3.2. Following certification by the Clerk, a list of certified candidates for the 2022 Municipal and School Board Election shall be posted in the front lobby of the Municipal Offices and on the Town website, in alphabetical order by surname for each of the offices to be elected.

5.3.3. In the event of acclamations, in accordance with provisions under Section 37 of the Act, the Clerk shall declare the candidate(s) elected by acclamation and post notice of same on the website and in the front lobby of Pelham Town Hall.

5.3.4. As soon as practical following the certification process, the Clerk shall have published a "Notice of Election Information" on the municipal Website and in a newspaper of sufficient circulation so as to inform the eligible electors of the Town of Pelham, in accordance with Section 40 of the Act specifically relating to the Ward in which there is a vacancy.

5.4. Campaign Fundraising/Expense

5.4.1. In accordance with Section 69 (a) of the Act the candidate shall open a campaign account at a financial institution.

5.4.2. The account number and the name of the financial institution shall be provided to the Clerk by the candidate as soon as practicable after the nomination has been filed.

5.4.3. The nomination fee is the only expense that may be paid from a source other than the campaign account.

5.4.4. In accordance with Section 33.0.1 (1) of the Act, upon the filing of a person's nomination, the Clerk will provide the candidate or their agent a certificate of the applicable maximum amount of campaign expenses as of the filing date, which is based on the 2018 Municipal Election

Campaign Spending Limit. The Clerk will provide a final spending limit on, or before September 25, 2022, based on the voters' list from the current Municipal and School Board Election. The higher amount prevails.

5.5. Withdrawal of Nomination

5.5.1. A person may withdraw their nomination before 2:00 p.m. on Friday, August 19, 2022 if the person filed the nomination on or before 2:00 p.m. on Nomination Day. A person may withdraw their nomination before 2:00 p.m. on Wednesday, August 24, 2022 if the person was nominated under subsection 33(5) – additional nominations.

5.5.2. A withdrawal of nomination must be in writing, shall clearly state the candidate's name and the office for which they are withdrawing their nomination and shall be signed by the candidate who is withdrawing and by their agent if applicable. All signatures shall be original and the Clerk may require the person filing the withdrawal of nomination to provide proof of identity.

6. Completion of Nomination Paperwork

6.1. Nomination Paper – Form 1

- Form 1 dictates how the name will appear on the ballot;
- Request identification and record on checklist – maintain photocopy in file (not public);
- Double check spelling of the name for accuracy;
- Candidate name cannot reference a designation (i.e., Dr., P. Eng., etc.);
- If the candidate wishes and Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to legal name (i.e., James … Jim);
- Double check the qualifying address to ensure it is within Pelham;
- This form no longer requires a commissioner;
- Before signing the "time" on Form 1, be sure to review the 25 endorsement forms, Form 2, and Declaration of Qualification, as the Form 1 nomination is incomplete without it;

- Confirm eligibility requirements for the 2022 Municipal and School Board Election;
- Complete the "date filed," time filed (this is particularly important on Nomination Day) and have the nominee initial that they agree with the date and time, and then you sign to the right;
- Do not complete the "Certification by Clerk" – this is done after 2:00 pm on Nomination Day;
- Provide the candidate with a copy of the Form 1 nomination paper (they will need a copy for their financial institution).

6.2. Endorsement of Nomination – Form 2

- The candidate must submit twenty-five (25) endorsements to accompany the nomination;
- While it is not the Clerk's responsibility to check the voters' list to ensure the twenty-five (25) people are qualified – there are penalties to individuals and candidates in this regard for false statements;
- The candidate must ensure that each block is completed with qualifying address, that there are no blanks and each space is signed;
- The Clerk or designate shall do a quick review to ensure that the addresses are within Pelham.

6.3. Declaration of Qualifications

- Ensure the form is completed with name and indication for office;
- Ensure second √ for qualification statement;
- Ward should be completed for councillor on statement two (2);
- Ask if they have read the qualifications;
- Confirm eligibility;
    - If not found on VoterView, ask for proof of qualifying address, then complete and add to Voters List;
- Date it;
- Have candidate sign it; and
- Clerk or designate signs.

These are public documents and could be inspected by anyone requested to view.

7. Use of Corporate Resources for Election Purposes

It is necessary to establish guidelines regarding the appropriate use of corporate resources during an election period to protect the interests of the Members of Council and the Corporation of the Town of Pelham. Corporate resources shall be provided to Members of Council for Council-related purposes and to serve their constituents during an election period, except where the provision of such resources may be seen to support an election campaign. The election period shall be defined as the period from submission of the nomination until the official results of said election have been declared by the Clerk and is further defined in Town of Pelham Policy S201-11, as amended.

The Act prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate or someone acting on the candidate's behalf from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for their election campaign would be viewed as a contribution by the municipality which is a violation of the Act. (See Policy P201-11 attached, Appendix A)

8. Information Requests

A basic principle of election procedure is that candidates should be treated fairly and consistently within a municipality. To facilitate this, all candidate information requests will be directed through the Clerk's office. Responses to information requests will be made available to all candidates nominated at that time. Copies will be kept in an ongoing file to ensure that candidates who declare their intention later will be provided with a copy of all correspondence between the Clerk's office and nominated or confirmed candidates.

9. Additional Materials

The voters' list will be provided to each certified candidate electronically through Candidate Access Portal. If candidates wish to obtain additional and/or printed copies of materials, the following charges will apply:

- Printed copy of the voters' list at $0.25 per page; and
- Copy of the Town of Pelham Ward/Poll Map at $5.00 each.

10. Voters' List

Certified candidates nominated in the 2022 Municipal and School Board Election will be provided the access to the voters' list through the Candidate Access Portal following Nomination Day on August 22, 2022.

Using the Candidate Access Portal, candidates may extract all or portions of the voters' list in Excel format. The list is to only be used for municipal election purposes. It is the responsibility of the candidate as to how the voters' list is used, not the responsibility of anyone on their campaign team. In the event of an acclamation, a copy will not be provided. Third Party Advertisers will not be provided a copy.

The voters' list is not a public document. Persons (eligible electors) may view the list in the Clerk's office during the time which the Town office is open or on the Town Website using the "Voter Lookup Service," but may only inspect their own information.

10.1. Revision Reports

Candidates may access revised versions of the voters' list at their request through the Candidate Access Portal. Revision reports may be requested every fifteen (15) minutes. Revision reports are beneficial to the candidate as they include: new additions, deletions, change of elector information, who voted at each advanced poll and the location/method of voting per elector.

11. Voters' List Revisions

11.1. Application to Add, Correct or Delete Own Information

The preliminary list of electors will be reproduced as the voters' list by September 1, 2022. The period for revision to the voters' list is from September 1, 2022 to the close of voting on Voting Day (October 24, 2022 at 8 p.m.).

Applications for revisions shall be done using the "Application to Amend Voters' List" and must be properly completed and signed by the applicant. Amendments may be made at the voting place during Advance Poll(s) or Voting Day.

Revision opportunities will take place at Town Hall, Clerk's Office, during normal business hours. Revision is also available during all Advance Polls. All reasonable attempts will be made to revise the voters' list for applications completed by September 1, 2022 to October 24, 2022.

Identification is required for additions or revisions to the voters' list. Anyone being added to the voters' list, either at the Clerk's Office during Advance Polls or on Voting Day, will be required to show proof of name, principal address and qualifying address (if not the same as principal address). They will also be required to swear a declaration stating their qualifications, including their Canadian Citizenship and confirming their eligibility as an elector. If the name is added at a polling place, the showing of identification for addition to the list does not replace the requirement to show identification to the deputy returning officer to receive a ballot and vote.

11.2. Application to Remove another Person's Name

Applications to remove another person's name from the list may be made between September 1, 2022 and October 24, 2022.

Applications for removal of another person's name from the voters' list, must be on the form "Application for Removal of another's name from Voters' List," available in the Clerk's Office.

All revision forms or a summary in Excel format will be forwarded to the Municipal Property Assessment Corporation ("MPAC") following Voting Day. Although all reasonable attempts to ensure accuracy will be made, municipal staff cannot guarantee that changes made on the revision forms will meet with MPAC's criteria to permanently change the voters' list.

12. Candidate Meetings

Any information obtained by Town staff regarding meetings, debates, seminars, etc., that would be of interest to the candidates will be forwarded to the candidates via the e-mail address provided by the candidate. If the candidate does not have an e-mail address, the information will be sent by regular mail. Phone notification will only be used in the most time sensitive of situations, at the discretion of the Clerk. Information may also be provided to candidates via the Candidate Access Portal.

Candidate meetings shall not be initiated by the Town of Pelham. All relevant correspondence will be distributed by the Clerk to all candidates via e-mail or regular mail where no email address is provided.

13. Scrutineers

Subsection 16 (1) of the Act permits candidates to appoint scrutineers to represent them during the conduct of the vote. The appointment must be in writing using the form provided by the Clerk. Scrutineers will be required to present the appointment form to election officials at the voting place and to sign the attendance form upon arrival, and sign out when leaving the voting place. The poll supervisor will provide a name tag labeled "Scrutineer" upon arrival of the scrutineer, which is required to be worn in the polling place at all times and surrendered upon departure.

The Act prohibits campaigning in the voting place and allows the Clerk to define the boundaries of the voting place. A voting place shall be defined as the entire property of any polling location as designated by the Clerk, and as is consistent with the Election Signs By-law, no election sign shall be erected on the property where a polling facility is located or within 60 metres (197 feet) of a polling station. This shall also apply to any vehicle containing an election sign. No vehicle containing an election sign visible to the outside or on the outside of a vehicle shall park in any voting place.

If using scrutineers, the following rules shall apply:

- There is a limit of one (1) scrutineer per candidate per vote tabulating machine;
- The number of scrutineers in any one polling location for any one candidate is reduced by one if the candidate is in the polling location;
- Section 49 of the Act requires that all persons present in a voting place must maintain the secrecy of the vote. Candidates and their scrutineers will be required to take an oath of secrecy;
- Scrutineers may not interfere with the activity of the vote;
- A scrutineer will not be allowed to enter a polling station after the close of the poll (8 p.m.). Further, if a scrutineer leaves a polling location after the close of poll they will not be allowed to return to the polling station;
- The use of a cell phone or any electronic device by a scrutineer is prohibited within the polling station;
- Scrutineers will be given a badge to wear identifying themselves to a deputy returning officer, election official or poll supervisor within the polling station. No other identification shall be worn by the scrutineer nor shall they wear, or hold in their possession, anything

that would visibly identify a candidate while they are in the voting place (which includes anywhere on the property of such a voting place);

- Scrutineers are not permitted to touch the voters' list or the ballots;
- Scrutineers shall remain in the area designated for them within the polling station. Scrutineers shall not situate themselves in the area between issuance of ballots and the voting booths, in the area of the voting booths, or in the area between the voting booths and the vote tabulating equipment; and
- Scrutineers will be required to follow all Public Health recommendations related to the COVID-19 pandemic, if applicable.

The Clerk is responsible for "maintaining peace and order" and may so empower a deputy returning officer and/or poll supervisor. A deputy returning officer or poll supervisor may remove any person causing a disturbance from the voting place or for failure to comply with any applicable Public Health requirements during a pandemic. This applies to a voter, scrutineer, candidate, member of the media, etc. The Poll supervisor is designated this responsibility in the absence of the Clerk. In accordance with Section 11 of The Act, the Clerk may require the assistance of persons specially appointed to aid in maintaining peace and order. Through this policy, the Clerk hereby empowers a poll supervisor.

14. Mandatory Notices

The Clerk is required under the Act to give notice of nominations (offices and procedures), notice of any by-law or question on the ballot, and provide information to electors about voting dates and hours, polling locations and how to vote using alternative voting methods, such as AccuVote. The manner and format of the notices is left to the discretion of the Clerk. All notices will be posted on the Town website. Mandatory notices will also be posted, at least once, in a local newspaper with broad Pelham distribution.

15. Discretionary Notices

The Clerk will use a variety of outreach methods to provide electors with information about voting procedures, requirements and opportunities. These methods will include but are not limited to the following:

- Envelopes containing the municipal election logo will be utilized where possible in 2022 to raise awareness of the upcoming municipal election, as well as provide electors with the URL to the Town's election webpage;

- Preliminary information on the 2022 Municipal and School Board Election will be distributed via neighborhood mail-out in April to raise awareness of the upcoming election with emphasis on becoming a candidate, joining the election team and Voting Day as well as unveiling the new election QR code;
- Candidates Night, held on April 28, 2022 at the Meridian Community Centre, will feature a Town of Pelham booth containing election-related information for candidates and voters;
- Advertisements will be placed in the newspaper from time to time;
- Social media posts using the Town of Pelham accounts will be made, as arranged through the communications specialist;
- A tax bill insert will be distributed in June providing more detailed information on becoming a candidate, joining the election team and voting information for advanced polls, Voting Day and the alternative voting method;
- Clerk's staff will be positioned weekly at the Pelham Farmers Market throughout September to provide electors with information, as well as make updates and additions to the Voters' List;
- A voter notification package will be mailed to each voter on the voters' list for the 2022 Municipal and School Board Election. The package will serve to advise the voter of the dates, hours and locations for Voting Day and advance voting opportunities. While this mailed notification is no longer a mandatory requirement of the Act, it assists in directing electors as to where they go to vote and serves as a reminder that Voting Day is approaching;
- The Town website will be used to provide updated information to both electors and candidates about all aspects of the 2022 Municipal and School Election.

16. Ballots

The Clerk's office will request a quotation from suppliers for printing the ballots for the 2022 Municipal and School Board Election.

Candidates' names will be listed in alphabetical order by last name [s. 41(2)2]. Their first name will appear first in lower case letters, followed by their surname in upper case letters. The elector will fill in the oval next to the candidate(s) for whom the elector wishes to vote.

Section 41 (2) (3) of the Act, states: - "If the candidate wishes and the Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to his or her legal name." The Clerk will only allow another name if, in the opinion of the Clerk, the candidate is commonly known by that name and the name is a derivative of or part of the name shown on the identification documentation provided by the candidate. The decision of the Clerk is final. All candidates must have a surname and given name or names on the ballot. As per the Act, Section 41 (2), no reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.

17. Procedure for Ballot Testing

Once ballots have been printed and received from the printing house, a test deck shall be prepared and tested on each vote tabulating machine. Every ballot printed shall be entered into a ballot distribution spreadsheet and securely stored in the Miclette Room at Town Hall. A test deck must include samples of blank ballots, under-voted ballots, over-voted ballots and properly completed ballots. Ballot testing is separate and apart from the diagnostic testing conducted on the AccuVote tabulators. The test shall be conducted as follows:

- Assign a varying number of votes to a pre-audited group of ballots, marked with the designated ballot marking pen in the designated area;
- Manually count each valid vote and record the results;
- Process the pre-audited ballots using the vote tabulator;
- Compare output of the tabulator with pre-audited results; and
- Repeat the test using the same ballots for every vote tabulator and for every programmed memory card assigned to a voting place.

18. Website

An election webpage will be hosted on the Town of Pelham website, www.pelham.ca. This is considered an effective way to provide pertinent election information to all stakeholders.

The page will provide general election information to assist electors and candidates. Identification requirements to vote, locations of advance and regular polls, ward/poll maps, the revision period process, how to get added to the list and access to forms will be available on the site. Information of benefit to candidates such as links to legislation, guides

and forms concerning the nomination process and responsibilities under the Act, etc., will also be available.

The website will post a listing of candidates running for each office. The names of candidates, along with additional contact information as authorized by the "Consent to Release of Personal Information" form will appear as soon as practical after they have filed a nomination paper. The names will appear in alphabetical order by last name. Following nomination day and the certification of eligible candidates a list of certified candidates will replace this list.

Instructions for the On Demand Special Ballot option for electors will also be included on the Town's election webpage.

19. Election Results

The results provided by the Clerk's office on election night are unofficial results. The unofficial results will be available:

- Live calculation (as reported by each Polling Station) on an Excel spreadsheet on the Town website www.pelham.ca;
- On a display board at Town Hall;
- Scrutineers may copy the results of the AccuVote tape at a voting place. Correctness of the copied results is the responsibility of the scrutineer/candidate. Additional tapes will not be provided for candidates or scrutineers;
- Additional procedures shall be made available through the Special on Demand Vote by Mail Procedure, Appendix H.; and
- During generation of Advance Vote results, the only persons permitted to be present shall include appointed municipal staff, election official(s), candidates or scrutineers. Members of the public and media shall not be permitted.

The Clerk will declare the official results on Tuesday, October 25, 2022 or as soon as possible thereafter [MEA, 55(3)]. These results will be available at the Clerk's office and will be posted to the Town website.

20. Accessible Election(s)

Section 45 (2) of the Act provides that in establishing voting locations, the Clerk shall ensure that each voting place is accessible to electors with disabilities. While the Act does not define "accessible," the Clerk should consider the built environment standard both inside and outside of voting

locations. Further, the *Ontarians with Disabilities Act* also influences how the needs of electors shall be met.

The Clerk's office has developed a Guide to Accessible Elections, attached as Appendix B, which will apply to the 2022 Municipal and School Board. The focus of this plan is to ensure that legislative responsibilities are met, and the goal is to progress toward a barrier-free election experience for all stakeholders. The 2022 guide has been approved by the Town of Pelham's accessibility consultant.

21. Voting Places

A voting place shall be defined as the property 60 metres from any polling station as designated by the Clerk. A polling station is deemed by the Clerk to include the entire building and the property on which voting is taking place. Therefore, the polling station or voting place is defined as follows:

- A place at or in which votes in an election are cast, including the lobby, store/business front, main floor in its entirety, designated room or any elevators and the outside property, including fences;
- In community centres, halls, schools or churches where voting is taking place: anywhere on the property, including parking lots, fields and fences; and
- Media presence shall not be permitted within the building where voting is taking place. Conducting exit polling of electors shall be prohibited at the Voting Place altogether, during Advance Votes and/or on Voting Day.

22. Election Workers

Election workers at each polling location will consist of a poll supervisor; deputy returning officer(s); revisions deputy returning officer, information clerk(s), vote tabulator operator and a polling station cleaner. The use of "floating" deputy returning officer(s) may also be incorporated to assist at the larger polling stations during peak times at the discretion of the Clerk. Specifically relating to the ongoing COVID-19 pandemic, a polling station cleaner has been added to periodically sanitize tables, surfaces and high touch points

All applicants interested in working the 2022 Municipal and School Board Election will be required to complete an application form for review by the Clerk's office. Election workers will be required to swear an oath indicating that they will perform their job in an impartial manner.

Candidates, the candidate's spouse, a member of a candidate's immediate family or a person connected to a candidate's election campaign (to the best of the knowledge of Clerk's department staff), will not be hired as election personnel in any capacity. Persons associated with a Third Party Advertising campaign will also not be considered for recruitment as election personnel. Town of Pelham residents will be given first priority for recruitment.

It is the responsibility of the election worker to have transportation to and from their appointed polling station. Every effort will be made to appoint staff to a voting place in their Ward.

Attendance at a training session is mandatory for all election workers. To enhance the retention of information, training will occur as close to Voting Day as possible. Comprehensive training manuals will be made available for all election staff covering all job responsibilities and potential situations that may arise. All election workers will also be provided with accessible customer service training.

Training may consist of the showing of a video or PowerPoint presentation, a lecture which may be conducted via Zoom or other electronic technology, hands-on practice with certain activities where practical and a question-and-answer session. The format of training shall be at the discretion of the Clerk and will be influenced by the pandemic situation at that time. To ensure a thorough and complete training opportunity is provided, specific roles will be trained separately as follows: (1) deputy returning officers and revision deputy returning officers; (2) information clerks and polling station cleaners; and (3) vote tabulator operators. Poll supervisors shall attend each training session.

In order to ensure that Voting Day runs as smoothly as possible, the Clerk has the ability to appoint election workers as necessary.

All election workers will be required to swear an oath. Deputy returning officers and revisions deputy returning officers will take the Appointment and Oath of Deputy Returning Officer. All other workers will take the Appointment and Oath of Election Official. Poll supervisors will also take Deputy Returning Officer Oath.

22.1. Election Day

All election workers must arrive at their voting place at least 60 minutes before the opening of poll, save and except institutional voting teams, if applicable. Poll supervisors will be required to notify the Clerk if any election workers have failed to report to their location.

Immediately, the Clerk will replace those who have not shown up on time with standby workers. Failure to report to the assigned voting location will result in forfeiture of the employment opportunity and payment will not be forthcoming. Relief election workers who have been trained will be called in to replace the worker.

22.2. Processing Electors

In advance, the deputy returning officer shall initial several ballots as provided by the Clerk. There is a specific outlined box on the back of the ballots for the deputy returning officer initials.

When an elector enters the voting place to receive a ballot, they shall be greeted by the information clerk who shall ask the elector to prepare their identification and voter notification card. If the elector does not present a voter notification card, the information clerk or poll supervisor will determine if the individual's name is on the voters' list. If the individual is not on the list or their information needs correcting, they will be directed to the revisions deputy returning officer who can determine how and if they can be added to the list. Otherwise, electors will be directed to a single-line and access the next available deputy returning officer. Physical distancing will be strongly encouraged. The set-up and facilitation of the polling station shall be conducted in accordance with COVID-19 regulations as per the Province of Ontario and Niagara Regional Health, if applicable.

An elector must be a Canadian citizen in order to vote in accordance with the Act. If the voter's name does not appear on the voters' list, but the voter has an approved Application to Amend the Voters' List, the revisions deputy returning officer shall add the voter's name, address and school support information to the voters' list.

Identification proving an elector's identity and principal residence must be shown to the deputy returning officer at a polling station in order to receive a ballot. A list of acceptable identification has been defined by the Ministry in O. Reg. 304/13. Some points to remember with respect to this identification are as follows:

- Documents must be the originals or certified/notarized copies;
- Document expiration date is of no concern;
- If the elector provides two pieces of identification, the documents must be issued by two independent sources (e.g., bank statements from the same bank for two different months are not sufficient);
- Photocopies (uncertified) are not valid;

- The voter notification card cannot be used as the sole proof of identity or address;
- Documents in electronic format (e.g., telephone bill, electricity bill) printed by the elector are not valid;
- If the document does not prove the elector's residence, but the address is consistent with information that appears on the list of electors, they are considered to have proved their residence; and
- An Ontario Health Card that does not have the qualifying address (photo card) is only acceptable if a second identification is presented showing the qualifying address.

If acceptable identification cannot be produced, an eligible elector can complete the prescribed form "Declaration of Identity – Form 9" in satisfaction of this requirement. The deputy returning officer will then issue the voter a ballot.

Each deputy returning officer will be issued a laptop equipped with an electronic voters' list for the Town of Pelham, together with a scanning wand. Additional procedures shall be made available through the Pelham election team: Deputy Returning Officer Guide, Appendix F.

Once a ballot has been issued to the elector, the elector will be asked to proceed behind a voting screen and fill in the oval beside the candidate(s) of their choice. Electors will be reminded to place the ballot in the secrecy sleeve and proceed to the vote tabulator operator for processing of the ballot. Each elector will be provided a one-time-only use pen to mark the ballot.

If an elector feels that they have spoiled their ballot they may return the ballot to the deputy returning officer who issued the ballot to exchange for a new ballot. The first ballot then becomes a spoiled ballot and is placed in the appropriate envelope by the deputy returning officer and a new ballot may be issued. A record is to be maintained in the "comment" section of the electronic voters' list as well as on the balance tally sheet. A "front-of-the-line" process will be initiated whereby the poll supervisor will escort the voter to the applicable deputy returning officer line to obtain a replacement ballot. This should serve to alleviate frustration and delays on behalf of voters who have erred in marking their ballot or if a machine error occurs. An elector is entitled to receive only one replacement ballot. Once the

ballot goes through the vote tabulator, the voter shall not receive another ballot for any reason.

When the voter is satisfied that they have completed marking their ballot, they return it to the secrecy folder, so that the deputy returning officer's initials are showing and proceed to the vote tabulator operator, where the ballot is processed. The voter is now finished and may leave.

At no time may a voter leave the voting place with a ballot. This is considered a corrupt practice and the voter is subject to penalty.

23. Advanced Voting

Section 43 (1) of the Act requires the municipality to hold an advance vote on one or more dates.

In accordance with subsection 43 (2), the Clerk has established the following dates, times and locations as advance Voting Days. These dates have been chosen to provide additional voting opportunities to electors who cannot vote on Voting Day and to minimize the number of electors in a voting place at any given time.

Date	Location	Polling Subdivision
Saturday, October 1, 2022 10:00 am – 8:00 pm	Pelham Fire Station #2 766 Welland Road	All Wards; All Polls Advance Voting
Saturday, October 15, 2022 10:00 am – 8:00 pm	Pelham Meridian Community Centre (MCC) – Accursi Room 100 Meridian Way	All Wards; All Polls Advance Voting
Tuesday, October 18, 2022 10:00 am – 8:00 pm	Old Pelham Town Hall 491 Canboro Road	All Wards; All Polls Advance Voting

23.1. Advance Voting Results

The total of votes cast at any advance vote shall not be made available until after 8:00 p.m. on Voting Day. For this purpose, the Deputy Clerk or designate, shall attend the Town of Pelham Municipal Office to generate the results tape and report the results to the Clerk. Candidates or their representatives may attend this process, which shall take place in the Miclette Room at the Town of Pelham Municipal Office.

To safeguard the memory cards from each advance voting polling station, at the close of voting the vote tabulator operator shall be instructed to remove the memory card from the AccuVote tabulator, place it in the envelope provided together with the separate zero totals report and seal the envelope. The vote tabulator operator, poll supervisor, any candidate or representative present and the Clerk shall initial over the seal, and the Clerk shall date the envelope. The envelopes will be stored by the Clerk in the fireproof cabinet situated in the Clerk's office and shall not be removed until after 8:00 on Voting Day. The zero totals report that is intact with the roll paper for the AccuVote shall be removed and stored with the memory card for safekeeping.

Tabulation of the results from advance voting will occur after 8:00 p.m. on Voting Day and shall begin with verification that the memory cards have remained intact in the sealed envelope. The memory cards will then be inserted into the AccuVote by the Deputy Clerk or designate, as well as the zero totals and roll paper that corresponds with the memory card. This shall be conducted in the Miclette Room at the Town of Pelham Municipal Office, in the presence of any candidate or representative appointed in writing.

24. Special on Demand Vote by Mail

Any On Demand Special Ballots received will be processed at this time, using the advance voting AccuVote from the Fire Station #2, October 1, 2022 date. The On Demand Special Ballots will be processed prior to the ender card initiation.

Following processing of the On Demand Special Ballots, the Deputy Clerk or designate will proceed with the ender card process and tabulation of results for all advance votes by printing the results tape and reporting the results to the Clerk.

Additional procedures shall be made available through the Special on Demand Vote by Mail Procedure, Appendix H and Pelham Election Team: Vote Tabulator Operator Guide, Appendix G.

The Special on Demand Vote by Mail procedure has replaced the use of proxy voting for the 2022 Municipal and School Board Election.

25. Compliance Audit Committee

Pursuant to Section 88.37, all municipal councils and local boards must appoint a Compliance Audit Committee. This committee must be

appointed before October 1st and is to be comprised of three to seven members, and shall not include:

- Employees or officers of the municipality or local board;
- Members of the council or local board;
- Any persons who are candidates in the election for which the committee is established; or
- Any persons who are registered third parties in the municipality in the election for which the committee is established.

The Clerk's office establishes the administrative practices and procedures for this committee and carries out any other duties required to implement the committee's decisions. The term of office for the committee is the same as the term of office of the council or local board and for any municipal elections that occur during that time. The Town of Pelham is participating in the establishment of a Joint Compliance Audit Committee with other area municipalities, the Regional Municipality of Niagara and the District School Board of Niagara.

26. Emergency Situations

The Clerk may declare an emergency if the Clerk is of the opinion that circumstances arising are likely to prevent the election from being conducted in accordance with the Act, in relation to the conduct of the vote and also to any aspect of the election process.

When declaring an emergency, the Clerk shall make such arrangements the Clerk considers advisable in order to conduct the election. The emergency continues until the Clerk declares that it has ended. This may be done in consultation with the Chief Administrative Officer and/or Fire Chief, depending on the type of emergency taking place.

Declaration of an emergency shall be made in good faith giving due consideration to impact on all stakeholders.

Guidelines for Responding to Emergency Situations are outlined in a separate procedure, attached as Appendix C. Special provisions during the COVID-19 pandemic have been considered.

27. Recount Procedure

27.1. Tied Vote Recount

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where

there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen (15) days after the declaration of the results of the election. Conduct of the recount shall be in full compliance with the Act.

27.2. Council, Local Board or Minister Requisition for Recount

- Within thirty (30) days after the Clerk's declaration of the results, the council or local board may pass a resolution, or the Minister may make an order requiring a recount for a question on the ballot submitted by him or her;
- There is no longer a formula for calculating automatic recounts due to a close vote. The candidate who was not elected by a close margin or an eligible elector, may request the council or the local board, as the case may be, to pass a resolution directing that a recount be held. The resolution must be passed within thirty (30) days from the date of the Clerk's official declaration of the results;
- Once a resolution has been passed, the Clerk has fifteen (15) days in which to hold a recount.

27.3. Application to Ontario Court (General Division)

- A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the Clerk hold a recount;
- The application must be commenced within thirty (30) days after the Clerk's official declaration of the results of the election;
- The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount; and
- The recount is to be held within fifteen (15) days after the day the Clerk receives a copy of the order.

Refer to Appendix I for Specific Recount Procedure.

28. Procedure for Roving Polling Station for Institutional Voting

The Town of Pelham has three (3) institutions that are entitled to have voting locations within the institution: Lookout Ridge Retirement Community and Shorthills Villa Retirement Community in Ward Two and Woodlands of Sunset Home for the Aged in Ward Three. Two teams of

election personnel will facilitate the voting at these separate locations. Voting times will be reduced. Lookout Ridge will be held between the hours of 9:00 a.m. and 12:00 p.m., whereafter the same team will proceed to Shorthills Villa Retirement Community for voting between the hours of 1:30 p.m. and 3:30 p.m. Woodlands of Sunset voting will be held between the hours of 9:00 a.m. and 11:00 a.m.

One team of election personnel will be required to retrieve a vote tabulating machine for Lookout/Shorthills and a separate team will be assigned a vote tabulator for Woodlands of Sunset. Sufficient ballots, one ballot box per institution and election supplies from the Clerk's office will be provided to each team. A separate memory card and ballot box will be provided for each of the institutions. Alternatively, one memory card may be programmed to incorporate both Ward Two institutions to reduce any potential for error. This will be determined by the Clerk.

Separate ballot boxes will be used for each institution and all procedures for securing the ballot box at the close of voting for that institution will be in accordance with the standard procedures, using the seals provided by the Clerk. Ballot boxes shall be returned to Town Hall immediately following the close of each separate voting event; i.e., Lookout Ridge Ballot Box shall be returned to Town Hall on route to Shorthills Villa. The ballot box containing voted ballots shall not remain in the vehicle of election workers except for transporting directly to Town Hall.

The results tape will be generated by the Deputy Clerk or designate, in the presence of any candidate or scrutineer.

29. Discretionary Authority

In addition to the Clerk, the person responsible for the exercise of the discretionary authority in all areas relating to the 2022 Municipal and School Board Election for the Town of Pelham is Sarah Leach, Deputy Returning Officer/Assistant Returning Officer.

The Clerk shall determine and approve all forms and declarations to be used to conduct the 2022 Municipal and School Board Election.

30. Manuals for Election Officials

The Clerk shall prepare and distribute Pelham election team guides for the poll supervisor, deputy returning officer and vote tabulator operator positions. The materials will be circulated as part of the election worker training exercise. A copy of all manuals is appended to this document. See Appendix E, F and G.

31. Appendices

Appendix A – Policy 201-11 Use of Corporate Resources for Election Purposes

Appendix B – Guide to Accessible Elections

Appendix C – Policies and Procedures Governing Response to Emergency Situations

Appendix D – Policies and Procedures for Conducting a Recount

Appendix E – Pelham Election Team: Poll Supervisor Guide

Appendix F – Pelham Election Team: Deputy Returning Officer Guide

Appendix G – Pelham Election Team: Vote Tabulator Guide

Appendix H – Special on Demand Vote by Mail Procedure

Appendix I – Town of Pelham Candidate Guide

Appendix J – Town of Pelham Third Party Advertiser Guide

Appendix K - Candidate Access Portal User Guide

Appendix L – Vote Tabulator Procedure

Appendix M – Town of Pelham Sign By-law

Policy Name: Use of Corporate Resources for Election Purposes	**Policy No: S201-11**
Committee approval date:	November 20, 2017
Council approval date:	December 4, 2017
Revision date(s):	April 4, 2022
Department/Division:	Council

1. Purpose

This policy provides Town of Pelham Councillors, Candidates, Staff and Town Volunteers with guidelines on the use of Corporate Resources for election purposes to ensure compliance with the Council Code of Conduct, the *Municipal Elections Act, 1996,* (the "Act") as amended, and other applicable federal and provincial legislation. This policy should be interpreted as a general prohibition against the use of Corporate Resources for any election-related purpose.

2. Policy Statement

Members of Council are required to conduct themselves in accordance with the Act. 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 Candidate's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

This policy clarifies that all election Candidates, including members of Town Council, are required to follow the provisions of the Act, and that:

i. No Candidate shall use Town facilities, equipment, supplies, services, Staff or other resources of the Town for any election campaign or campaign-related activities;

ii. No Candidate shall undertake campaign-related activities on Town property or at Town events; and

iii. No Candidate shall use the services of persons during hours in which those persons receive any compensation from the Town. This policy does not preclude a Member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.

3. Definitions

3.1. **"Act" or "The Act"** means the *Municipal Elections Act, 1996,* as amended from time to time, and includes any regulation made thereunder.

3.2. **"Blackout Period"** refers to the temporary period from the day upon which a Candidate has filed their nomination up to and including Election Day, during which time certain privileges are discontinued for Members of Council, the Mayor and any Registered Candidate.

3.3. **"Candidate"** or **"Registered Candidate"** means a person who is running in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the Act.

3.4. **"Campaigning"** means any activity by, on behalf of, or in opposition to a Candidate, political party or ballot question during an election Campaign Period that is meant to elicit support or opposition, including display of Campaign Material.

3.5. **"Campaign Material"** means material in any media (i.e., print, radio, television, website and Social Media) used to promote or oppose a Candidate, political party or ballot question. Campaign Material includes, but is not limited to, banners, literature, posters, place cards/signs, buttons/pins, clothing, car wraps, etc.

3.6. **"Campaign Period"** commences on the date a Candidate files their nomination paper, and extends through to December 31 of the election year (45 days after voting in the case of a by-election). For a federal or provincial election, the Campaign Period begins with the issuance of the Writ through to Voting Day.

3.7. **"Clerk"** or **"Town Clerk"** means the Clerk of the Town of Pelham, or their designate.

3.8. **"Corporate Resources"** includes, but is not limited to, the Town of Pelham's Employees, events, funds, information, Information Technology* (IT) Resources/application and Corporate assets.

3.9. **"Election Period"** begins on the first day upon which nominations may be filed and extends through to Voting Day, the third Monday in October, during a regular election year.

3.10. **"Employees"** or **"Staff"** includes full-time, part-time and contract Employees paid by the Corporation of the Town of Pelham.

3.11. **"Facility"** means any property under the care and control of the Town, including property owned, leased, occupied or used by the Town, including by not limited to libraries, community centres, meeting rooms, lobbies, banquet spaces, gymnasiums, sports fields, parks, pools, arenas and associated parking areas, etc.

3.12. **"Information Technology (IT) Resources"** means Town-owned or issued IT Resources, including but not limited to:

i. Hardware such as laptops, tablets, portable and computing devices and related peripherals, and wireless communication devices (e.g., smart phones, cell phones, etc.);

ii. All internet and email systems, including websites or domain names that are funded by the municipality;

iii. Electronic data transmission equipment, devices and networks;

iv. Business systems and services and all Town-managed data and software (i.e., Public Service Request);

v. All types of telephone, radio and other audio/voice or audio/visual communication equipment, devices and networks, including voicemail;

vi. Local and network storage media used in the operation of these resources, including but not limited to, CD's, tape media, paper, USB, flash memory, flash drives, external hard drive, cloud storage, etc.;

vii. Data, information and other work products such as computer programs, databases, spreadsheets, etc.; and

viii. This is deemed to include Town data and information accessed, stored, created, processed, transmitted or filed in a personal electronic device.

3.13. **"Nomination Day"** for a regular municipal election or by-election is the date determined in accordance with the Act.

3.14. **"Social Media"** means publically-available, third party-hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network. Examples include blogs, podcasts, Facebook, Twitter, Instagram, Bang the Table etc.

3.15. **"Town" or "Town of Pelham"** means the Corporation of the Town of Pelham.

3.16. **"Registered Third Party Advertiser" or "Third Party Advertiser"** means a person or entity, who is not a Candidate, who has registered with the Clerk to engage in political advertising, to support, promote or oppose a Candidate or a yes or no question on the ballot.

3.17. **"Voting Day"** means:

i. For a municipal election, the day on which the final vote is taken as the date set out in the Act; and

ii. For a provincial or federal election or by-election, the day set out according to the *Elections Act* (provincial) and *Canada Elections Act* (federal).

4. General Provisions

4.1. That in accordance with the provisions of the Act, Corporate Resources and/or funding may not be used for any election-related purposes.

4.2. Staff shall not canvas or actively work in support of a municipal Candidate or party during normal working hours, unless they are on a leave of absence without pay, lieu time or vacation leave.

4.3. All Registered Candidates may not book/use any municipally-provided facilities for any election-related purposes, which includes Campaigning, the displaying of any campaign-related signs in the window or on the premises, as well as displaying any election-related material in any municipal office, Municipal Transit vehicles or on the municipal website, or conduct any campaign-related activities during municipally-sponsored events or meetings. Campaigning or campaign booths are not permitted at Town Events. For clarity this includes any Town of Pelham event held on or off

Town property.

4.4. The following shall be discontinued for all Members of Council and Registered Candidates or Third Party Advertisers during the Blackout Period:

i. Advertising in municipal publications or on municipally-owned property;

ii. All printing, photocopying and distribution, unless so directed and approved by Council;

iii. Use of the Public Service Request (PSR) platform to enter requests on behalf of any resident; and

iv. Contacting municipal Staff to request attention to a matter raised by a constituent during a campaign-related event, including door-to-door Campaigning.

4.5. Members of Council shall not:

i. Print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;

ii. Profile (name or photograph) or make reference to, in any material paid by municipal funds, any individual who is registered as a Candidate in any election;

iii. Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies Registered Candidates for municipal elections (Minutes of Municipal Council and Committee meetings are exempt from this policy);

iv. Enter into joint ventures using municipal funds outside their existing wards during the Blackout Period, unless specifically approved by Council (i.e., Memorial Events). Where such an event is scheduled, Members of Council may attend to bring greetings from the Town, but Campaigning is not permitted; and

v. Use the Town's IT Resources, including Social Media accounts, for any election campaign or campaign-related activities.

4.6. Website or domain names that are funded by the municipality may not include any election-related Campaign Material.

4.7. Members of Council may not use the municipality's voicemail system to record election-related messages.

4.8. The policies contained herein also apply to an acclaimed Candidate(s), a Member of Council not seeking re-election, or to a Registered Third Party.

4.9. Campaign Materials are not permitted to be placed on community bulletin boards in Town libraries or other facilities, at any location marked as a voting location and may not be worn/displayed when carrying out the duties of an office, including Town Staff during working hours. Campaign Materials will be required to be removed from non-municipal voting places once advance polling or voting commences. A car "wrapped" to reference a Candidate or containing campaign signs may be covered or removed from the parking lot of the polling location, whereupon recovery will be at the expense of the Candidate.

4.10. The Town's logos are registered trademarks and owned by the Town of Pelham. Use of the Town branding materials is reserved exclusively by the Town for its own use. Candidates must not, under any circumstances, use a Town logo or any variation of it on any Campaign Material, Election Sign, Social Media or campaign website.

4.11. Election procedures prohibit the use of cameras inside a polling location; however, a Candidate is permitted to be photographed entering the polling location.

4.12. Election signs cannot be posted on Town property and are permitted only in accordance with the Region of Niagara Sign By-Law and the Town's Sign By-law.

4.13. The Clerk is authorized and directed to take the necessary action to give effect to this policy.

MUNICIPAL ELECTION October 24 2022

Guide to Accessible Elections

Accessibility

Pelham NIAGARA

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This guide has been approved by the Town of Pelham Accessibility Consultant.

Information

The Clerk is responsible for the proper legislative and administrative conduct of municipal elections in the Town of Pelham. In accordance with the *Municipal Elections Act, 1996 and the Accessibility for Ontarians with Disabilities Act, 2001*, the Clerk is authorized to establish procedures and implement appropriate measures, within budgetary limits, to provide persons with disabilities the opportunity to participate fully in Municipal Elections. Accordingly, the 2022 Municipal Election will be conducted in such a manner to ensure that:

1. Candidates and electors with disabilities have reasonable access to all election information and services;

2. Persons with disabilities have full access to Voting Places;

3. Persons with disabilities have access to alternative methods of voting assistance that will permit them to vote independently and privately mark their ballot and, in the event their disability cannot be accommodated through such alternative methods as are provided, a person with disabilities will have access to assistance from an Election Official who has received accessible customer service training in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005;*

4. Feedback regarding the conduct of previous Municipal Elections from persons with disabilities is collected and documented so that in future Municipal Elections, available resources for the accommodation of persons with disabilities can be effectively directed to best satisfy community needs.

In accordance with Subsection 12.1(3) of the *Municipal Elections Act, 1996,* following the election, the Clerk will submit a report to Council concerning the identification, removal and prevention of barriers that affect electors and candidates with disabilities. The report will include specific recommendations for further initiatives to ensure that, in future, persons with all types of disability are able to independently and privately mark their ballots.

Staff Training

All staff carrying out election duties will be trained to recognize and ensure that persons with disabilities are served in a way that accommodates their needs. Training will include:

1. How to interact and communicate with persons with various types of disability;
2. How to interact with persons with disabilities who use assistive devices or require the assistance of a service animal or support person;
3. How to use voting equipment, and assistive devices to deliver election services;
4. What to do if a person is having difficulty accessing election information or services.

Provision of Election Information

All reasonable efforts will be made to ensure that candidates and electors with disabilities are able to receive information and copies of election documents in a format that takes into account their disability. The format may be agreed upon between the requester and the Town Clerk. Notice of this provision is located on the Town's Website which can be found at www.pelham.ca and is included in election notices placed in the local newspaper. In addition, candidates with disabilities may access the election information available on the Town's Website using personal assistive technology such as screen readers. Instructions for increasing the font size of election documents is available on the Town's Website.

Notice of Temporary Disruption

If there is a temporary disruption in the delivery of election information or services, the Office of the Clerk shall provide public notice on the Town's Website, at the physical site of the disruption and when possible in the local media. The notice shall include the reason for the disruption, anticipated duration and a description of alternative methods of delivering the information or service. Every effort shall be made to provide alternative methods for the provision of information or service to persons with disabilities.

Staff Assistance

Office of the Clerk staff are available to assist with any issues that may arise with respect to providing a barrier-free election and can be reached by way of the contact information provided below:

Holly Willford, Town Clerk/ Returning Officer

Town of Pelham Telephone:	905-892-2607, Ext. #315
Town of Pelham Direct Line:	905-980-6657
Email:	hwillford@pelham.ca
Mail:	Office of the Clerk, P. O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0
In Person:	Office of the Clerk, 1st Floor, 20 Pelham Town Square, Fonthill

Sarah Leach, Deputy Clerk/Assistant Returning Officer

Town of Pelham Telephone:	905-892-2607, Ext. #320
Town of Pelham Direct Line:	905-980-6662
Email:	sleach@pelham.ca

Jacqueline Miller, Legislative and Committee Coordinator/Deputy Returning Officer

Town of Pelham Telephone:	905-892-2607, Ext. #322
Town of Pelham Direct Line:	905-980-6664
Email:	jmiller@pelham.ca

Assistance to Candidates

Service Animals

Candidates and scrutineers are permitted to be accompanied by a service animal at all Voting Places and other designated election locations.

Campaign Expenses

Expenses that are incurred by a candidate with a disability that are directly related to the disability, and would not have been incurred but for the election

to which the expenses relate, are excluded from the permitted spending limit for the candidate.

Assistance to Electors

Vote by Mail

A person unable to attend a Voting Place in person may register to Vote by Mail. The On Demand Special Ballot Application for Registration is available on the Town of Pelham website or may be obtained through the Office of the Clerk. Completed Applications shall be returned to the Office of the Clerk. A Special On Demand Ballot Kit will be mailed to the elector and may be mailed back to the Town of Pelham or placed in a designated Vote by Mail Drop Box.

Parking

Designated or reserved parking for people with disabilities is to be provided close to the entrance of the Voting Place where possible. Accessible parking spaces will be clearly posted and easy to see from the road and marked with the International Symbol of Accessibility. The number of designated parking spaces will be increased at voting locations on Voting Day, where possible. Routine checks of routes to the entrance of the Voting Place will be made throughout the day by election personnel.

Service Animals

Electors requiring service animals are permitted to be accompanied by a service animal at all voting locations.

Entrance to Voting Place

Where the Voting Place has steps leading to the entrance, ramps will be provided to assist people using mobility aids or who have mobility impairments. Where possible, the slope of the ramp will conform to the barrier-free design requirements of the Ontario Building Code or the Facility Accessibility Design Standards (FADS) and the ramp will be equipped with handrails. If the ramp is temporary, it will be securely attached to the steps so it cannot slip or wobble. Where the main entrance to the voting place is inaccessible, another entry point that is accessible will be used. Where possible, the accessible entrance will be used as the main entrance for everyone.

Where a Voting Place is located on the second floor of a building, elevators shall be available and remain unobstructed for the movement of people.

The entrance for persons with disabilities will be clearly sign-posted, using the International Symbol of Accessibility. Every effort shall be made to ensure the door to the Voting Place is wide enough for a wheelchair or scooter to pass through easily; that door hardware is accessible and can be operated by a person using a closed fist or alternatively, if the doors are heavy, awkward to open or have handles that are out of reach, they will be propped open in a safe manner or manned.

Interior Voting Area

Access to the interior voting area and voting booth shall be level and easily traversed. Any doormats or carpeting shall be level with the floor to prevent potential tripping hazards. All voting areas will be lit and seating made available.

Accessible Voting Booths

At least one accessible voting booth will be available at each Voting Place. Such voting booth will be low in height and have a wide area to allow for individuals who use a wheelchair or scooter to vote independently and secretly. Magnifying sheets will be made available to assist any individual with low vision.

Voting Assistance

Persons with disabilities may be accompanied by a support person within the Voting Place. In addition, the Deputy Returning Officer in each Voting Place can assist the voter in casting their vote. Prior to entering the voting booth, the Deputy Returning Officer shall, in conjunction with the person with the disability, determine the extent to which they need assistance and the best way in which the assistance can be provided. This may include actually marking the ballot as directed by the person with the disability. All persons assisting a voter with a disability will be required to swear an oath.

A Deputy Returning Officer is authorized to attend any place within a voting location to serve a voter including on-street adjoining the voting location.

Where a Voting Place is located in an institution or retirement home, the Deputy Returning Officer can attend on voters in their specific living areas or at their bedside to assist them to vote. All Deputy Returning Officers are sworn to an oath of secrecy.

Feedback Process

Feedback about the manner in which election services are provided to persons with disabilities may be submitted to the Office of the Clerk through a variety of methods including:

Town of Pelham Telephone:	905-892-2607, Ext. #315
Town of Pelham Direct Line:	905-980-6657
Email:	hwillford@pelham.ca
Mail:	Office of the Clerk, P. O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0
In Person:	Office of the Clerk, 1st Floor, 20 Pelham Town Square, Fonthill

The feedback process provides election staff with an opportunity to take corrective measures to prevent similar recurrences, address training needs, enhance service delivery and provide alternative methods of providing election services.

Feedback from our customers gives us the opportunity to learn and improve. Feedback may be provided by an individual with a disability in a format that is most convenient for them such as by telephone, in person, in writing, by e-mail or by delivering a diskette. All feedback will be kept in strict confidence and used to improve the delivery of accessible customer service. A response to the feedback will be provided in the manner in which it was received.

Additional Information

In the event of an Emergency declared under the *Municipal Elections Act,* s. 53(1)

If it is determined by the Clerk that an Emergency is to be declared causing a postponement or delay in the delivery of election information or services, the Office of the Clerk shall provide public notice on the Town's Website, at the physical site of the disruption and when possible in the local media. The notice shall include the reason for the emergency, anticipated duration and a description of alternative methods of delivering the information or service. Every effort shall be made to provide alternative methods for the provision of information or service to persons with disabilities.

Town of Pelham – Office of the Clerk:

The Office of the Clerk is located at Town Hall on the 1st floor, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0. Clerk's office staff can answer any questions you may have about running for office, the election in general or specific provisions for persons with disabilities.

Town of Pelham – Website:

The Town of Pelham's Website is continuously updated to reflect the most recent developments and information. You are invited to visit the website for an up-to-date list of candidates and other important messages or events throughout the election year at www.pelham.ca.

Ministry of Municipal Affairs and Housing – Election Website:

This website contains information about municipal elections, the Province of Ontario 2022 Municipal Elections Candidates Guide and the Ministry's commitment to promote greater accessibility for voters and candidates with disabilities https://www.ontario.ca/page/ministry-municipal-affairs-housing

Ministry of Community and Social Services:

The Ministry of Community and Social Services has developed several quick reference guides with respect to the overall management of an accessible election campaign. For more information, candidates can visit: http://mcss.gov.on.ca/en/mcss/programs/accessibility.

Service Ontario – e-Laws:

This website contains all current statues including the *Municipal Elections Act, 1996; the Accessibility for Ontarians with Disabilities Act, 2005*, www.e-laws.gov.on.ca.

MUNICIPAL ELECTION October 24 2022

Policies and Procedures Governing Response to Emergency Situations

Policies and Procedures

Pelham NIAGARA

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1. Purpose

To establish procedures in the event of an emergency during a Municipal Election in the Town of Pelham, in order to preserve the integrity of the election process and ensure that the election process is conducted in accordance with the principles of the *Municipal Elections Act, 1996* (the "Act").

2. Scope

This policy shall be used to manage emergency situations on Voting Day or on advance poll days at each of the respective polling stations, and shall be followed by all municipal election staff. The poll supervisor is responsible for ensuring adherence to this procedure.

3. General

It is recognized that it is impossible to predict if an emergency will occur, and, if it does occur, to what extent the conduct of the election will be affected. The intention of this policy is to provide procedures in the case of specific types of emergencies. Should an emergency be encountered that is not outlined in this procedure, the poll supervisor shall be responsible for immediately contacting the Clerk for instruction and consultation.

4. Declaration of an Emergency

The Emergency Management Act and Civil Protection Act, 1990, defines an emergency as:

"An 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."

Section 53 of the *Municipal Elections Act, 1996,* states:

"The clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act."

The Act provides that upon declaring an emergency, the Clerk shall make such arrangements as he or she considers advisable for the conduct of the election.

The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything contained in this Act and the regulations made under it.

The emergency continues until the Clerk declares that it has ended. If made in good faith, the Clerk's declaration of an emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness. If the voting is delayed for a prolonged period of time, the returning officer (the Clerk) may extend the voting hours at the voting location, and delay the issuance of any results until the closing of the vote.

4.1. Maintaining the Peace and Order

Section 11(2)(c) of the Act provides that the Clerk is responsible for maintaining peace and order in connection with the election. As such, the Clerk is responsible for determining the need for obtaining assistance of this nature and for making the necessary arrangements in this regard. The Clerk may require assistance of persons specially appointed to aid in maintaining peace and order and may also empower a poll supervisor or deputy returning officer to similarly require the assistance of such persons.

The Clerk or a poll supervisor may remove from the voting place any person causing a disturbance. This applies to a voter, scrutineer, candidate, member of the media or election staff.

The emergency situations outlined below are not intended to be all-encompassing and discretion may be required throughout the voting process.

4.2. Temporary Service Disruption

If there is a temporary disruption in the delivery of election information or services, the Office of the Clerk shall provide public notice on the Town's election website, at the physical site of the disruption and, when possible, in the local media. The notice shall include the reason for the disruption, anticipated duration and a description or alternative methods of delivering the information or

service. Every effort shall be made to provide alternative methods of providing the information or service to all stakeholders.

4.3. Hydro/Power Disruption and Outages

In the event of a hydro outage, the poll supervisor shall:

4.3.1. Request that a member of the election team under their supervision contact the Town Clerk (905 892-2607, ext. 315 or 320) immediately to inform of the outage.

4.3.2. Ensure that the vote tabulator operator continues processing ballots through the tabulator by using the backup battery power supply.

4.3.3. Should the backup power supply (battery) no longer operate, i.e., after approximately one hour, the vote tabulator operator shall continue to accept ballots; however, they will insert the marked ballots into the auxiliary slot in the back-up compartment of the ballot box. These ballots will be duly processed through the AccuVote Tabulator once power is restored, in accordance with the "Procedure for Use of Vote Tabulators" which is appended to this procedure. This shall be conducted in the presence of any scrutineer or candidate.

4.3.4. All poll supervisor supply packages contain a flashlight that may be useful in the event of a hydro disruption to ensure the safety of election personnel, electors and any persons in the voting place.

4.4. Fire

Upon arrival at the voting place, election staff shall familiarize themselves with all exits at the polling location. The poll supervisor shall establish a central meeting place located outside of the polling station and communicate this location to all staff prior to opening the polling station. Election personnel should be directed to meet at the designated place should an evacuation of the polling location become necessary.

The following procedures are to be followed should election personnel discover a fire, see smoke, smell gas or should the fire alarm sound:

4.4.1. The poll supervisor shall direct one (1) election staff person to immediately call 911 to report the fire.

4.4.2. The poll supervisor should ensure everyone remains calm and instruct everyone to leave the building immediately, including voting staff, electors, candidates and/or scrutineers.

4.4.3. The deputy returning officers shall exit with unused ballots. Deputy returning officers shall, if time permits, put all loose documentation, including unused ballots, into the supply box provided to them, unless of course personal safety is in danger.

4.4.4. With the assistance of the revisions deputy returning officer, the vote tabulator operator shall exit with the AccuVote tabulator and active ballot box. The vote tabulator operator is responsible for keeping the AccuVote Tabulator in their possession at all times. The revisions deputy returning officer and vote tabulator operator shall make every attempt to safely remove any ballot boxes that have been filled and duly sealed as well, if it is of no threat to personal safety.

4.4.5. Everyone shall evacuate the building immediately using the nearest safe exit and assemble at the designated meeting place outside of the polling location. Election personnel are required to remain onsite. It may be necessary to relocate to a different, alternate polling location. This will be determined by the Clerk and notice shall be appropriately given through the Town's website, posting of a sign (where possible) at the voting location and through the use of local media, if possible.

4.4.6. The poll supervisor shall contact the Clerk as soon as safely possible.

4.4.7. The poll supervisor shall ensure that everyone has safely evacuated the building and conduct a head count/roll call of election staff to ensure that no one remains inside the building.

4.4.8. The poll supervisor shall initiate re-entry into the polling location only when so authorized by the fire chief.

4.5. Medical Emergency

Election personnel should inform the poll supervisor of any medical conditions that may be relevant.

If an election official, elector, candidate or scrutineer becomes ill or is injured at a polling location, the poll supervisor shall:

4.5.1. Make the person as comfortable as possible and employ the assistance of election personnel to assist.

4.5.2. Direct election personnel to call 911.

4.5.3. Contact the Clerk immediately to discuss the situation and determine what, if any, action is required, i.e., if the medical emergency involves election personnel, a replacement may be deployed.

Should an election official member become ill or be injured, but not sufficiently ill to request or require an ambulance, the Clerk shall be contacted immediately who shall, if required, make the necessary arrangements to send a replacement.

Replacement staff have been hired and trained and will remain on standby throughout Voting Day.

The ballots and the AccuVote Tabulator must be protected at all times by an authorized election official who is not affected by the emergency to ensure the integrity of the election process is upheld. If the vote tabulator officer or a deputy returning officer becomes ill, the poll supervisor or float deputy returning officer shall take over this responsibility until such time as a replacement has been dispatched and arrives at the polling location.

4.6. Bomb Threat

In the event of a bomb threat, the poll supervisor shall:

4.6.1. Call 911 immediately.

4.6.2. Maintain the peace and order of the polling place, and ensure that everyone in the polling station remains calm.

4.6.3. Deputy returning officers shall place all loose documentation, including unused ballots, into the supply box provided to them.

4.6.4. With the assistance of the revisions deputy returning officer, the vote tabulator operator shall exit with the AccuVote Tabulator and active ballot box. The vote tabulator operator is responsible for keeping the AccuVote Tabulator in their possession at all times. The revisions deputy returning officer and vote tabulator officer shall make every attempt to safely remove any ballot boxes that have been filled and duly sealed as well, again if it is of no threat to personal safety.

4.6.5. Everyone shall evacuate the building immediately using the nearest safe exit and assemble at the designated meeting place outside of the polling station. Election officials are required to remain onsite. It may be necessary to relocate to a different, alternate, polling station.

4.6.6. The poll supervisor shall contact the Clerk as soon as safely possible.

4.6.7. The poll supervisor shall ensure that everyone has safely evacuated the building and conduct a head count/roll call of election officials to ensure that no one remains inside the building.

4.6.8. The poll supervisor shall initiate re-entry into the polling station only when so authorized by the appropriate authorities (Niagara Regional Police).

4.6.9. Election officials shall not make any attempt to locate the explosive device.

4.6.10. To facilitate any investigation by law enforcement authorities and any follow-up and resolution to this incident, election officials should all be prepared to provide as much information as possible to the authorities, including a description of the person(s) who made the threat.

4.7. Weather Emergency

4.7.1. In the event that a severe weather event occurs on Voting Day, i.e., severe precipitation causing flooding at any or all voting locations or a winter storm, the Clerk will work in consultation with appropriate municipal CIS staff to uphold the integrity of the voting process and to provide all reasonable opportunities to electors to exercise their right to vote.

4.7.2. If the weather event impedes one (1) isolated voting place and it is found necessary to relocate, the Old Pelham Town Hall facility, 491 Canboro Road, Ridgeville, will be designated as the alternate site. The Clerk will accordingly extend the hours of voting to ensure electors have the opportunity to vote and accommodate any delay experienced while relocating the voting place. This will result in a delay in tabulating the results for reporting purposes.

4.7.3. The Clerk will inform electors and candidates of the relocation through the Town's website, posting a sign at the voting place and through the local media, if possible.

4.7.4. If a major weather event occurs that impacts the entire municipality, the Clerk, in consultation with the appropriate municipal officials, i.e., the chief administrative officer and if applicable, the fire chief, may declare an emergency and make any necessary arrangements to extend the hours of voting accordingly.

5. Contingency Plans

5.1. Replacement of Election Official(s)

If for any reason an individual hired as election personnel proves to be unsatisfactory, the Clerk has the authority to dismiss the individual and to arrange for a replacement from the "standby" election official pool. This practice will only be undertaken where it has been determined that the integrity of the election process is or might be questioned, such as repeated failure to balance the ballot count, leaving the assigned station unattended for repeated or extended periods of time or failure to properly conduct themselves in accordance with the procedures outlined through the Election Personnel training sessions. The Clerk will consult with the poll supervisor in this regard.

5.2. Notification to Electors of Delay in Voting

Every effort will be undertaken to ensure the election process runs seamlessly and that the integrity of the vote is upheld at all times. If an occasion arises where it has been deemed necessary by the Clerk to delay voting at any polling place, notification to electors as to the extended hours of voting, if any, relocation of the polling place, and/or reporting of results will be conducted through the Town's website, signage at the polling location and through the local media, i.e., cable television and local radio stations.

If an emergency or extended delay occurs at any of the voting places on Voting Day or advance polling days, the Clerk has the authority to withhold the release of results for any office affected until after such time as all voting for that office is complete.

5.3. Election During or Immediately Following a Public Health Event

At the time of writing this procedure, the State of Emergency has been lifted within the Town of Pelham with respect to the Novel Coronavirus COVID-19 pandemic. The following procedures will be incorporated into the 2022 Municipal and School Board Election to ensure the safety of all stakeholders:

5.3.1. Candidates

5.3.1.1. Candidates are encouraged to file their nominations by appointment.

5.3.1.2. 25 Endorsement Signatures: The Town is recommending a separate form for each endorsement to reduce the number of touch-points per page.

5.3.1.3. Candidates will be responsible for their own health and safety during door-to-door campaigning and it is recommended that physical distancing be practiced at all times.

5.3.1.4. When campaigning, if there is any doubt regarding the health status of the campaign staff/volunteers/candidate, they should not participate.

5.3.1.5. It is recommended that campaign staff have access to alcohol-based hand rub.

5.3.1.6. It is recommended that door-to-door campaigning takes place through the door whenever at all possible and when not able to do so, physical distancing be maintained.

5.3.1.7. Masks are encouraged for door-to-door campaigning.

5.3.1.8. Information regarding requirements for candidates or scrutineers attending a voting place will be provided by the Clerk prior to Advance Voting or Voting Day.

5.3.2. Election Poll Workers/Polling Stations

5.3.2.1. Polling stations will be setup to properly delineate for physical distancing.

5.3.2.2. Additional staff will be hired for cleaning of polling station.

5.3.2.3. Election officials will be provided PPE for use, if desired.

5.3.2.4. Voting screen tables will be wiped after each elector – this will need to include drying time so as not to dampen the next ballot.

5.3.2.5. The polling station cleaner position will direct electors to "every other" voting booth to allow for dry time and physical separation – voting booths will be numbered for easier reference.

5.3.2.6. Hand hygiene should be practiced before electors are provided PPE and again when they remove the PPE to limit potential for cross-contamination.

5.3.2.7. Disinfectant being used for cleaning and disinfection of surfaces should be of a low-level hospital grade disinfectant, to be reviewed by Public Health for appropriateness.

5.3.2.8. Such disinfectant should have a short "contact time," being the time the product needs to stay wet to provide sufficient kill of microorganisms of concern, 1-3 minutes preferred.

5.3.2.9. Disinfectant should contain a Drug Identification Number on the bottle/container.

5.3.2.10. High touch surfaces such as door handles and other items which may be touched frequently should be cleaned and disinfected periodically throughout the day.

5.3.3. Electors

5.3.3.1. Each elector will be given a pen and asked to keep it; we have confirmed that ballpoints will be suitable for ballot marking and the AVOS tabulator will be capable of reading the mark.

5.3.3.2. All attempts will be made to use secrecy folders one-time only.

5.3.3.3. Communications leading up to voting days will make recommendations that electors who are self-isolating or those in quarantine should take advantage of the On Demand Special Ballot process;

5.3.3.4. COVID-19 positive electors shall not attend a voting station, as COVID-19 positive persons are required to

remain on their personal property unless attending urgent medical appointment to avoid exposing others.

5.3.3.5. These restrictions will be heavily communicated, electors in isolation being encouraged to use the On Demand Special Ballot process.

5.4. Should Pandemic Escalates or if Situation Warrants:

The Clerk has the authority, under the Act, Section 53(1), to declare an emergency and put on hold the voting process.

Such declaration would be done in close consultation with Public Health to determine if the pandemic presents an increased public health issue that cannot be addressed through the measures being applied to the election. Monitoring of current pandemic status in Niagara will be required.

The procedures listed above are superseded by COVID-19 regulations as per the Province of Ontario and Niagara Regional Health at the time of advance polls and Voting Day.

MUNICIPAL ELECTION October 24 2022

Policies and Procedure for Conducting a Recount

Policies and Procedures

Pelham NIAGARA

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1. Authority

The recount shall be conducted by the Clerk of the Town of Pelham in accordance with the provisions of the *Municipal Elections Act, 1996* (the "Act") and Ontario Regulation 101/97 Section 4.

2. Notice

The Clerk shall give notice of the recount to:

- Every candidate for an office that is subject of the recount;
- In the case of a recount requested under subsection 57 (1) of the Act, local board or Minister, as the case may be;
- In the case of a recount ordered under Section 58 of the Act, the applicant; and
- In the case of a recount concerning an officer, question or by-law in respect of which electors or another municipality are entitled to vote, the clerk who was responsible for the conduct of the vote in that other municipality.

The notice shall indicate the date, time and location of the recount.

3. Programming and Testing of the Vote Tabulators

3.1. The vote tabulators shall be programmed in the same manner as on the day of the election.

3.2. Prior to the recount, the Clerk shall test the vote tabulators to ensure that they will accurately count the votes cast for the candidates. When testing the vote tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the vote tabulators.

3.3. The Clerk shall give notice of the date and time of the testing of the vote tabulators to the candidates.

3.4. The test shall be conducted by:

a. Tabulating a pre-audited group of ballots including ballots that contain over votes and under votes and ballots on which are recorded a predetermined number of votes for each candidate; and

b. Comparing the output of the tabulation against the pre-audited results.

3.5. If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless test is achieved.

3.6. The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the memory card in the vote tabulator and place the memory card in a separate envelope and then seal the envelope.

3.7. The Clerk shall retain and have access to the pre-audited group of ballots referred to in clause (3.4) (a), the results tapes that were produced during the test and other materials used in the programming of the vote tabulators.

3.8. Each certified candidate for the office that is subject to the recount is entitled to be present during the testing of the vote tabulators, together with one lawyer per certified candidate and one scrutineer per certified candidate.

4. Candidate Briefing

The Clerk shall brief the certified candidates on the process to be followed in the conduct of the recount. Each certified candidate will be notified of the date, time and location of the briefing. Each certified candidate for the office that is subject to the recount is entitled to be present, together with one lawyer per certified candidate and one scrutineer per certified candidate.

5. Location Set-Up

5.1. The ballot boxes, vote tabulator(s) and all other supplies and materials necessary for the recount shall be delivered to the recount location for set-up.

5.2. The Clerk shall be onsite at the recount location to accept delivery of the ballot boxes. Sufficient security personnel shall be onsite to ensure the safekeeping of the ballots; the number of security personnel to be determined by the Clerk. Security personnel shall remain onsite for the duration of the recount.

6. Recount Stations

There shall be a maximum of thirty (30) recount stations. Each recount station will be staffed with one (1) election official.

7. Attendance

In accordance with Section 61 of the Act, the following persons are entitled to be present at the recount:

a. The Clerk and any other election official appointed for the recount;

b. Every certified candidate for the office subject to the recount for the 2022 Municipal and School Board Election;

c. The applicant for the recount ordered under Section 58 of the Act;

d. One (1) lawyer for each of the certified candidates;

e. One (1) scrutineer for each of the certified candidates at each recount station established by the Clerk; and

f. Any other person with the Clerk's permission.

8. Scrutineers

Each scrutineer must show to an election official an Appointment of Scrutineer Form, signed by the candidate. No admittance to the recount location will be given to any scrutineer who does not produce this form.

Blank Appointment of Scrutineer forms will be distributed to all candidates and made available at the request of the Clerk.

9. Election Officials

The Clerk shall appoint such number of election officials to assist in the conduct of the recount as they consider necessary and may designate their title and duties.

10. Recount Process

10.1. The election official at each recount station shall receive a ballot box (or ballot boxes in the case of an advance vote location) from the ballot distribution area and, in full view of any scrutineers present at the recount station,:

a. Open the ballot box, remove all ballots and show the empty ballot box;

b. Remove the memory card from the sealed envelope and insert it into the vote tabulator;

c. Cause the vote tabulator to print a copy of all vote totals in the memory card, confirming zero totals; and

d. Feed the ballots into the vote tabulator.

10.2. If the vote tabulator is unable to count the votes in a ballot, the election official shall:

a. Place a ballot label on the back of the ballot;

b. Record the voting location on the ballot label and on the label affixed to the ballot referral envelope; and

c. Place the ballot in the ballot referral envelope for delivery to the Clerk.

10.3. After all ballots from the ballot box have either been fed into the vote tabulator or placed in the ballot referral envelope for delivery to the Clerk, the election official shall:

a. Cause a results tape to be produced by the vote tabulator;

b. Remove the memory card from the vote tabulator;

c. Place all the ballots counted by the vote tabulator back into the ballot box and seal the ballot box;

d. Return the ballot box to the ballot distribution area;

e. Deliver the results tape and memory card to the election officials at the results area; and

f. Deliver the ballot referral envelope to the Clerk.

11. Ballots Referred to the Clerk

11.1. The Clerk shall make the final determination of the votes cast for the office that is subject to the recount in the ballots referred to the Clerk from the recount stations in accordance with the provisions of the Act and Ontario Regulation 101/97.

11.2. Prior to making the determination in subsection (11.1), the Clerk shall hear any submissions from the certified candidates, their lawyers or scrutineers.

11.3. In the event one of the certified candidates, their lawyer or scrutineer objects to the counting of a vote in a ballot ("disputed ballot"), the Clerk shall record the nature of the objection on the ballot label.

11.4. The Clerk shall complete and sign the ballot label on the back of the ballot, indicating for which candidate the vote was counted or whether the ballot was rejected from the recount.

11.5. At the conclusion of the recount, the Clerk shall:

a. Place all disputed ballots into the disputed ballot envelope and seal the envelope; and

b. Place the non-disputed ballots in the non-disputed ballot envelope and seal the envelope.

12. Results

12.1. During the recount, the Clerk shall post for inspection the summary of the votes cast for the office that is subject to the recount from the recount stations.

12.2. The Clerk shall cause to be added to the totals in (11.1) the results of the count for the ballots referred to the Clerk in Section 11.

12.3. When the recount is complete, the Clerk shall announce:

a. The results of the recount;

b. The number of disputed ballots; and

c. The results that would be obtained if the disputed ballots were excluded from the count.

13. Recount Records

At the conclusion of the recount, the Clerk shall secure the ballot boxes and other materials from the recount.

MUNICIPAL ELECTION October 24 2022

Pelham Election Team: Poll Supervisor Guide

Election Team

Pelham NIAGARA

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Election Position Roles and Responsibilities

Your role as a Poll Supervisor/Deputy Returning Officer ("DRO") is an important one, and it is imperative that you become familiar with all of the details of this position before you begin your posting, as election rules and procedures change from election to election. Please read this handbook carefully as it will assist you to know what to do under the current rules and in various situations. You are also being provided with the guides for a DRO and Vote Tabulator Operator ("VTO"). You should review these references as well to ensure a smooth election day!

Poll Supervisor

The Poll Supervisor is in charge of overseeing the Polling Location.

Responsibilities include:

- In conjunction with each DRO, deliver of all supplies to the facility, i.e. all ballots, supplies, voting screens, etc.;
- Maintain order at the polling station throughout the day;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Administer oaths to election staff;
- Sign-in each scrutineer or candidate present at the polling station;
- Answer any questions from the media and scrutineers;
- Assist in guiding electors;
- Ensure the proper opening and closing of the poll;
- Accompany the VTO from the polling location to be in charge of the prompt delivery of the ballot boxes, memory card, vote tabulator and all printouts to Town Hall, and ensure this is done as soon as possible after the poll closes at 8:00 p.m.; and
- Ensure the delivery of all remaining materials to Town Hall after the polling location has closed and packed up.

Please note, each Poll Supervisor will be appointed as a Deputy Returning Officer.

Deputy Returning Officer ("DRO")

The DRO is responsible for confirming voter's information and issuing the correct ballot type to electors and providing instruction on how to vote for each race. The DRO is responsible to ensure the ballots they issued balance at all times.

Responsibilities include:

- Deliver supplies and ballots to the polling station;
- Assist polling station team with setup;

- Count and verify that the correct number of ballots have been received and sign the applicable form provided by the Clerk;
- Process electors within a specific voting poll by scanning the voter cards;
- If the elector does not have voter card, manually search the elector;
- Verify the elector's identification and ensure the elector's name and address are correct;
- If changes are required, send directly to the Revisions Deputy Returning Officer;
- If no changes are required, automatically strike voter off the voters' list;
- Initial the back of the ballots in the appropriate space;
- Distribute the correct ballot to the voter and instruct the voter on the applicable races and how to mark ballot;
- Place ballot into secrecy sleeve;
- Maintain the tally sheet and periodically balance ballots issued; and
- Assist with closing of polling station procedures.

Note: a Floating DRO will be provided busy polling station locations to provide assistance where necessary.

Revisions Deputy Returning Officer

The Revisions DRO is responsible to update the voters' list for electors not on the list, or to make corrections to voter information, and then issue the correct ballot to the elector.

Responsibilities include:

- Assist polling station team with setup;
- Make changes to elector information as required;
- Add electors to the voters' list and required;
- Issue the correct ballot to the elector;
- Assist DRO's with periodic balance processes; and
- Assist with closing of polling station procedures.

Vote Tabulator Operator ("VTO")

The VTO's role is input the complete ballot into the vote tabulation machine to read the vote and tabulate the results onto a memory card, while protecting the secrecy of the ballot at all times.

Responsibilities include:

- Assist polling station team with setup;

- Produce tabulation tapes before the poll opens to indicate a zero balance on the machine;
- Allow scrutineers to observe and place their initials on all tape copies;
- Insert ballots into the vote tabulation machine using the secrecy sleeve;
- Ensure the secrecy of the voter's ballot at all times;
- If the ballot is rejected, the VTO will discreetly direct the elector to the DRO in order to receive a new ballot (the Poll Supervisor can help in cases such as this);
- Initiate the "ender card" process and produce the tabulation tapes at the close of voting;
- Assist with closing of polling station procedures;
- Accompany Poll Supervisor to return Tabulator and supplies to Town Hall.

Information Clerk

The Information Officer is the first person the elector sees when entering the polling location. A positive greeting will set the tone for the elector's voting experience.

Responsibilities include:

- Assist polling station team with setup;
- Kindly greet each elector;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Ensure information on voter card matches the voter's identification;
- Direct the voter to the appropriate DRO;
- If changes to the elector's information are required, or the voter is not on the voters' list, send the voter to the Revisions DRO;
- keep the line moving in an organized manner;
- Answer questions as needed;
- Assist with closing of polling station procedures.

The Role of Poll Supervisor

In the absence of the Clerk, the Poll Supervisor is responsible for the polling station for which they have been assigned. The Poll Supervisor acts in a supervisory capacity to oversee set up, operation and closing of poll, including monitoring and coordinating all polling activities throughout the day. The Poll Supervisor is also responsible for the overall security, peace and order of the polling facility.

The Poll Supervisor is an appointed Deputy Returning Officer; please become familiar with the role. In the event that the DRO's require assistance throughout the day to process electors and maintain the voters' list, the Poll Supervisor can assist in exceptional circumstances. The Poll Supervisor is encouraged to minimize this component given the main role as supervisor.

Before Voting Day

- Pick-up election supplies from Town Hall, including but not limited to: maps, voting screens, accessible voting booth, general election signs, general election supplies, PPE, identification tags, scrutineer package and Poll Supervisor Binder;
- The VTO will be responsible to pick-up the vote tabulator assigned to the polling station;
- DRO's are individually responsible to retrieve their ballots and secure them until voting day.

Set Up and Opening the Polling Station

- By 8:00 a.m., telephone the members of your polling station team to ensure they are healthy and able to fulfill their assigned responsibilities. If any are not available, advise the Clerk immediately so that a replacement can be assigned;
- Arrive at the assigned station between 8:30 a.m. and 9:00 a.m. and upon arrival, begin taking attendance of the team and record this information in the Poll Supervisor Binder;
- Unload election supplies and set-up the station together with the team. A suggested layout will be provided;
- Place exterior signs and canvas the exterior of the polling station for campaign material. Remove any material situated on the property. Continue to periodically check the property throughout the day (campaign material should not be situated within 60 metres of the polling station);
- Gather DRO sample initials on the form provided in the Poll Supervisor binder and give to the VTO;
- Administer the election officer oaths provided in the Poll Supervisor binder;
- Oversee the set-up of the vote tabulation machine;
- At 9:45 a.m. supervise the VTO while they run the zero balance tape;
- Ensure that one copy of the zero balance tape is displayed and visible to electors at all times;
- Unlock the doors at 10:00 a.m. sharp;

Note: Poll Supervisors should be stationed near the entrance of the polling station to assist electors and monitor the entrance/ exit. A table will be provided and location indicated on the layout for this station.

Throughout the Day

- In conjunction with the Information Clerk, direct electors to the appropriate DRO or Revisions DRO;
- Answer general questions and assist the election staff as needed;
- Check with the DRO's and VTO periodically to balance the ballots against the tabulator;
- Monitor the activity of election staff;
- Assist and/or instruct election staff to retrieve secrecy sleeves to from the VTO to be put back into rotation if necessary;
- Monitor the attendance of scrutineers and candidates at the polling station (1 representative per candidates at the location);
- Canvas the exterior and interior of the polling station for campaign material and request removal/ remove where necessary;
- In case of an medical emergency, contact 911 then the Clerk immediately;
- In case of an election emergency, contact the Clerk immediately. Where the Clerk cannot be reached, contact the Deputy Clerk;
- In case of a power failure, the vote tabulation machine should continue to operate by battery power. If this is not the case, the back-up procedure is to direct the VTO to insert un-tabulated ballots into the back-up ballot box until the machine's power is restored or replaced, under the supervisor of the Poll Supervisor, scrutineer(s) etc. and contact the Clerk immediately.

Directing Voter's

- If the voter has a voter notification card and proper identification, the Information Clerk shall direct the voter to the next available DRO;
- If the voter has proper identification but does not have a voter notification card, and indicated they left the card at home, the Information Clerk shall direct the voter to the next available DRO;
- If the voter has a voter notification card and proper identification, but arrives at the incorrect polling station, the Poll Supervisor may assist in determining the correct polling station and re-direct the voter;
- If the voter has proper identification and indicates they did not receive a voter notification card in the mail, the Information Clerk shall direct the voter to the Revisions DRO to determine if they are on the voters' list and if not, add them;

- If the voter has a voter notification card and proper identification but indicates that the information on the voter notification card is incorrect, the Information Clerk shall direct the voter to the Revisions DRO to amend the voters' list and issue the corresponding ballot;
- If the voter has a voter notification card but no proper identification, the Information Clerk shall direct the voter to retrieve identification prior to voting or complete a Form 9 with a DRO declaring their identity.

Helping to Stay Balanced

Each DRO will maintain a manual count of ballot issued on a tally sheet, while simultaneously striking voters from the electronic voters' list. DRO's have the ability to record comments on the electronic Voter's List. DRO's will be directed to enter the number on the tally sheet into the electronic voters' list in an effort to stay balanced.

Steps to assist DRO's to balance:

1. Wait for a "slow time" when there are not as many voters waiting to be processed;
2. Determine the number of ballots that the vote tabulation machine has processed. This is the number you will want to balance to;
3. Ask each DRO for the number of ballots that were "voted". This will be the total number of ballots issued, subtract any that's were returned (ex. cancelled, declined, etc.). This is the number of ballots that they issued that were processed by the VTO;
4. Add up the number of voted ballots issued by the DRO's, which should equal the number processed through the vote tabulation machine; and
5. Record these numbers on your Progress Report for Ballot Counts sheet. Additional paper is provided to you that you may use for rough calculations.

If the ballots <u>do not</u> balance, ask each DRO to:

1. Check the tally sheet number against the counter on the VoterView system;
2. Consider all ballot issued may not be all ballots voted;
3. Ask each DRO to check their cancelled and declined envelopes and subtract these from the number on the tally sheet;
4. If a DRO cannot get balanced, close the station and ask the Floating DRO to assist if necessary. Cross reference the tally sheet with the numbers recorded for each elector.

Ballot Removal from the Polling Station

There is only ONE time that a ballot issued may leave the polling station; this is to allow an elector to vote from their vehicle. If this process is requested, the Poll Supervisory shall:

1. Obtain the assistance of an available DRO;
2. Accept the voter notification card and proper identification of the voter;
3. Obtain a ballot from the Revisions DRO and ensure the elector is stricken from the voters' list with a comment noting this procedure was utilized;
4. Bring the ballot, secrecy sleeve, pen and clipboard to the vehicle (Poll Supervisor and DRO);
5. Accept the completed ballot in the secrecy sleeve and deposit with the VTO; and
6. Record in the incident log.

Under no circumstance shall a candidate or scrutineer be present at the marking of a ballot, other than their own.

It is strongly encouraged that the Poll Supervisor maintain a record of unusual occurrences. The Clerk may need to rely on these notes to defend the election process in the event of a court challenge.

Closing the Polling Station

If balancing efforts were maintained throughout the day, closing the polling will run more smoothly.

Here is a checklist to assist:

- ☐ Lock the door promptly at 8:00 p.m. No one is to enter the polling station once the Poll Supervisor lock the polling station. This includes candidates, scrutineers or family and friends of election. If candidates or scrutineers are not present in the poll by 8:00 p.m., they are not permitted entry.
- ☐ Any elector's that are inside the polling station or were in line outside of the polling station prior to 8:00 p.m. at closing time shall be given the right to vote. DRO's shall process all electors and allow the VTO to tabulate all ballots before generating the Totals Report.
- ☐ Station the Information Clerk at the entrance to ensure no one not present by 8:00 p.m. enters.

- ☐ Poll Supervisor and VTO are responsible for tabulation of results, after all balancing of ballots is final. Do not allow the VTO to run totals tape until all DRO's have balanced successfully.
- ☐ Ensure DRO's complete the Statement of Ballot Account (refer to DRO guide).
- ☐ Collect the completed Entry as to Number of Electors Who Voted form and Statement of Ballot Account form from each DRO.
- ☐ Once successfully balanced, supervise any processing from the back-up ballot box (if used due to technical failure). This must be done before the VTO begins the ender card process. This process is appended to this manual.
- ☐ Once certain that all ballots have been accounted for and duly processed, instruct the VTO to begin the ender card process. This notifies the tabulator that no more ballots should be accepted.
- ☐ The ender card process will trigger the printing of the results tape. Ensure the print cover is removed.
- ☐ Once the VTO prints two copies of the results tape, sign both.
- ☐ Together with the VTO, place the full copy into the tape report compartment (the one with the zero totals attached). This should be one full continuous tape showing opening zero totals and close of poll election results for this polling station.
- ☐ **Call the Clerk with the results: 905-980-6657**
    - If you cannot reach the Clerk the first time, call continuously (She may be on the other line with another polling station)
- ☐ Place the separate zero total tape and results report tape in the envelope provided to the VTO and place in the folder with the DRO statements to return to the Clerk.
- ☐ Complete the Poll Supervisor Summary Statement using the DRO Statements of Ballot Account, Box "I".
- ☐ Place original statement in statement envelope, together with all original DRO Statements of Ballot Account, the printed copy of the zero totals tape and results tape and return to the Clerk.
- ☐ Issue final oaths to all workers (payment will be distributed by the Clerk's department at a later date).
- ☐ Assist with delivery of supplies and materials to the Clerk at Town Hall. Staff will be present at the back door to receive this from you.

Opening Remarks to Election Staff

Below, please see suggested opening remarks to your election staff. These remarks are suggested guideline, feel free to make them your own!

- Before you begin processing electors, please ensure that your computer state 10 a.m.
- Polls are likely to be busy at 10:00 a.m., again around dinner time as people come home from work, and then again between 7:00 and 8:00 pm – a last minute rush.
- When an elector is present, please ensure you are not on your cell phones, and that you keep as many eyes as possible on the elector(s). This is important to ensure ballots are fully accounted for throughout the day.
- Every member of election staff must be at their workstation when electors, or candidates/scrutineers are present.
- Information Clerk(s) are reminded that if someone does not have identification on their person, they can still vote. They will need to complete a Form 9, Declaration of Identity. This can be done with any DRO or Revisions DRO.
- Information Clerk(s) should not turn people away if they don't have ID.
- A PASSPORT ALONE IS NOT A SUFFICIENT PIECE OF IDENTIFICATION for proof of address (because you write your own address in). If no ID – use the Form 9.
- It is preferred to have a piece of ID with the address *as well as the voters' card* (i.e. if they only have Health Card and Voter Card – a driver's license is preferred but if they have nothing else, accept the OHIP).
- The VTO must always be present at the VTO station. The security of the ballot boxes and vote tabulation machine are paramount. Only the VTO or Poll Supervisor have the authority to process ballots. If the VTO must use the washroom, the Poll Supervisor shall be stationed at the tabulator.
- When a DRO opens a blister package of ballots, you will need to count them before you begin issuing ballots from that bundle. We have found a few bundles to be short a ballot so PLEASE count when you open! If you are short a ballot, count again. If you are still short, make a note on your certificate & receipt for ballots form so that you can adjust at day's end.
- Here is a quick review of the scanning process:
    - Information Clerk(s) will ensure the elector is in the proper voting place using the voter notification card. If they do not have a voter notification card, this information can be found using the VoterView system. I
    - We will use one single line to process voters – there is no need to send them to a specific DRO. Everyone in the polling place has the same voters list in electronic format. This is a Town wide voters' list and not ward or poll only. However, ballots have been distributed to each polling station based on the poll numbers.

Please only issued ballots to people that arrive to the correct polling station.
  - When an elector does not have a voter card but DID receive one, process normally, using the "lookup by voter name or address" process instead of the scanner.
  - If an elector indicates they did not receive a voter card, the Information Clerk(s) should have them go to the Revisions DRO so that they can be added to the list.
  - Once the elector is present at the DRO station, the DRO will then scan the voter card. Be sure your "mouse" is in the barcode part of the screen. The scanner works best with an "in/out" motion as opposed to an "up/down" motion.
  - The elector's information will appear on the screen.
  - Confirm the school support and qualifying address and compare the address with the identification you have been provided.
  - Please be sure you have the same voter card as the voter and identification. These voter notifications come in packages per household – don't scan the son if you are processing the father please!
  - If the elector does not have identification, they may swear an affidavit of identity (Form 9). They must complete this in writing and each DRO is authorized to process this.
  - Cross off the next number from the tally sheet, write the number on the voter card (this may be helpful if you don't balance) and type the ballot number in the box on the screen, below the box that says "comment" (the comment box is a drop down menu).
  - The DRO will then click "record" and the elector has been processed. The number in the top right-hand corner of your computer screen will increase by one.
  - Instruct the voter, as per your training manual.
  - Be sure to initial all ballots you issue.
  - Refer to the "cheat sheet" about recording a cancelled ballot.
  - Process each elector in a meticulous and organized way. Do not feel rushed – it is more important to get it done right than it is to get it done fast. The single line will ensure the elector goes to the next available DRO, no pressure!
- If an elector hands you a voter notification card for someone no longer living at this address, (i.e. moved or deceased) give the card to the Poll supervisor who will notify the Revisions DRO. If possible, write down on the card where the person now lives or if they are deceased. We need these to be kept separate so that the Clerk's department can process them later.
- Some electors will be grumpy. That's ok. Treat every elector with kindness and respect. If there are any issues that you cannot manage,

summon the Poll Supervisor and it will be handled with a follow-up incident report.

- Please be mindful and alert to electors having campaign materials with them. Campaign materials are NOT permitted in a voting place.

Poll Supervisor Master Checklist

Remove from guide and utilize on Voting Day

Set Up and Opening the Poll

- ☐ By 8:00 a.m., telephone the members of your polling station team to ensure they are healthy and able to fulfill their assigned responsibilities.
- ☐ Arrive between **8:30 a.m. and 9:00 a.m.,** confirm that all staff are present and record. Call the Clerk if any staff are missing by 9:15 a.m.
- ☐ Set up the Polling Station.
- ☐ Post all exterior and interior signs.
- ☐ Ensure no campaign material is present within 60 metres of the Polling Station. Remove or call By-law Services to remove.
- ☐ Issue the Oral Oath to all election staff.
- ☐ Sample DRO initials form to be completed and given to VTO.
- ☐ By **9:45 a.m.** supervise the zero totals by VTO (scrutineers may observe).
- ☐ Ensure that the computer clocks reflect the clock on the vote tabulation machine and that every computer is the same.
- ☐ **10:00 a.m.:** Open the doors.

Throughout the Day

- ☐ Assist the Information Clerk in directing electors to DRO or Revision DRO.
- ☐ Guide election workers as required; troubleshoot.
- ☐ Answer general election questions of election staff and electors.
- ☐ Balance Ballots Issued (see form)
    - 11:00 am
    - 1:00 pm
    - 3:00 pm
    - 5:00 pm
    - 7:00 pm
- ☐ Canvas exterior and interior of polling station for campaign materials; remove if necessary.
- ☐ Assist voters who may have shown up in wrong poll station.
- ☐ Ensure each DRO has secrecy sleeves. Collect from VTO if necessary.
- ☐ Monitor the attendance of scrutineers and candidates at the polling station (1 representative per candidates at the location);
- ☐ Maintain Peace and Order – Call Clerk if needed!

- ☐ Record unusual incidents.

Closing the Poll

- ☐ **8:00 p.m.**: Lock the polling station entrance and prevent entry to those who had not arrived before 8:00 p.m. Clear the polling location and ask the Information Clerk to act as an entry guard. If voters are present, allow them to vote. DRO's shall process all electors and allow the VTO to tabulate all ballots before generating the Totals Report.
- ☐ Do not allow the VTO to run totals tape until all DRO's have balanced successfully.
- ☐ Ensure DRO's complete the Statement of Ballot Account (refer to DRO guide).
- ☐ Collect the completed Entry as to Number of Electors Who Voted form and Statement of Ballot Account form from each DRO.
- ☐ Supervise any processing from the back-up ballot box (if used due to technical failure). This must be done before the VTO begins the ender card process. This process is appended to this manual.
- ☐ Once certain that all ballots have been accounted for and duly processed, instruct the VTO to begin the ender card process. This notifies the tabulator that no more ballots should be accepted.
- ☐ Ensure the print cover is removed and begin ender card process.
- ☐ Once the VTO prints two copies of the results tape, sign both.
- ☐ Together with the VTO, place the full copy into the tape report compartment (the one with the zero totals attached). This should be one full continuous tape showing opening zero totals and close of poll election results for this polling station.
- ☐ **Call the Clerk with the results: 905-980-6657**
    a. If you cannot reach the Clerk the first time, call continuously (She may be on the other line with another polling station)
- ☐ Place the separate zero total tape and results report tape in the envelope provided to the VTO and place in the folder with the DRO statements to return to the Clerk.
- ☐ Complete the Poll Supervisor Summary Statement using the DRO Statements of Ballot Account, Box "I".
- ☐ Place original statement in statement envelope, together with all original DRO Statements of Ballot Account, the printed copy of the zero totals tape and results tape and return to the Clerk.
- ☐ Issue final oaths to all workers (payment will be distributed by the Clerk's department at a later date).
- ☐ Assist with delivery of supplies and materials to the Clerk at Town Hall. Staff will be present at the back door to receive this from you.

Items in the Ballot Box Before you Seal It

- ☐ DRO copies of Certificate of Ballots Received
- ☐ Form 9 – Declaration of Identity
- ☐ Cancelled Ballots (collect from DRO's)
- ☐ Declined Ballots (collect from DRO's)
- ☐ Unused Ballots (LOOSE ONLY)
- ☐ EL25A's (certificate and receipt for ballots) from DRO's
- ☐ Statement of Ballot Account from DRO's (white copy)
- ☐ Attach Entry as to Number of Electors Who Voted to DRO copy of Statement form (above)- Form 1282
- ☐ Form 1272 – Final Oath of Election Workers
- ☐ Poll Supervisor Summary Statement (COPY)

To Return to Clerk:

- ☐ Amend the voters' list forms
- ☐ Form EL28 - List of Persons who voted at Advance Vote (if applicable)
- ☐ Office Supplies (Paper, pens, signs, etc.)
- ☐ Tally Sheets from DRO's
- ☐ Statement of Ballot Account from DRO's (green copy)
- ☐ Form 1282 – DRO's Entry as to Number of Electors who Voted
- ☐ Final Oath or Affirmation (of ALL workers)
- ☐ Poll Supervisor Summary Statement (Original)
- ☐ VTO Reports Envelope (from Vote Tabulator)
- ☐ Form 9 - Declaration of Identity (Unused)
- ☐ List of Scrutineers who Attended
- ☐ Unused Ballots (bundled only)

Ender Card Process (VTO)

1. Permit all eligible electors who are present in the Polling Station before 8 p.m. to cast their vote;
2. Inspect the interior of the back-up ballot box to ensure it is completely empty;
    a. If yes: Proceed to step 3;
    b. If no: Contact the Poll Supervisor immediately and process in their presence (scrutineers and additional election staff may witness if desired). The VTO shall maintain the secrecy of the vote will feeding through the vote tabulation machine. The VTO shall ensure the ballot count on the machine is increased by one with every ballot feed.

3. Once certain all ballots have been processed, apply the ballot box seal labelled “at close of vote” and place the seal over the slot where the ballot have been fed.
4. Before beginning the ender card process, confirm with the Poll Supervisor that al ballots are accounted for (ensuring that the ballot counts balance).
5. Begin the ender card process noted below:
    a. Record number of ballots identified by the vote tabulation machine counter and tell the Poll Supervisor;
    b. Unlock and remove the cover on the vote tabulation machine;
    c. Unroll the zero tape to avoid jamming;
    d. Secure against receiving more ballots by holding “yes” and “no” simultaneously and insert the **ender card** (it doesn’t matter if it is face up or down);
    e. Election report will begin printing immediately on the zero tape in the compartment;
    f. Sign the first copy along with the Poll Supervisor and any scrutineer and/or election staff present;
    g. Cut this tape and after printing the second copy, roll the full report – with zero tape and results intact on one tape and place it back in compartment;
    h. Print a second copy and sign;
    i. Provide results to the Poll Supervisor to telephone to the Clerk;
    j. **Do not remove** the memory card – it should remain in the vote tabulation machine with the deal intact; and
    k. Secure the ballot box to ensure no ballots can be removed or fall out during transport using the seal.

MUNICIPAL ELECTION October 24 2022

Pelham Election Team: Deputy Returning Officer Guide

Election Team

Pelham NIAGARA

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Election Position Roles and Responsibilities

Your role as a Deputy Returning Officer ("DRO") or a Revisions DRO is an important one, and it is imperative that you become familiar with all of the details of this position before you begin your posting, as election rules and procedures change from election to election. Please read this handbook carefully as it will assist you to know what to do under the current rules and in various situations.

Poll Supervisor

The Poll Supervisor is in charge of overseeing the Polling Location.

Responsibilities include:

- In conjunction with each DRO, deliver of all supplies to the facility, i.e. all ballots, supplies, voting screens, etc.;
- Maintain order at the polling station throughout the day;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Administer oaths to election staff;
- Sign-in each scrutineer or candidate present at the polling station;
- Answer any questions from the media and scrutineers;
- Assist in guiding electors;
- Ensure the proper opening and closing of the poll;
- Accompany the VTO from the polling location to be in charge of the prompt delivery of the ballot boxes, memory card, vote tabulator and all printouts to Town Hall, and ensure this is done as soon as possible after the poll closes at 8:00 p.m.; and
- Ensure the delivery of all remaining materials to Town Hall after the polling location has closed and packed up.

Please note, each Poll Supervisor will be appointed as a Deputy Returning Officer.

Deputy Returning Officer ("DRO")

The DRO is responsible for confirming voter's information and issuing the correct ballot type to electors and providing instruction on how to vote for each race. The DRO is responsible to ensure the ballots they issued balance at all times.

Responsibilities include:

- Deliver supplies and ballots to the polling station;
- Assist polling station team with setup;
- Count and verify that the correct number of ballots have been received and sign the applicable form provided by the Clerk;

- Process electors within a specific voting poll by scanning the voter cards;
- If the elector does not have voter card, manually search the elector;
- Verify the elector's identification and ensure the elector's name and address are correct;
- If changes are required, send directly to the Revisions Deputy Returning Officer;
- If no changes are required, automatically strike voter off the voters' list;
- Initial the back of the ballots in the appropriate space;
- Distribute the correct ballot to the voter and instruct the voter on the applicable races and how to mark ballot;
- Place ballot into secrecy sleeve;
- Maintain the tally sheet and periodically balance ballots issued; and
- Assist with closing of polling station procedures.

Note: a Floating DRO will be provided busy polling station locations to provide assistance where necessary.

Revisions Deputy Returning Officer

The Revisions DRO is responsible to update the voters' list for electors not on the list, or to make corrections to voter information, and then issue the correct ballot to the elector.

Responsibilities include:

- Assist polling station team with setup;
- Make changes to elector information as required;
- Add electors to the voters' list and required;
- Issue the correct ballot to the elector;
- Assist DRO's with periodic balance processes; and
- Assist with closing of polling station procedures.

Vote Tabulator Operator ("VTO")

The VTO's role is input the complete ballot into the vote tabulation machine to read the vote and tabulate the results onto a memory card, while protecting the secrecy of the ballot at all times.

Responsibilities include:

- Assist polling station team with setup;
- Produce tabulation tapes before the poll opens to indicate a zero balance on the machine;
- Allow scrutineers to observe and place their initials on all tape copies;

- Insert ballots into the vote tabulation machine using the secrecy sleeve;
- Ensure the secrecy of the voter's ballot at all times;
- If the ballot is rejected, the VTO will discreetly direct the elector to the DRO in order to receive a new ballot (the Poll Supervisor can help in cases such as this);
- Initiate the "ender card" process and produce the tabulation tapes at the close of voting;
- Assist with closing of polling station procedures;
- Accompany Poll Supervisor to return Tabulator and supplies to Town Hall.

Information Clerk

The Information Officer is the first person the elector sees when entering the polling location. A positive greeting will set the tone for the elector's voting experience.

Responsibilities include:

- Assist polling station team with setup;
- Kindly greet each elector;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Ensure information on voter card matches the voter's identification;
- Direct the voter to the appropriate DRO;
- If changes to the elector's information are required, or the voter is not on the voters' list, send the voter to the Revisions DRO;
- keep the line moving in an organized manner;
- Answer questions as needed;
- Assist with closing of polling station procedures.

The Role of a Deputy Returning Officer

Pursuant to the *Municipal Elections Act, 1996* (the "Act") the following general duties and responsibilities shall be carried out by the DRO as appointed by the Clerk, who is the Returning Officer for the purposes of this municipal and school board election. Training and instructions will be provided by the Clerk, and the required tasks shall be performed in accordance with the Act.

The DRO shall familiarize themselves with the designations for the school support:

- (EP) English Public (white)
- (ES) English Separate (yellow header)

- (FP) French Public (blue header)
- (FS) French Separate (blue header)
- (N) No School Support (blue header)

It is also important that the DRO is familiar with the qualifications of electors. A person is entitled to vote in a local municipality if, on voting day, they are:

- A resident of the local municipality;
- The owner and/or tenant of land and/or property in the local municipality;
- The spouse of such owner or tenant;
- A Canadian citizen; and
- At least 18 years of age.

Persons prohibited from voting include:

- A person who is serving a sentence of imprisonment in a correctional institution;
- A corporation; or
- A person acting as executor or trustee.

Revisions Deputy Returning Officer

Each polling station shall be staffed with a Revisions DRO. In addition to the role outlined above, the Revision DRO is responsible to update voters' information on the voters' list or add new electors that are not currently on the voters' list. The Revisions DRO will then issue the correct ballot to the elector.

The Revision DRO will be reserved for corrections, additions and accessible voters as they will be located at the entrance of the polling station.

Before Voting Day

- Pick up your ballots and DRO supply box from Town Hall. You will be notified by the Clerk's department when this is ready for you;
- Count the ballots to verify that the correct number has been provided (assume unopened bundles are 100); and
- Sign for the ballots and they will then remain in your custody until the close of voting. You are responsible for the safekeeping of the ballots.

Set Up and Opening the Polling Station

- Arrive at your assigned location no later than 9:00 a.m. and upon arrival, immediately identify yourself to the Poll Supervisor for attendance purposes;

- Assist the Poll Supervisor by unloading Election supplies and setting up the location (suggested layout to be provided);
- Ensure all ballots assigned to you are present and arranged carefully for quick access – you will be provided accordion folders to assist;
- Pre-initial a supply of ballots to streamline voter processing especially during peak times;
- Note: you may keep packaged ballots bundled and assume they are in 100s; count them when you open the packaging;
- Assist the Poll Supervisor to ensure there is no campaign material in the polling station;
- Ensure the laptop and scan wand is operational;
- Click on VoterView icon, enter assigned password to access the electronic voter's list;
- Once all DRO's have their computers signed in, make sure to synchronize them for the time stamp. The time on each computer should match the time on the AccuVote Tabulator, which has been pre-set by the Clerk. If some of the computer times do not match, reset the time.
- Do not process any electors prior to 10 a.m.

Processing Electors

Below are the steps to process an elector:

1. If the elector presents you with a voter notification card, using the handheld scanning gun (plugged into the laptop), scan the voter card;
2. If the elector does not have a voter notification card, you may type their name into the search box and the information will appear on your screen if they on the list (See **Figure 1.0**);

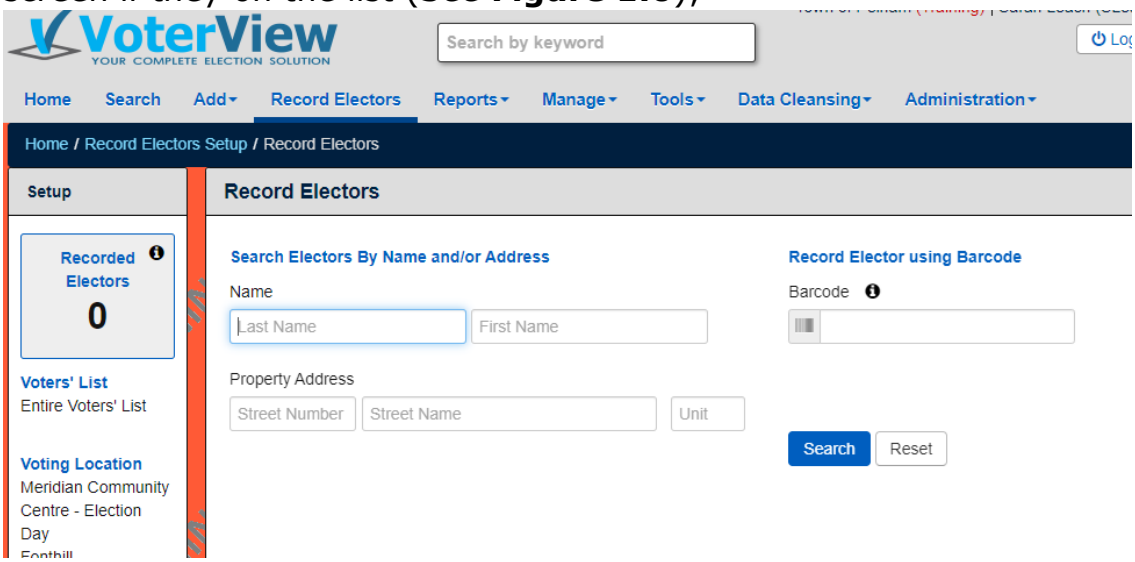


Figure 1.0

3. If the electors name does not appear, direct them to the Revisions DRO to add their name to the list;
4. Verify voter name and address using the identification provided;
5. Double check the school support and verify with the elector (See **Figure 1.1**);

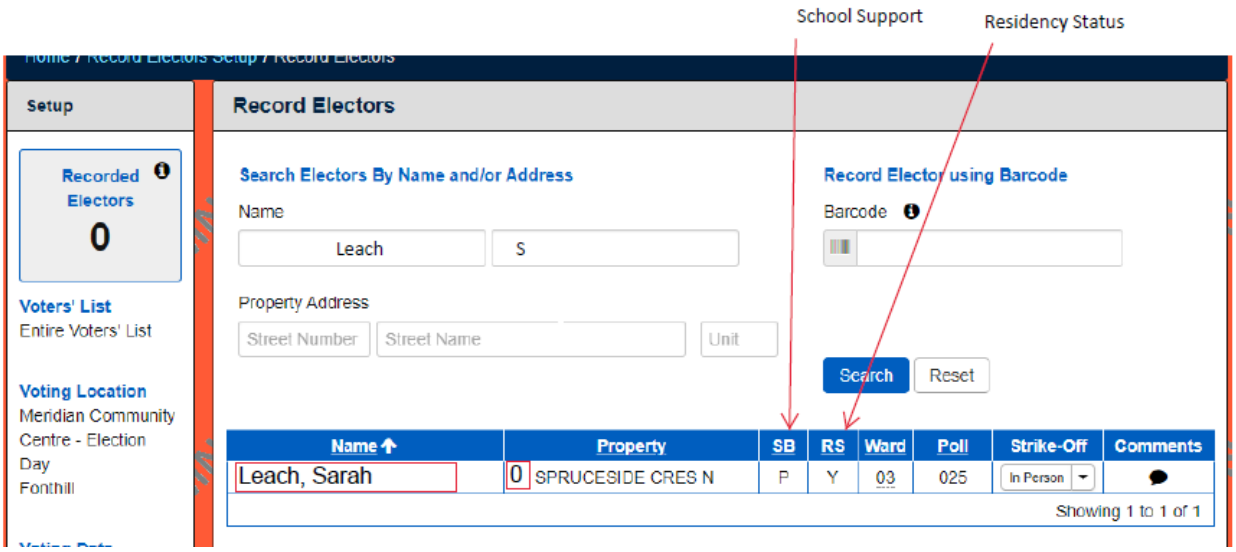


Figure 1.1

6. Electronically strike off the elector from the voters list and enter the ballot number, matching it to your Tally Sheet. To do this, click on "In Person" and you will get a new screen (**Figure 1.2**);

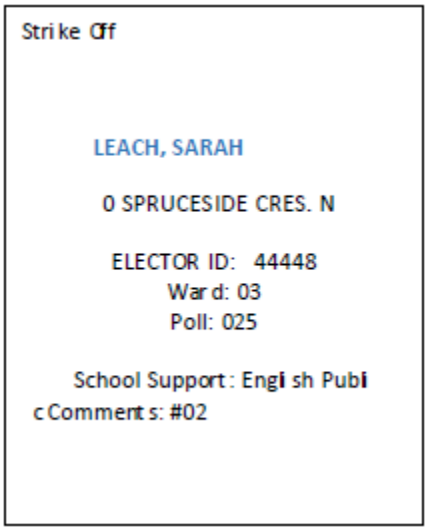


Figure 1.2

7. Check the information on the screen and match it to the ballot you are about to issue. Using a pen, initial the appropriate box located at the top right-hand corner of the ballot, on the back. It is recommended a batch of ballots be pre-initially to expedite this step;

8. Press the blue button: "Record Vote". When you record the vote, your "Recorded Electors" number will increase by one, the name will be crossed off and this elector will have a yellow "X" beside their name (See **Figure 1.3**);

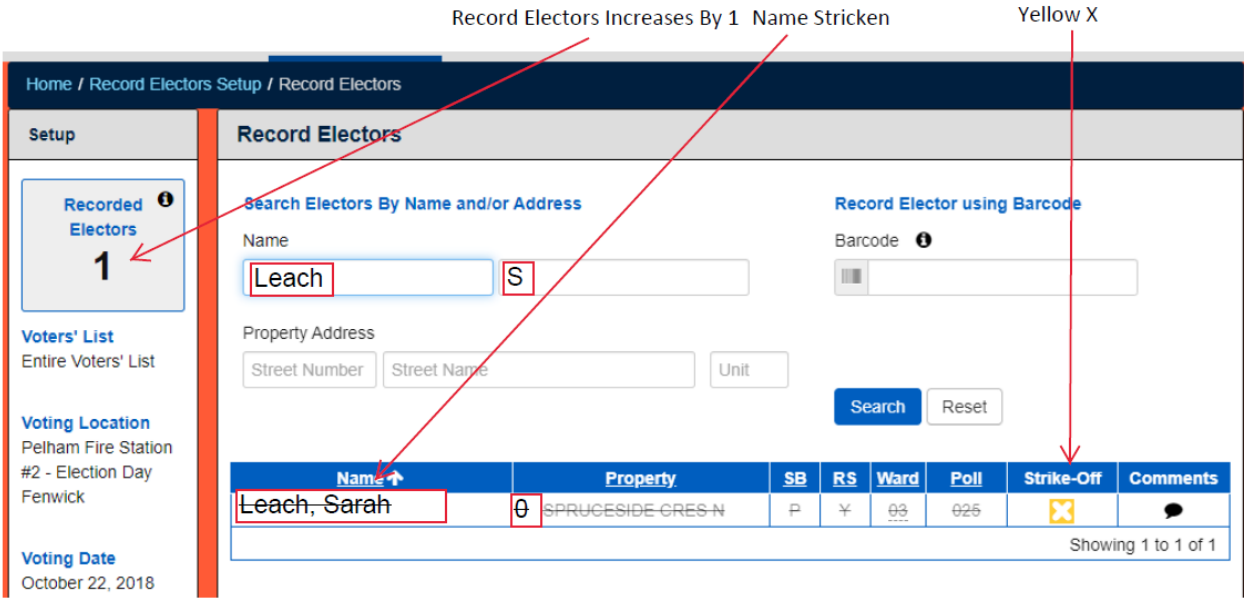


Figure 1.3

9. Give the elector the secrecy folder (with the ballot inside), direct them to a voting screen, instruct how to complete the ballot, and advise them to take their ballot to the VTO when completed;
10. Periodically and when called upon by the Poll Supervisor, you will need to balance your ballots with other DROs to ensure they match the ballot number processed by the vote tabulation machine. The Poll Supervisor has forms for this purpose. Use your tally sheet to match the number of ballots issued;
11. Throughout the day, ensure accessibility by assisting the elderly and persons with challenges with their specific needs (i.e. speaking clearly and taking appropriate time necessary with those electors that require extra assistance). You may call upon the assistance of the Poll Supervisor for this purpose as ballots are not to be left unattended;
12. Remember that your ballots are your responsibility. When you need to excuse yourself from your station, i.e. to use the washroom, for example, please ensure your ballots are safeguarded. If your workstation has a Floating DRO, use them, or ask the Poll Supervisor to cover;

The Electronic Voters' List

For this Municipal and School Board Election, DRO's will utilize an electronic voters' list to record electors. Using this method will assist you with

processing voters more efficiently, help in balancing your ballots at the end of day, and provide the Clerk with valuable voter information for statistical reporting.

Each voter must be registered on the voters' list in order to receive a ballot. Electors who live in Town & own or rent other properties in Pelham may only vote once, at the poll designated for their place of residence.

Determining School Support

School support information is included on the voters' list. Please note the following with regard to school support eligibility:

English Public	"EP"	White Ballot
English Separate	"ES" (1)	Yellow Header Ballot
French Public	"FP" (2)	Blue Header Ballot
French Separate	"FS" (1,2)	Blue Header Ballot

- Separate School support electors must be Roman, Greek or Ukrainian Catholic, regardless of where elector's children go to school. Use the Yellow Header Ballot for ES school support;
- In 2018, the French Public and French Separate School Trustees were acclaimed. There is no separate ballot for FP, FS or NR Electors. Use the BLUE one (Non-Resident);
- French language school supporter, electors must satisfy one of the following:
    - Elector's first language learned & still understood is French; or
    - Elector received primary instruction in French language in Canada; or
    - Elector's child has received primary or secondary instruction in French in Canada as a first language (French Immersion is not a French as a first language program).

Non-Resident Electors

Non-Resident (N) Electors are electors who own or rent property in Town but live outside Pelham.

Changes in *Education Act* have resulted in 2 types of non-resident electors:

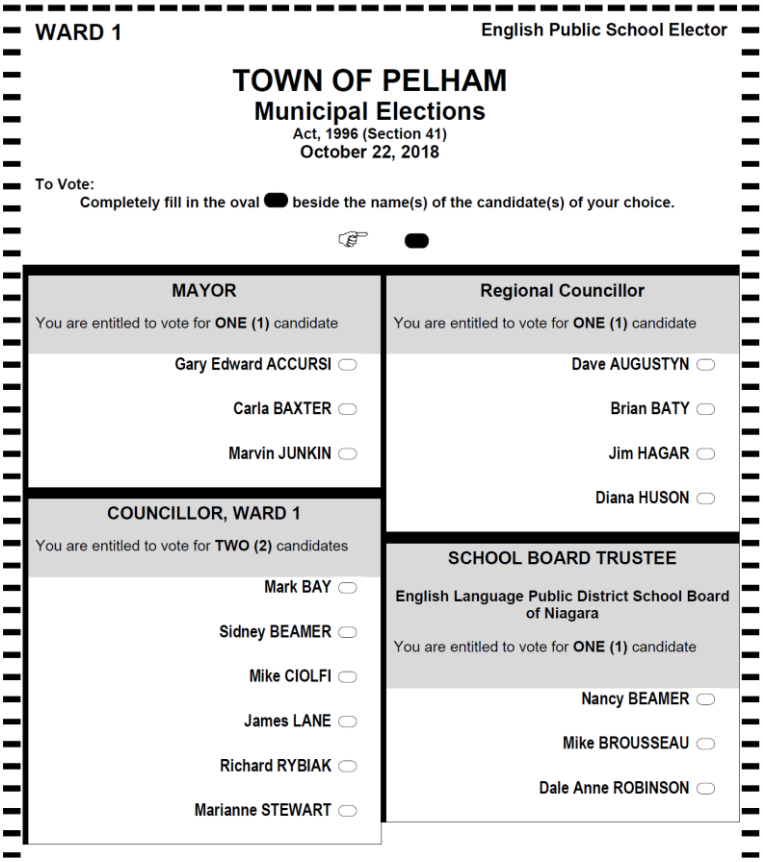
- Non-resident elector who owns or rents residential property is eligible to a ballot containing all municipal & applicable education races;
- Non-resident elector who owns or rents commercial or industrial property is entitled to ballot containing only municipal races (not school board races);

- Blue ballots will be for FS, FP and NR Electors;

The Ballots

- The Town of Pelham uses a 'composite' ballot;
- Elector is entitled to only one ballot which contains all races for which elector is eligible to vote;
- Ballots have the ability to be counted by the vote tabulation machine, which means instead of an **X** the elector completely fills in the oval to the right of the candidates name;
- The vote tabulation machine will reject the ballot if there is any marking on the back;

Sample Ballot Front:



WARD 1 English Public School Elector

TOWN OF PELHAM
Municipal Elections
Act, 1996 (Section 41)
October 22, 2018

To Vote:
Completely fill in the oval beside the name(s) of the candidate(s) of your choice.

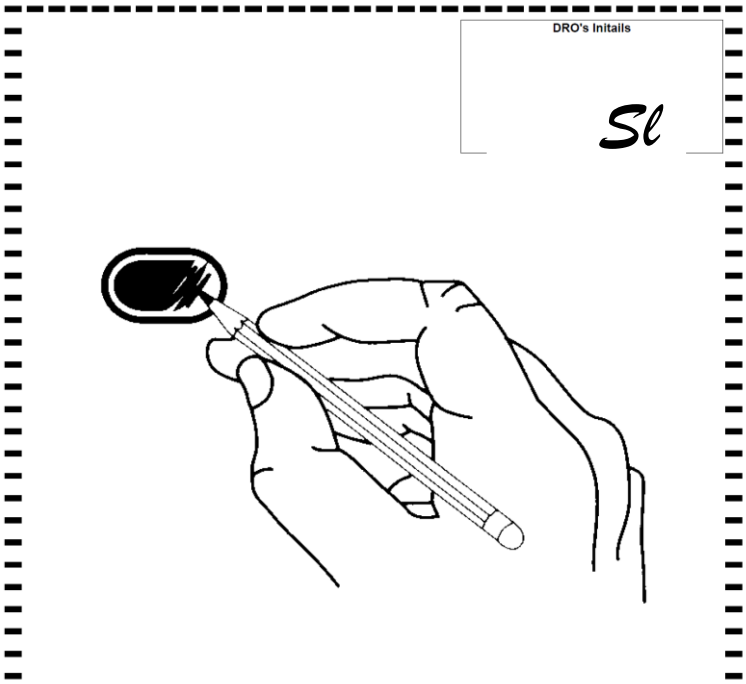
MAYOR
You are entitled to vote for ONE (1) candidate
Gary Edward ACCURSI
Carla BAXTER
Marvin JUNKIN

Regional Councillor
You are entitled to vote for ONE (1) candidate
Dave AUGUSTYN
Brian BATY
Jim HAGAR
Diana HUSON

COUNCILLOR, WARD 1
You are entitled to vote for TWO (2) candidates
Mark BAY
Sidney BEAMER
Mike CIOLFI
James LANE
Richard RYBIAK
Marianne STEWART

SCHOOL BOARD TRUSTEE
English Language Public District School Board of Niagara
You are entitled to vote for ONE (1) candidate
Nancy BEAMER
Mike BROUSSEAU
Dale Anne ROBINSON

Sample Ballot Back:



Helping You Stay Balanced

DROs will be maintaining the electronic voters' list as well as a manual count, using a tally sheet. DROs are encouraged to also record the elector number on the collected voter notification card.

Here is a sample of the tally sheet:

Polling Place:	Date:

Before issuing a ballot, the DRO must take the next available number from the chronological list of numbers below and insert that number in the VoterView electronic list relating to the elector's name. The DRO will then make a diagonal line through the number on the list below. This record will indicate the number of ballots you have issued during voting hours.

This form was marked by: _____

Signature of DRO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
76	77	78	79	80	81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100	101	102	103	104	105
106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

Exceptions

Incorrect Information on the Voters' List

This situation will likely be identified by the Information Clerk once the elector arrives. However, if the elector presents an Application to Amend Voters List or indicates they wish to amend their information (school support, last time etc.), the DRO should refer this elector to the Revisions DRO as to not hold up the line. The Revisions DRO will enter the elector on the list and issue the correct ballot.

If elector refuses to make the change, issue the ballot noted on the voters' list – it is the only ballot the elector is entitled to.

If name or address of elector is listed incorrectly due to a minor typing error, the DRO may amend Voters' List to reflect correct information and issue a ballot. However, if the error is such that it would affect voter eligibility, elector shall be referred to Revisions DRO.

Voter Error in Marking Ballot; Declined Ballot

If the elector realizes they have made an error in marking ballot or if the ballot is returned by the AccuVote Tabulator because it is defective, the voter may request a replacement ballot.

To issue a replacement ballot, the DRO shall:

1. Locate Elector on VoterView system. Voter will appear with the Yellow X. In the "Comments" column, click and enter the comment that a new ballot was issued; record the number as on the tally sheet.
2. Remember that your counts will now be "off" by 1 when you conduct your periodic balancing process.
3. The secrecy of the original ballot must be maintained. Accept the ballot from the elector upside down and mark it "Cancelled". Record this on the manual list next to the person's name, as well as the new "ballot number" issued.
4. This voter will have two ballot numbers.
5. Place the cancelled ballot in Envelope "A" (cancelled ballots). Put a "tick" mark on the outside of the envelope to help you keep track throughout the day.
6. Issue a new ballot to the elector.
7. If a voter is present, and after being registered declines to accept the ballot (or a replacement ballot in the case of an error), mark the ballot "declined" and place the ballot in the "Declined Ballots" envelope.
8. Although rare, this is not uncommon. This is a democratic right of an elector.
9. Note: If the elector returns and makes an attempt to vote later in the day, the voter must be refused. Do-overs are not permitted in this case.

Ballots Rejected by AccuVote Tabulator

If a ballot is rejected by the tabulator, proceed with the "cancelled ballot" process. Monitor to look for "trends" if you get a number of rejected ballots; there may be an issue with your bundle.

Elector's Right to Vote is Challenged

- If an elector's eligibility is challenged by the DRO or by a candidate or scrutineer, the DRO shall require the elector to perform a verbal oath or affirmation of qualification;
- Each DRO will be provided this oath. Hand it to the elector and ask them to read it;

- After elector reads the oath, enter this fact on the voters' list (computer) in the comments section; enter fact of objection and by whom;
- Issue appropriate ballot;
- If elector refuses to perform oath, deny the ballot and note "Refused to Swear" in comment section of the elector's name;
- If the elector refuses, the elector will not be permitted to vote – even if the elector returns later and agrees to take the oath at that time;
- Report unusual occurrences to your Poll Supervisor to enter in incident log.

Voters' Requiring Assistance

- There may be electors attending your DRO station who require assistance to cast their vote;
- DRO shall require elector to perform oral oath of incapacity to vote without assistance;
- Each DRO will be provided with this form of oath;
- Once oath is taken, in the presence of the Poll Supervisor (and NO other person) either in the voting booth or at the DRO table (when no line-up) the DRO may mark the person's vote on the ballot paper and return the ballot to the secrecy folder;
- Voter and DRO will then deliver ballot to Vote Tabulator Operator;
- If there is a long line, the Poll Supervisor or a Floating DRO may assist the elector;
- For a voter who is visually impaired, a friend may accompany the voter into the voting booth and mark the voter's ballot, after taking the oral oath or affirmation of friend of elector;
- Offer magnifier sheet;
- Enter information in comment section of electronic voters' lists (i.e. "visually impaired; ballot marked by friend");
- No person other than who took the Oath of Secrecy shall be present during the marking of the ballot for a person unable to do so for themselves.

Can a Ballot be removed from the Polling Station?

- A ballot shall only leave the polling station if the elector cannot leave their vehicle to vote;
- A Poll Supervisor and DRO may attend on a elector in their vehicle to assist;
- Two election officials must accompany the ballot at all times;

- DRO should make a record of this on the voters' list and the Poll Supervisor make a record in incident log;
- Under no circumstance shall a candidate or scrutineer be present at the marking of a ballot, other than their own;
- No person shall act as a friend for more than one voter.

Language Barriers

- If DRO does not understand the language of the voter, an interpreter may be used;
- Voter is responsible to provide their own interpreter;
- DRO must administer Oral Oath of Interpreter.

Proxy Voting

Proxy voting does not apply to the 2022 Municipal and School Board Election.

Ballot Issued to Wrong Person

- If it appears that the elector has already voted, the person applying for ballot is entitled to vote provided they establish to the DRO satisfaction that they are the person whose name is on List of Electors and that their name was incorrectly crossed out;
- Issue the Oath or Affirmation of Qualification;
- Record information on comment section of the voters' list for that person;
- Issue the ballot according to instructions.

Extraordinary Circumstances

Record all extraordinary circumstance in the comment section on the voters' list. This is internal. Only the Clerk's department will see the comments. Extraordinary circumstances may include, but are not limited to the following:

- Cancelled ballot: spoiled or defective ballot returned by the elector;
- Declined ballot: the elector declined to vote by returning the ballot to the DRO;
- Oath: anytime an elector or assistor is required to take an oath;
- Refusal of oath: anytime an elector refused to swear an oath;

Special on Demand Vote by Mail

The alternative voting method Special on Demand Vote by Mail is offered to all electors during the 2022 Municipal and School Board Election. This

process is facilitated through the Clerk's department and should not directly effect in-person voting at a polling station.

However, DRO's may encounter the following two (2) situations:

Scenario One (1): Elector brings a completed Vote by Mail Kit to the Polling Station to deposit.

Response: The DRO or Poll Supervisor shall direct the elector to drop-off the completed kit at a ballot return station. During the advanced polls, the ballot return stations consist of: the Meridian Community Centre (business hours), Pelham Town Hall (in-office or drop-box) and Lincoln Pelham Union Maple Acres Branch (business hours).

On voting day, October 24, 2022 the elector may only deposit a completed kit to Pelham Town Hall. Completed kits shall not be left at a polling station.

Scenario Two (2): Elector attends a polling station to vote and while processing the elector, the DRO notices the yellow X next to the electors name with the comment "VBM".

Response: This means the elector has registered to receive or has deposited a completed ballot using the Special on Demand Vote by Mail system. The DRO is not to issue a second ballot. The DRO shall contact the Poll Supervisor who will confirm with the Clerk if a ballot has been received.

Closing the Voting Location:

It is important to note that any elector's that are **inside the voting location** at closing time (8 p.m.), have the right to vote. DROs shall process all electors.

Candidates or scrutineers not present in the poll by 8:00 p.m. are not permitted entry. The Poll Supervisor is responsible to lock the polling location. The Poll Supervisor and Vote Tabulator Operator will be responsible for tabulation of the results, after all balancing of ballots is final.

DROs are asked not to begin packing up materials until they have balanced their ballots and completed the Statement of Ballot Account (see **Figure 2.0** and example of completed Statement of Ballot Account in **Figure 2.1**).

WARD 1 POLL ____

DEPUTY RETURNING OFFICER
STATEMENT OF BALLOT ACCOUNT 2018

Total Ballots Issued by Clerk as verified by

Mayor; Regional; Ward (blue)	_____	Total
Mayor, Regional; Ward; English Trustee (white)	_____	
Mayor, Regional; Ward; French Separate Trustee (yellow)	_____	A

ORIGINAL STATEMENT TO BE RETURNED TO THE CLERK

(Do not fill in shaded areas)		Total	TOTAL
Ballots issued by DRO to electors as per voter tally sheet and as noted on Voters' List			B
"Cancelled" Ballots returned by electors for replacement (Envelope A)		C	
"Declined" Ballots returned by elector - not voted/not replaced (Envelope B)		D	
"Defective" Ballots returned by AccuVote Official -not voted/not replaced (Envelope C)		E	
Total of Cancelled, Declined, and Defective Ballots	C + D + E	F	
Unused Ballots (Envelope D)			G
Total Ballots	B + G		H

Note: B - F = I (Number of Votes Cast in Accu-Vote)

(H SHOULD EQUAL A)
Box B _____ B
minus Box F _____ -F
= No. of votes at poll _____ I

Deputy Returning Officer (print name) Signature Date

Poll Supervisor (print name) Signature Date

Figure 2.0

A. Received From Clerk
B. Ballots You Issued (Tally Sheet #)
C. Over voted (cancelled)
D. Declined
E. Defective
F. Total of C, D,E
G. Unused
H. B + G = H

DO NOT PLACE IN BALLOT BOX – ORIGINAL STATEMENT TO BE RETURNED TO THE CLERK
WARD 3 POLL Advance

DEPUTY RETURNING OFFICER
STATEMENT OF BALLOT ACCOUNT

Ballots Issued by Clerk as verified by DRO (Total is transferred from Form EL25 (A) – Certificate & Receipt for Ballots)	Mayor & Ward Councillor Mayor, Ward Councillor & English Trustee Mayor, Ward Councillor & Separate Trustee Mayor, Ward Councillor & French Separate Trustee		A 520

(Do not fill in shaded areas)	Description		TOTAL
Ballots issued by DRO to electors	This is the number on your ballot count sheet that equals the # shown on the voter's list		B 326
"Cancelled" Ballots returned by electors for replacement	Envelope "A" – i.e. overvoted	C 2	
"Declined" Ballots returned by elector not voted - not replaced	Envelope "B" – i.e. protest	D 0	
"Defective" Ballots returned by Vote Tabulator Operator	Envelope "C" – i.e. not voter, not replaced, cut wrong, rejected ballot & voter not present	E 0	
Total of Cancelled, Declined, and Defective Ballots (C+D+E)	Transfer this amount "F" to line below **	F 2	
Unused Ballots	Total of Envelope "D" and any batches unopened		G 194
Total # of Ballots (B+G)	"H" should be equal to "A"		520 H

Box B 326 B

Deputy Returning Officer (print name) Signature Date

minus Box F 2 -F**

Poll Supervisor (print name) Signature Date

Note: B - F = I (Number of Ballots Processed through AV Machine, issued by this DRO) = 324 I

Figure 2.1

The number you report to the Poll Supervisor, to balance with the Vote Tabulator, is "I" – the blue arrow. Each DRO will report and once the total balances with the Tabulator, you may begin packing up.

Completing the Statement of Ballot Account

Box A: Ballots Received from Clerk: Refer to your "Certificate and Receipt for Ballots" form that was previously signed and transfer the number of ballots noted on certificate to section of the DRO Statement "Number of Ballots Received from Clerk."

Box B: This is the number of ballots that you issued. You can get this number from your Tally Sheet. Hopefully you have been successful in the periodic balancing done throughout the day. This is a total of all of the ballots you issued. Do not worry about cancelled, declined, defective, etc.

Box C: Ballots returned when elector requested a new ballot. Count the number of cancelled ballots and enter this number in Box C (these will be the ballots that you earlier placed in Envelope "A").

Box D: Did you have any electors who declined a ballot? Enter the number in Box D. Count the number of declined ballots from Envelope "B" and enter in Box D.

Box E: Were there any ballots that did not feed properly into the Vote Tabulator? I.e. cut wrong by the printer? These will have been placed in Envelope "C". Please count them and insert number in Box E. If none, enter 0.

Box F: Total Boxes C + D + E

Box G: This is a total of ballots that you did not issue. They are unused and include those still in unopened cello-wrap packaging. Assume those to be 100 and count the loose ballots. Include all three ballot faces. Bind these ballots together as best you can.

Box H: Add boxes B + G to total H. This MUST be the same as BOX A.

Box I: Transfer the total from Boxes B and F.

Box I: B – F = I

"I" is the total number of ballots that were processed through the Vote Tabulator. All DRO totals are to be provided to Poll Supervisor who will add them together. This should match the final total of ballots counted by the vote tabulating machine.

Closing the Polling Station

1. Assist with the close of the polling location at 8:00 p.m. and the take down and packing up of all supplies.

2. All laptops must be closed down, dismantled and packed into their carrying case. Unplug handheld scanner gun, power bars and internet hubs. Neatly place these items in the supply bag.
3. Follow the "Materials to Return" checklist carefully.
4. The Poll Supervisor will administer your Final Oath.
5. If the Poll Supervisor and Vote Tabulator require assistance, please help return supplies to Town Hall.

Note: Payment will be initiated by the Clerk's department and follow shortly after the election.

Deputy Returning Officer Master Checklist

Remove from guide and utilize on Voting Day

Opening the Poll

- ☐ Arrive by 9:00 a.m. and assist with setting up the polling station.
- ☐ Organize work station.
- ☐ State Oral Oath to Poll Supervisor.
- ☐ Provide your DRO initials on form from Poll Supervisor.
- ☐ You may witness the zero (0) totals by Vote Tabulator Operator.
- ☐ Synchronize your Laptop with time on Vote Tabulator.
- ☐ At 10:00 a.m.: begin ballot issuance.

Process Electors

- ☐ View elector identification.
- ☐ Scan Voter Card. Press button on scanner wand; it works best using a "zoom" rather than "scan" (in/out not up/down).
- ☐ Compare voter card to screen and confirm with identification. Collect voter notification card.
- ☐ Electronically strike off voter.
- ☐ DRO enters ballot number on screen (box under "comment").
- ☐ DRO strikes through ballot number on tally sheet.
- ☐ Issue the Ballot according to DRO Manual instructions.
- ☐ Record unusual circumstances (i.e. Oath, Proxy, etc.).
- ☐ If voter does not have identification, issue Form 9 Oath of Identification.

Balancing Tips

- ☐ Remember if you cancel a ballot, circle or highlight the ballot number on your tally sheet. Cross off the new number (this elector has two

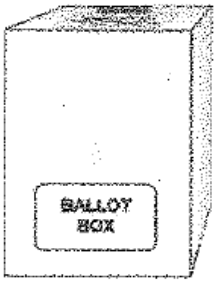
numbers but only one ballot goes through the Tabulator – the other stays with the DRO in the appropriate envelope).

- ☐ If you have consistently written the ballot number on the voter card, in the computer system and crossed off the tally sheet, you should be able to balance throughout the day.
- ☐ Remember: total *issued* may not equal total *voted* (through Tabulator).
- ☐ Subtract cancelled, declined, defective from tally sheet (they should be circled). This should be number *voted* and reported to Supervisor periodically. Count the ballots in the envelopes provided for this purpose as a way to double check. Place a "tick" mark on outside of envelope for cancelled, declined, etc.
- ☐ The computer screen will have a number on it – top right corner. This number should be the number of voters processed and the number you are balancing to, therefore the number to give to Supervisor (see above).
- ☐ If numbers don't jive, review voter notification cards and cross-reference with tally sheet and computer.

Close of Poll

- ☐ **8:00 p.m.**: Process any electors who are present.
- ☐ **Poll Supervisor will lock the polling station.**
- ☐ Prepare the Statement of Ballot Account. Refer to your Manual.
- ☐ Complete two-part "Entry as to Number of Electors Who Voted". The number written should match Box "I" on the Statement of Ballot Account form.
- ☐ Compile tally sheet, Statement of Ballot Account and Entry as to Number of Electors form copies for Poll Supervisor.
- ☐ Check all materials to be placed in the ballot box and give to Supervisor.

DRO Material for Ballot Box



TO BE PLACED IN BALLOT BOX AT CLOSE OF VOTING

- ☐ One copy of "Certificate of Ballots Received" EL25A
- ☐ Form 9 – Declaration of Identity - envelope
- ☐ Cancelled Ballots – seal envelope; "tick" label count
- ☐ Declined Ballots – seal envelope; "tick" label count
- ☐ Unused Ballots (LOOSE ONLY at Advance Poll)
    - ○ – seal envelope; enter #
- ☐ Statement of Ballot Account (black ink)

- ☐ Attach Entry as to Number of Electors Who Voted to DRO copy of Statement form (above)- Form 1282 (black ink)

Provide your Poll Supervisor with:

- ☐ Statement of Ballot Account (red ink)
- ☐ Ballot Tally Sheet (blue)
- ☐ Form 1282 - Entry as to number of electors who voted (red ink copy)
- ☐ Form 1272 - Final oath (receive from Poll Supervisor for signature)
- ☐ Application to Amend the Voters' List (to be returned to Clerk)

Please the following in the ballot box with your Poll Supervisor:

- ☐ Statement of Ballot Account (black ink)
- ☐ Form 1282 – Entry as to number of electors who voted (black ink copy)
- ☐ Form EL25A – Certificate and Receipt for Ballots (ballot box copy)
- ☐ Ballots in Envelopes A, B, C and D (ALL Cancelled, Declined, Defective and Unused Ballots – loose only)

MUNICIPAL ELECTION October 24 2022

Pelham Election Team: Vote Tabulator Guide

Election Team

Pelham NIAGARA

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Election Position Roles and Responsibilities

Your role as a Vote Tabulator Operator ("VTO") is an important one, and it is imperative that you become familiar with all of the details of this position before you begin your posting, as election rules and procedures change from election to election. Please read this guide carefully as it will assist you to know what to do under the current rules and in various situations.

Poll Supervisor

The Poll Supervisor is in charge of overseeing the Polling Location.

Responsibilities include:

- In conjunction with each DRO, deliver of all supplies to the facility, i.e. all ballots, supplies, voting screens, etc.;
- Maintain order at the polling station throughout the day;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Administer oaths to election staff;
- Sign-in each scrutineer or candidate present at the polling station;
- Answer any questions from the media and scrutineers;
- Assist in guiding electors;
- Ensure the proper opening and closing of the poll;
- Accompany the VTO from the polling location to be in charge of the prompt delivery of the ballot boxes, memory card, vote tabulator and all printouts to Town Hall, and ensure this is done as soon as possible after the poll closes at 8:00 p.m.; and
- Ensure the delivery of all remaining materials to Town Hall after the polling location has closed and packed up.

Please note, each Poll Supervisor will be appointed as a Deputy Returning Officer.

Deputy Returning Officer ("DRO")

The DRO is responsible for confirming voter's information and issuing the correct ballot type to electors and providing instruction on how to vote for each race. The DRO is responsible to ensure the ballots they issued balance at all times.

Responsibilities include:

- Deliver supplies and ballots to the polling station;
- Assist polling station team with setup;
- Count and verify that the correct number of ballots have been received and sign the applicable form provided by the Clerk;
- Process electors within a specific voting poll by scanning the voter cards;

- If the elector does not have voter card, manually search the elector;
- Verify the elector's identification and ensure the elector's name and address are correct;
- If changes are required, send directly to the Revisions Deputy Returning Officer;
- If no changes are required, automatically strike voter off the voters' list;
- Initial the back of the ballots in the appropriate space;
- Distribute the correct ballot to the voter and instruct the voter on the applicable races and how to mark ballot;
- Place ballot into secrecy sleeve;
- Maintain the tally sheet and periodically balance ballots issued; and
- Assist with closing of polling station procedures.

Note: a Floating DRO will be provided busy polling station locations to provide assistance where necessary.

Revisions Deputy Returning Officer

The Revisions DRO is responsible to update the voters' list for electors not on the list, or to make corrections to voter information, and then issue the correct ballot to the elector.

Responsibilities include:

- Assist polling station team with setup;
- Make changes to elector information as required;
- Add electors to the voters' list and required;
- Issue the correct ballot to the elector;
- Assist DRO's with periodic balance processes; and
- Assist with closing of polling station procedures.

Vote Tabulator Operator ("VTO")

The VTO's role is input the complete ballot into the vote tabulation machine to read the vote and tabulate the results onto a memory card, while protecting the secrecy of the ballot at all times.

Responsibilities include:

- Assist polling station team with setup;
- Produce tabulation tapes before the poll opens to indicate a zero balance on the machine;
- Allow scrutineers to observe and place their initials on all tape copies;
- Insert ballots into the vote tabulation machine using the secrecy sleeve;
- Ensure the secrecy of the voter's ballot at all times;

- If the ballot is rejected, the VTO will discreetly direct the elector to the DRO in order to receive a new ballot (the Poll Supervisor can help in cases such as this);
- Initiate the "ender card" process and produce the tabulation tapes at the close of voting;
- Assist with closing of polling station procedures;
- Accompany Poll Supervisor to return Tabulator and supplies to Town Hall.

Information Clerk

The Information Officer is the first person the elector sees when entering the polling location. A positive greeting will set the tone for the elector's voting experience.

Responsibilities include:

- Assist polling station team with setup;
- Kindly greet each elector;
- Canvas the interior and exterior of the polling station to ensure no campaign material is visible;
- Ensure information on voter card matches the voter's identification;
- Direct the voter to the appropriate DRO;
- If changes to the elector's information are required, or the voter is not on the voters' list, send the voter to the Revisions DRO;
- keep the line moving in an organized manner;
- Answer questions as needed;
- Assist with closing of polling station procedures.

The Role of a Vote Tabulator Operator

Further to the above noted responsibilities, the VTO is responsible for feeding the ballots into the vote tabulator. The vote tabulator scans a specified area on the ballot to read the votes and tabulate the results onto a memory card.

Additional responsibilities include:

- Turn on the tabulator and print tapes that indicate a zero balance
- Inserting ballot into the machine;
- Assist voters in the automated voting process;
- Educate voters on the status of their ballot if the vote tabulator gives a message;
- Close the poll, initiating the "ender card" process and generate the printing of the results tapes and power down the vote tabulator machine; and

- Pack up the equipment to be delivered back to Town Hall. The Poll Supervisor will call in the results to Town Hall.

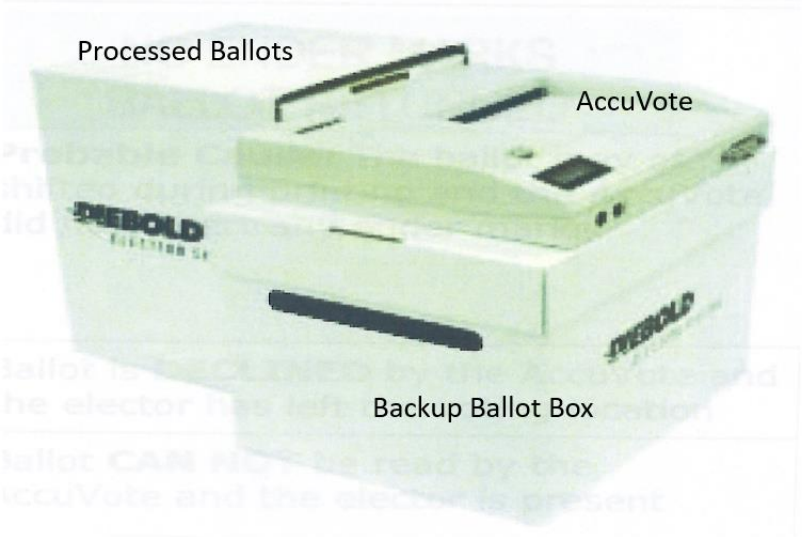
Before Advance Poll(s)/ Voting Day

- Before any advanced poll or voting day, pick up assigned AccuVote Tabulator from Town Hall between 8:30 am and 4:30 pm. The tabulator will have been set to "election mode" and must remain in a secure location with the tabulator seal intact;
    - Appointments recommended for pick-up;
- You may make arrangements with the Clerk to retrieve your assigned tabulator on voting day (October 24, 2022) between 8:30 a.m. and 9:00 a.m. if this is preferred;
- Verify that the label contained on the vote tabulator and ballot box(es) identify your voting location. If not, contact the Clerk immediately: Holly Willford, 905-658-2865;
- You are responsible for the safekeeping of the tabulator at all times, once you have retrieved it from Town Hall.

Set Up and Opening the Polling Station

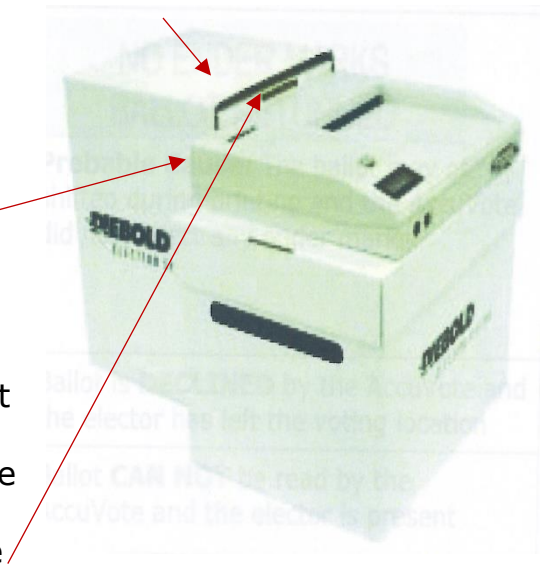
- Arrive at your assigned location no later than 9:00 a.m. and upon arrival, immediately identify yourself to the Poll Supervisor for attendance purposes; obtain name tag identification;
- Set up the vote tabulator station near the exit door. A suggested layout will be provided to your Poll Supervisor.

The final AccuVote set up looks like this:



Preparing the Vote Tabulator to Receive Ballots

- Again, verify that the label contained on the vote tabulator and the ballot box(es) identify your voting location. If not, contact the Clerk immediately;
- Remove the AccuVote tabulator from the carrying case and ensure that the memory card is in place and is secured with a lock – cross reference the serial number on the lock with the serial number noted on the back of your name tag;
- Fifteen (15) minutes prior to opening the poll, in the presence of Poll Supervisor, election officials and any scrutineers, unlock the printer cover and turn on the AccuVote;
- Ensure a "zero totals report" prints automatically;
- Check tape for the following:
    - Time on zero tape coordinates with visible clock (advise Poll Supervisor and DRO's to sync their computer clock);
    - Correct ward number;
    - All appropriate races appear on tape;
    - Zeros are printed beside each candidate's name;
- Sign the zero totals report and obtain signatures of the Poll Supervisor and any scrutineers or candidates present;
- Affix the zero totals report to the AccuVote tabulator – visible to voters. This must be left posted throughout the entire day;
- Print a second copy of the zero tape and without removing it from the AccuVote tabulator, sign the back and allow anyone authorized to be present to sign it as well;
- Roll the tape up. It must remain attached to the roll and remain in the paper compartment of the AccuVote tabulator;
- Replace and lock the printer cover;
- If the totals do not show zero for all races, or if the location noted on the tape is incorrect, alert the Poll Supervisor who will contact the Clerk immediately;
- In the event that the Clerk has not resolved this matter prior to 10:00 a.m. when the polls open, the VTO shall feed the ballots into the auxiliary compartment of the ballot box until the AccuVote tabulator is made operational. Do not feed ballots into the vote tabulator until the issue has been resolved;
- Ballots that have been placed in the auxiliary compartment will be fed through the machine at the close of the Poll, under the supervision of the Poll Supervisor, who will document this event.



- In the presence of at least one witness, verify that there are no ballots in the ballot box and show to those persons present, including scrutineers and/or candidates at the polling location, that the ballot box is empty;
- Place the AccuVote tabulator atop the auxiliary compartment;
- Affix the appropriate seals (Ballot Box Seal during Voting Hours) to the ballot box, visible to electors. The seal may be initialed by anyone authorized to be present. Note the time on the seal;
- Insert the ballot box at the rear of the AccuVote tabulator ensuring that the metal ballot guide is aligned with the box opening;
- Ensure that the public counter located on the front of the AccuVote tabulator registers zero and that the ward location is correct. You are now ready to accept voted ballots;
- Familiarize yourself with the initials of each DRO to ensure that the marked ballot contains the initials of one of the DROs in your polling station prior to insertion into the AccuVote tabulator;
- Poll Supervisor will provide you with a sample of the DRO initials that will be located on the back of each ballot;
- Always keep at least one spare secrecy folder in your possession to use if an elector presents their completed ballot to you without one;
- Establish a queuing line where people will line up. Mark a line with masking tape on the floor, six feet in front of the AccuVote tabulator for voters to line up behind.

Processing Electors

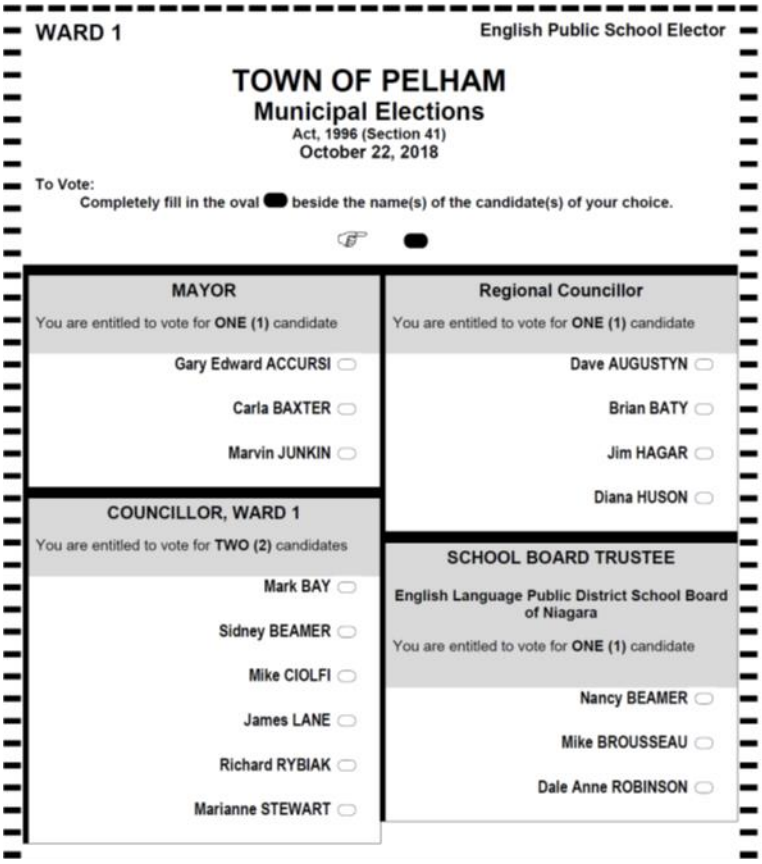
- It is important to maintain the secrecy of a ballot. Always ensure that a ballot is not exposed from its secrecy folder. Keep everyone but the voter whose ballot you are placing in the tabulator away from the tabulator and behind the queuing line you have established;
- Receive a ballot contained in a secrecy folder from the voter. If the voter does not have a secrecy folder, provide them with one. If a voter has not placed their ballot correctly in the secrecy folder, request that they do so. Please avoid doing this yourself. If it is placed in the secrecy folder and you can't see the DRO initials, you might just need to "flip" it over;
- Request the voter to remain with you until the ballot has been successfully received by AccuVote tabulator;

- Without removing the ballot from the secrecy folder, verify the initials of the DRO then insert the secrecy folder containing the ballot into the feed area of the vote tabulator while holding the sleeve firmly with your thumbs and index fingers. When you place a ballot in the tabulator feeder, allow the machine to freely accept it (do not hold onto the ballot once the tabulator accepts it);
- It is important to maintain the secrecy of a ballot. Always ensure that a ballot is face down in the secrecy folder. Note: A feeder jam will occur if the vote tabulator is unable to draw the ballot out of the secrecy folder;
- Retain the secrecy folder – the Poll Supervisor or Information Clerk will retrieve a stack from you and disburse back to the DROs periodically;
- Ensure that the AccuVote counter has increased by one (1) as an indication that the ballot has been accepted and counted. (It is important to keep track of the number of ballots);
- Retain at least one secrecy sleeve so that it can be issued to a new voter if necessary.

Ballot

- The Town of Pelham uses a 'composite' ballot;
- The elector is entitled to only one ballot which contains all races for which elector is eligible to vote;
- Ballots have the ability to be counted by AccuVote tabulator, which means:
    - Instead of an X the elector completely fills in an oval to the right of candidate's name;
    - DRO should explain to elector how and where to complete ballot;
    - DRO should also point out to elector to refer to explanations on ballot and in voter booth.

Sample Ballot Front:



WARD 1

English Public School Elector

TOWN OF PELHAM
Municipal Elections
Act, 1996 (Section 41)
October 22, 2018

To Vote:
Completely fill in the oval beside the name(s) of the candidate(s) of your choice.

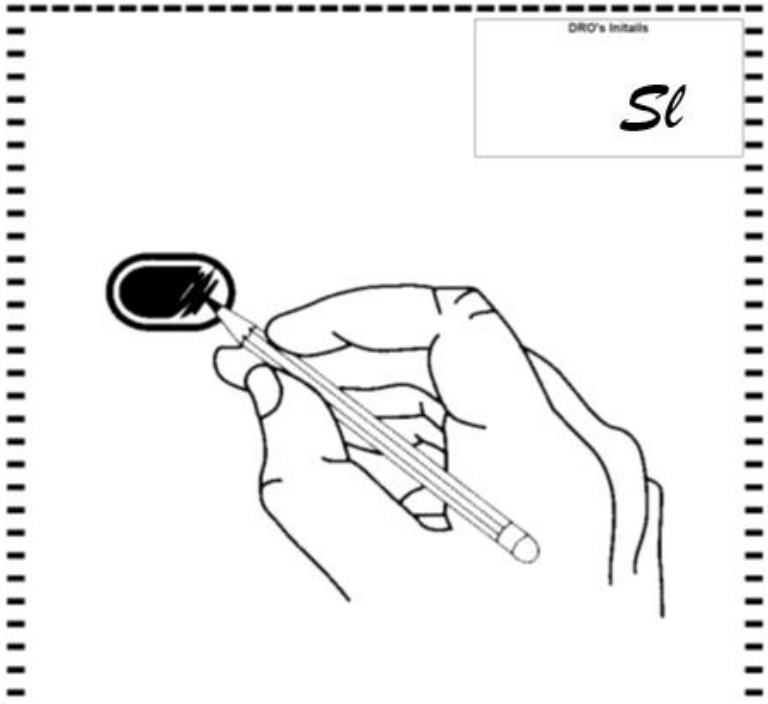
MAYOR
You are entitled to vote for ONE (1) candidate
Gary Edward ACCURSI
Carla BAXTER
Marvin JUNKIN

COUNCILLOR, WARD 1
You are entitled to vote for TWO (2) candidates
Mark BAY
Sidney BEAMER
Mike CIOLFI
James LANE
Richard RYBIAK
Marianne STEWART

Regional Councillor
You are entitled to vote for ONE (1) candidate
Dave AUGUSTYN
Brian BATY
Jim HAGAR
Diana HUSON

SCHOOL BOARD TRUSTEE
English Language Public District School Board of Niagara
You are entitled to vote for ONE (1) candidate
Nancy BEAMER
Mike BROUSSEAU
Dale Anne ROBINSON

Sample Ballot Back:



Note: the marks surrounding the ballot are important to the AccuVote. They are called "ender marks".

Periodic Procedures throughout the Day

- Periodic balancing of the number of ballots processed by AccuVote against ballots issued by DROs is important. The ballot count should equal ballots issued by DROs minus any cancelled, declined or defective ballots the DROs have replaced. This frequent balancing will save time at the end of the day. A good time to perform this task is during "lull" periods or once every two (2) hours;
- Replace ballot box after every 500 ballots or so. This prevents ballots inside ballot box from jamming with ballots feeding through the AccuVote. Place a seal over feeding slot of the full ballot box (use the ballot box seal during voting hours, form 1264 and place it over the hole where ballots are fed). Ensure and demonstrate that the new ballot box is empty, seal it ("during voting hours" seal) and align it with the AccuVote machine. Resume processing ballots;
- Store the full and sealed ballot box under your table and ensure it is not moved or touched by anyone but you.
- Pre-fill some of the ballot box seals – they are difficult to write on once applied to the ballot box. This will help you transition to a new ballot box smoothly.
- Before 8:00 p.m., pre-fill the number of ballot box seal at "close of vote" forms 1264/1 as you have ballot boxes used, to prepare for closing process.

AccuVote Messages, Problems and Solutions

Ballot Rejection

The Vote Tabulator is programmed to give a warning message for:

- Blank Ballot Warning;
- Overvote Warning;
- Ambiguous Marks Warning;
- Undervote Warning;

If the tabulator rejects a ballot, check the operator screen which will explain what happened. Tabulators are programed to accept blank and under-voted ballots. Tabulators are programmed to decline over-voted ballots.

In the event the AccuVote fails to operate: reamin calm! Immediately notify Poll Supervisor who will contact the Clerk.

Use the back-up ballot box/ auxilliary compartment until the issue is

resolved. Process these ballots at the close of poll.

Below is a chart showing messages, probabe cause and solutions!

Message	Probable Cause	Solution
BALLOT NOT READ PLEASE RE-INSERT	Unit could not orient ballot due to difficulty reading timing marks; or Ballot identification information incorrect	Re-feed ballot into AccuVote unit. If ballot cannot be successfully read, voter should be provided a new ballot.
BLANK VOTED CARD SEE OFFICIAL	No votes were read on the ballot card.	Tabulator will return blank voted card when all races are blank. Ask voter to return to voting booth and re-mark.* If elector is confused or concerned, ask Poll Supervisor to assist.
OVER VOTED RACE RACE #	Elector has intentionally or mistakenly over-voted on one or more races (i.e. voted twice for Mayor). (Note: AccuVote only displays the first race it reads as over-voted). Note: Tabulator will not count the over-voted race, but will count the others.	Explain message to voter, and ask the Elector if it was their intention to over-vote. ▪ **If not:** direct them to DRO where a new ballot will be issued; ▪ **If yes:** process the ballot as it has been marked by the Elector, using the AccuVote Override feature: ▪ Hold the "**YES**" Key and feed the ballot.
UNDEFINED MARK RACE #	A ballot has one or more voting ovals filled with a check, X, or some other mark which fills less than 15% of the voting oval.	The ballot should be returned to the voter for proper remarking, so that all voting ovals are completely filled in.
NO ENDER MARKS BALLOT RETURNED	The ballot may have shifted during printing and the AccuVote did not detect ender marks (they are on the corners of the ballots).	Insert the ballot again or try feeding it from the opposite end. **If not**: direct elector to the DRO where a new ballot will be issued. Take note if the problem continues from one

		DRO, who should then replace the bad batch of ballots.**

Electors are encouraged to stay with the VTO until their ballot has been successfully accepted. If the ballot is declined and the elector has left, the ballot shall be returned to the appropriate DRPO to be marked appropriately.

If the ballot cannot be read and elector is present, direct the elector to the appropriate DRO for issuance of a replacement ballot.

Can a Ballot be removed from the Polling Station?

- A ballot shall only leave the polling station if the elector cannot leave their vehicle to vote;
- A Poll Supervisor and DRO may attend on a elector in their vehicle to assist;
- Two election officials must accompany the ballot at all times;
- DRO should make a record of this on the voters' list and the Poll Supervisor make a record in incident log;
- Under no circumstance shall a candidate or scrutineer be present at the marking of a ballot, other than their own;
- No person shall act as a friend for more than one voter.

Closing the Polling Station

It is important to note that any elector's that are inside the voting location at closing time, have the right to vote. DROs shall process all electors and their ballots shall be tabulated by the VTO.

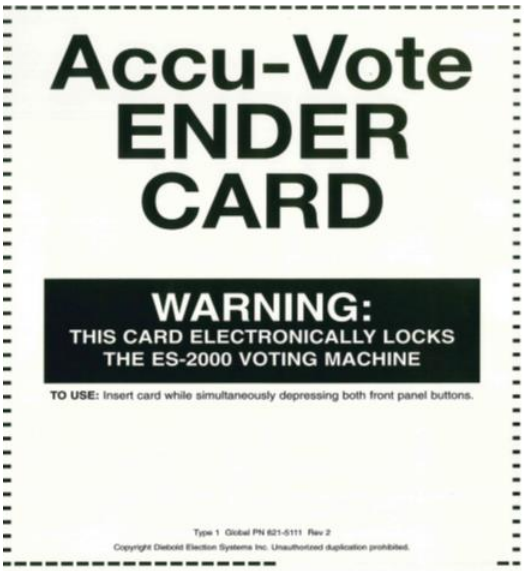
Candidates or scrutineers not present in the poll by 8:00 p.m. are not permitted entry. The Poll Supervisor is responsible to lock the polling location. Poll Supervisor and Vote Tabulator Operator will be responsible for tabulation of the results, after all balancing of ballots is final.

Ender Card Process – Printing the Results Tape

1. Permit all eligible electors who are present in the Polling Station before 8 p.m. to cast their vote;
2. Inspect the interior of the back-up ballot box to ensure it is completely empty;
    a. If **yes**: Proceed to step 3;
    b. If **no**: Contact the Poll Supervisor immediately and process in their presence (scrutineers and additional election staff may

witness if desired). The VTO shall maintain the secrecy of the vote will feeding through the vote tabulation machine. The VTO shall ensure the ballot count on the machine is increased by one with every ballot feed.

3. Once certain all ballots have been processed, apply the ballot box seal labelled "at close of vote" and place the seal over the slot where the ballot have been fed.
4. Before beginning the ender card process, confirm with the Poll Supervisor that al ballots are accounted for (ensuring that the ballot counts balance).
5. Begin the **ender card** process noted below:
    a. Record number of ballots identified by the vote tabulation machine counter and tell the Poll Supervisor;
    b. Unlock and remove the cover on the vote tabulation machine;
    c. Unroll the zero tape to avoid jamming;
    d. Secure against receiving more ballots by holding "yes" and "no" simultaneously and insert the **ender card** (it doesn't matter if it is face up or down);



    e. Election report will begin printing immediately on the zero tape in the compartment;
    f. Sign the first copy along with the Poll Supervisor and any scrutineer and/or election staff present;
    g. Cut this tape and after printing the second copy, roll the full report – with zero tape and results intact on one tape and place it back in compartment;
    h. Print a second copy and sign;
    i. Provide results to the Poll Supervisor to telephone to the Clerk;
    j. **Do not remove** the memory card – it should remain in the vote tabulation machine with the deal intact; and
    k. Secure the ballot box to ensure no ballots can be removed or fall out during transport using the seal.

Cleaning Up

Please do not begin cleaning up/packing until you have completed running the results tape and reported results

- Once you have generated the results tape and reported the results to the Poll Supervisor, you will begin to clean up your station;
- All ballot boxes are to be properly sealed before transport back to Town Hall;
- Place the AccuVote in the carrying case and ensure all extension and power cords as well as the keys are secured in the bag. DO NOT remove the Memory Card;
- The Poll Supervisor will administer your final oath;
- The Poll Supervisor and VTO will return all election supplies to Town Hall.

MUNICIPAL ELECTION October 24 2022

Special On Demand Vote By Mail Procedure

Vote By Mail

Pelham NIAGARA

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1. Introduction

Electors may request a Special on Demand Vote by Mail Kit to allow them to cast a Ballot without attending a voting location in person.

2. Definitions

In this procedure:

"**Act**" means the *Municipal Elections Act, 1996*, S.O. 1996, c.32.

"**AccuVote Tabulating Machine** (**"AccuVote"**)**"** means optical scanning vote tabulator that reads ballots in order to tabulate results of votes.

"**Ballot"** means the composite ballot used for casting a vote.

"**Ballot Box"** means cardboard container that counted ballots are deposited into which is compatible with the AccuVote.

"**Ballot Drop Box"** means designated secured container to store sealed ballot secrecy envelopes containing marked ballots before processing through AccuVote.

"**Ballot Counting Centre"** means the Miclette Room located in the Town Municipal Office, 20 Pelham Town Square, Fonthill.

"**Ballot Return Station"** means the Clerk's Department, Town of Pelham Municipal Office, Meridian Community Centre or Lincoln Pelham Union Library Maple Acre Branch.

"**Candidate"** means a person who has been nominated under section 33 of the Act.

"**Clerk**" means the Town Clerk, or designate, for Town of Pelham and Election Returning Officer responsible for the election.

"**Designate/Election Official"** means Town staff or appointed election officer as designated by the Clerk to carry out election duties as required.

"**Elector**" means a person qualified to vote in the Municipal and School Board Election.

"**Identification**" means voter identification – proof of identity and qualifying address will be provided through declaration on Registration form.

"**Memory Card**" means the card programmed to read and tabulate the results of ballots processed through the AccuVote tabulator.

"**Non-Counted Envelope**" means an envelope to store Ballots which have been inadvertently spoiled, rejected, damaged, etc., and as such will not be counted.

"**On Demand Special Ballot**" means an alternative method of voting provided to Electors upon request.

"**Scrutineer**" means a person appointed in writing by a certified Candidate to observe the election process.

"**Secure Location**" means a locked vault in custody of the Clerk's Department.

"**Special Ballot Registration**" means a required process to receive an On Demand Special Ballot kit.

"**Voters' List"** means a list of voter/ elector data compiled from the Preliminary List of Electors provided by the Municipal Property Assessment Corporation ("MPAC"), as amended by the Clerk.

3. Election Personnel

3.1. The Clerk is responsible to conduct the Municipal and School Board Election, establish the procedures and rules, and to interpret the procedures and rules pursuant to the Act and all Ontario Regulations thereto, except as varied by a Court [s.12(1)].

3.2. The Clerk may appoint in writing, Deputy Returning Officers and such other officials as required to assist in the administration, management, security and control of the election process, including On Demand Special Ballot.

3.3. Written appointments and delegation of duties of Deputy Returning Officers and Election Officials shall include the authority to require any person to furnish proof of identity or qualifications pursuant to The Act.

4. Notice for Vote by Mail Process

4.1. Notice of On Demand Special Ballot and Registration Procedure will be posted on the Town's website.

4.2. Notice of Voters' List revisions - qualified Electors may apply using the prescribed form "Application to Amend the Voters' List" to add, correct or delete their name from the Voters' List.

4.3. Voter Notification Package will be delivered by Canada Post in the fall of 2022.

5. Voters Required to Provide Voter Identification as Per the Act

Submission of Identification is not required. There is a declaration on the Voter Registration form.

6. Vote by Mail Ballot

6.1. Qualified Electors who have registered for On Demand Special Ballot by September 26, 2022 will receive an On Demand Special Ballot Kit via Canada Post regular mail service or in-person pickup. The Voters' List will be marked "VBM" beside the Elector's name to prevent the potential for additional Ballots being issued to the same Elector.

6.2. Qualified Electors who have not registered for an On Demand Special Ballot Kit by September 26, 2022 but find themselves in a circumstance wherein they are unable to attend an in-person voting station may make special arrangements with the Clerk to receive the On Demand Special Ballot Kit. The delivery of the kit will be determined on a case by case basis.

7. Vote by Mail Process

7.1. Qualified Electors whose names appear on the Voters' List, wishing to obtain a On Demand Special Ballot Kit, are required to register by 2:00 p.m. on September 26, 2022 using either of the following methods:

1. In-Person by appointment; or
2. Email communication to hwillford@pelham.ca;
3. Telephone call with follow-up written communication; or
4. First class mail.

Where under the supervision of the Clerk, the On Demand Special Ballot Kits will be distributed to eligible Electors. All Electors are required to sign the declaration on the Registration form which will

serve as Identification. On Demand Special Ballot Registration forms are available from the Clerk's Department, Town of Pelham Municipal Office, 20 Pelham Town Square, Fonthill, or Town website.

The Clerk or Designate will review the Registration form to ensure it is fully and correctly completed by:

- Confirming Elector's identity, by confirming name and qualifying address are on the Voters' List;
- Update the Elector's record on the Voters' List indicating they will receive a Special Ballot on Demand by using the "Record Elector-Vote By Mail" process, and in the comments section, adding "VBM Ballot #", noting the date;
- Sign and date Registration form in the "Town of Pelham" section; and
- If Registration form is rejected, the Clerk or Designate shall notify Elector, explain rejection and provide opportunity for correction where possible.

7.2. The pre-registration process will commence on September 1, 2022 during normal office hours, Monday to Friday 8:30 a.m. to 4:30 p.m. and conclude on September 26, 2022 at 2:00 p.m. The Registration form must contain an original signature.

7.3. Application must be made in writing, on the prescribed form, and the declaration must have an original signature.

7.4. All On Demand Special Ballots, included in the Special Ballot Kits, must be returned either by in-person drop off, Canada Post first class mail using the envelope provided, or deposited into one of the Ballot Return Stations. On Demand Special Ballot returns will not be accepted at any of the voting poll locations or at advance polls.

7.5. Any Elector who registers for an On Demand Special Ballot Kit and decides to attend their voting poll location to vote must surrender their On Demand Special Ballot Kit to the Deputy Returning Officer before being permitted another Ballot to vote at their voting poll location.

7.6. Qualified Electors who have not registered for an On Demand Special Ballot Kit by September 26, 2022 but find themselves in a circumstance wherein they are unable to attend an in-person voting

station may make special arrangements with the Clerk to receive the On Demand Special Ballot Kit. The delivery of the kit will be determined on a case-by-case basis.

7.7. The Special On Demand Kit shall consist of:

a. One Composite Ballot, initialed in the designated Deputy Returning Officer space, by the Clerk or Designate;
b. Voting instructions;
c. One Ballot Secrecy Envelope;
d. One Voter Declaration form;
e. One Voter Declaration form envelope;
f. One postage-paid reply envelope addressed to the Returning Officer; and
g. Such other material as the Clerk determines necessary.

7.8. If a qualified Elector does not receive their On Demand Special Ballot Kit or if the On Demand Special Ballot Kit is lost or destroyed, a new On Demand Special Ballot Kit may be issued by attending the Clerk's Department, Town of Pelham Municipal Office. At the Clerk's discretion, requests to have a replacement On Demand Special Ballot Kit delivered to an Elector's qualifying address will be considered. The Clerk will confirm that the Elector has signed up and is qualified**,** and will have the Elector sign a declaration before a new On Demand Special Ballot Kit will be issued. It will be noted on the Voters' List that the Elector was issued a new On Demand Special Ballot Kit (VBM-R).

7.9. Only black felt pen or black ink shall be used to mark the Ballot. A Ballot will be rejected by the AccuVote if it is marked with any other colour ink or pencil. If a Ballot is rejected, the Clerk will have the discretion to mark a replacement Ballot with the Elector's voting choices with the approved marker and the rejected Ballot will be placed in the Special Ballot Non-Counted Ballot Envelope, marked "replaced". A Ballot sheet account will be maintained for all On Demand Special Ballot Kits issued and Ballots returned.

7.10. Upon receipt of the On Demand Special Ballot Kit, the Elector shall complete the Ballot, marking in accordance with the instructions on the Ballot, place it in the labelled Ballot Secrecy Envelope and seal the envelope. This envelope shall not be folded once it contains a

completed Ballot. The Elector shall complete the Voter Declaration form by signing it and printing their name; tearing or cutting the declaration along the perforation line and placing it in the Voter Declaration Envelope, with the signature visible in the envelope window. Both sealed envelopes shall then be placed in the prepaid Return Voting Envelope. The prepaid Return Voting Envelope may be mailed or delivered to one of the Ballot Return Stations.

7.11. In addition to using regular mail service, the Ballot Return Stations will be established for those Electors wishing to deposit, or have deposited, their Return Voting Envelope directly to the Clerk's Office, Town Municipal Offices, 20 Pelham Town Square, Fonthill, the Meridian Community Centre, 100 Meridian Way or to the Lincoln Pelham Union Library Maple Acre Branch, 781 Canboro Road, Fenwick, or using the secure drop box at the rear entrance to the Town of Pelham Municipal office. See below.

7.12. Electors are responsible for ensuring the Ballot is returned to the Clerk's Department by 8:00 p.m. on Election Day. Should Electors choose to return their Ballot via Canada Post, Electors should ensure enough time is provided for regular post delivery. Electors may also consider depositing their Return Voting Envelope at a designated Ballot Return Station, as identified below:

<u>The Ballot Return Station at Meridian Community Centre ("MCC"):</u>

At any time when the MCC is open

Commencing September 1, 2022 and concluding October 21, 2022 at 4:30pm.

<u>The Ballot Return Station at Pelham Town Hall:</u>

Secure Ballot Return Station: Clerk's Office

Commencing September 1, 2022, Monday to Friday 8:30 a.m. to 4:30 p.m. to Voting Day October 24, 2022, 8:30 a.m. until 4:30 p.m.

Or secure mail drop box situated at the east entrance to Town Hall before 8:00 p.m. on October 24, 2022.

<u>The Ballot Return Station at Lincoln Pelham Union Library Maple Acre Branch</u>

At any time when the library branch is open. Commencing September 1, 2022 and concluding October 21, 2022 at closing of branch.

7.13. On Voting Day, October 24, 2022, the Town of Pelham Municipal Office will close at 4:30 p.m. After 4:30 p.m., Return Voting envelopes can be deposited in the Municipal Office drop box until the close of voting at 8:00 p.m., using the accessible drop box located at the rear entrance of the Town of Pelham Municipal Office.

7.14. Return Voting envelopes deposited in the Town of Pelham Municipal Office drop boxes at any time before October 24, 2022 and no later than 8:00 p.m. will be considered as having been mailed. Return Voting envelopes deposited at the MCC or Maple Acre Library Branch before closing of the branch on October 21, 2022 will be considered as having been mailed.

7.15. A separate Return Voting Envelope will be provided to each individual Elector. Any Return Voting Envelope which contains more than one Voter Declaration form or more than one inner Ballot Secrecy envelope, shall be treated in the following manner:

a. Return Voting envelopes containing equal numbers of Ballot Secrecy envelopes to Voter Declarations will be counted;
b. Return Voting envelopes containing more Ballot Secrecy envelopes to Voter Declaration forms or more Vote Declaration forms to Ballot Secrecy envelopes will be rejected; and
c. In the event a Voter Declaration form could be inside the sealed Ballot Secrecy envelopes, the Ballot Secrecy Envelope will be held by the Clerk until the Ballot processing begins. Upon opening the Ballot Secrecy envelope, if there is no Voter Declaration form it will be rejected. If there is a Voter Declaration form in the Ballot Secrecy Envelope it will be accepted and processed through the AccuVote.

7.16. Each day as Return Voting Envelopes are received either by mail, in-person or at a Ballot Return Station, the Clerk, in the presence of one other Designated Election Official, will:

a. Open the returned On Demand Special Ballot Return Envelope and remove the Voter Declaration Envelope and Ballot Secrecy Envelope;
b. Review the Voter Declaration form to ensure it has been signed;
c. Ensure the voter’s name has not already been struck off the Voters’ List as having voted;

d. Ensure the Ballot Return Secrecy Envelope has been sealed and if it has not been sealed, shall immediately seal the envelope without removing or examining the Ballot;
e. Date stamp the Voter Declaration form and file the forms by date and by poll number, and sorted alphabetically, which shall be made available to Candidates or Scrutineers to review, on appointment;
f. Complete the VoterView electronic master Voters' List Vote By Mail tracking database noting the date the Ballot was returned, and note the date in the comment section for the specific Elector ; and
g. Store the Ballot Secrecy Envelope in a secured, fireproof location within the Clerk's Office.

7.17. Candidates may continuously extract a copy of the updated Voters' List, including On Demand Special Ballot Ballots returned and Elector s who vote at the Advance Poll opportunities, using the Candidate Access Portal.

7.18. At 6:00 p.m. on Voting Day, the sealed Ballot Secrecy Envelopes will be moved to the Special Ballot Counting Centre located in the Miclette Room, Town of Pelham Municipal Office, as designated by the Clerk. It is recognized that there is no way to predict the number of Special Ballot Ballots that will be utilized. To ensure the secrecy of the Ballot, all On Demand Special Ballot Ballots will be processed through an AccuVote tabulator which was assigned to Fire Station #2 Advance Vote, October 1, 2022, to ensure there is no ability to identify. After processing the On Demand Special Ballots, the ender-card process will be conducted and the results tape will be generated.

7.19. Special Ballots received by the Clerk after 8:00 p.m. on Voting Day shall not be counted, but shall be date and time stamped and retained for the statutory document retention period. The Clerk shall retain the Ballots and all other documents and materials related to an election for 120 days after declaring the results of the election; and, when the 120-day period has elapsed, the Clerk, (a) shall destroy the Ballots, in the presence of two witnesses; and (b) may destroy any other documents and materials related to the election (Section 88(1) (2) *Municipal Elections Act, 1996*).

7.20. Ballots not received by 8:00 p.m. on October 24, 2022 will not be counted and Electors who received an On Demand Special Ballot Kit

but no Ballot returned, or Ballots returned late, will be marked on the VoterView system using the "Unrecord" process.

7.21. If a qualified Elector does not receive their On Demand Special Ballot Kit or if the Kit is lost or destroyed, a new On Demand Special Ballot Kit may be issued by contacting the Clerk. The Clerk, or Designate, will confirm the Elector is qualified and require the Elector to complete the Application for Replacement of Special Ballot Kit form. Information will be noted on the VoterView Database for Ballot tracking purposes.

8. Rejection of Ballot(s)

In the event a Voter Declaration form may be inside the sealed Ballot Secrecy Envelope, the Ballot Secrecy Envelope will be held by the Clerk until 8:00 p.m. on October 24, 2022. Upon opening the Ballot Secrecy Envelope, if there is no Voter Declaration form it will be rejected. If there is a Voter Declaration form in the Ballot Secrecy Envelope it will be accepted.

In addition to rejecting cast Ballots for violations of the Act, the following conditions will also cause a Ballot to be considered rejected:

a. If upon opening the Return Voting Envelope the Voter Declaration Form is not signed;
b. If upon opening the Return Voting Envelope there is a different number of Ballot Secrecy Envelopes to Voter Declaration Forms;
c. If there are identifiable marks on the sealed Ballot Secrecy Envelope that identify the Elector;
d. If upon opening the sealed Ballot Secrecy Envelopes at Miclette Committee Room, the envelope contains more than one Ballot; and
e. If upon opening the sealed Ballot Secrecy Envelopes at Miclette Committee Room, the envelopes contains a Ballot which has been over voted in all races, the Accuvote will accept a Ballot for races that have been marked correctly or under voted.

9. Counting Procedure

9.1. At the time of writing, the Town of Pelham Municipal Office is open to the walk-in public. On Voting Day, October 24, 2022, the Town of Pelham Municipal Office will close to the public at 4:30 p.m. Certified Candidates and authorized Scrutineers will be permitted to attend to observe the vote counting process for the Special Ballot Ballots, in accordance with public health guidelines as may be required.

Candidates and/or Scrutineers must advise the Clerk of their intent to witness in advance of Voting Day and be present at 5:45 p.m. to be granted access to the building.

9.2. The Miclette Room at the Town of Pelham Municipal Office will be established as the Special Ballot Counting Centre, together with the Advance Vote tabulation. Only the Clerk and Election Officials, certified Candidates or authorized Scrutineers will be permitted to remain in the Miclette Room.

9.3. The doors to the Miclette Room will be closed at 8:00 p.m. on October 24, 2022, and only Election Officials will be allowed to enter thereafter. Candidates and Scrutineers already present may remain; however, those leaving the room after 8:00 p.m. will not be permitted to return.

9.4. Cell phones or other electronic equipment will not be permitted in the Miclette Room other than for Election Officials. Scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by the Election Official.

9.5. No campaigning material will be allowed within the Miclette Room.

9.6. At 4:30 p.m. on October 24, 2022, the secured sealed Ballot Secrecy Envelopes received by the Clerk or Designate will be delivered to the Miclette Room.

9.7. The sealed Ballot Secrecy Envelopes will be opened and counted by processing through the AccuVote Tabulator that was assigned to the Fire Station #2, October 1, 2022 Advance Vote polling station. No results tape will be generated until after 8:00 p.m. The number of Ballots processed in this manner will be recorded on a separate Statement of Ballot Account form specifically relating to On Demand Special Ballots issued. Using a new Ballot Box and the AccuVote from Fire Station #2, October 1, 2022 Advance Vote polling station, the Election Official will proceed to deposit the special Ballots through the AccuVote directly into the new Ballot Box. The number of Ballots counted on the AccuVote will be monitored throughout the counting process to ensure it equals the number of special Ballots received, and that the end total is the sum of Station #2 October 1, 2022

Ballots and On Demand Special Ballots processed on October 24, 2022.

9.8. The AccuVote tabulator and Memory Card will be the same as that used for the Advance Poll, October 1, 2022, Fire Station #2. This will ensure that Elector's Special Ballot Ballots cannot be identified. A separate Ballot Box will be used for the On Demand Special Ballot Ballots to ensure the Advance Vote Ballot Box remains with the seals intact.

9.9. In the event a Ballot is accidentally torn when the sealed Ballot Secrecy Envelope is opened, the Clerk or Election Official shall mark a new Ballot for counting and place the damaged Ballot, with a note, in the Not Counted Envelope.

9.10. After the completion of the count of the Ballots, which are in addition to the Advance Poll, October 1, 2022 Fire Station #2, that balance with the number on the AccuVote tabulator, the statement of results for the Ballots shall be completed, signed by the Clerk and Election Official and, if desired, initialed by any Scrutineer present for the count.

9.11. A separate duplicate Deputy Returning Officer Statement of Ballot Account for the On Demand Special Ballot will be completed and placed in the Ballot following the close of poll procedures utilized at Advance Voting and the Ballot Box will be clearly marked "On Demand Special Ballot Ballots Processed".

9.12. Once all Ballots have been counted, the Ballot Box will be sealed and returned to the secured/locked Clerk's Department vault for storage.

10. Security of the Ballots/Special Ballot Kit Prior to Voting

10.1. Ballots will be pre-printed using an external provider and all Ballots will be under the locked security in custody of the Clerk, keyed separately from the remainder of Town Hall for security purposes. All Ballots and Special Ballot Kits will be secured/locked in the Clerk's Department Vault. Ballots for the On Demand Special Ballot Kits will be identical to Ballots used at all polling stations and will be part of the overall controlled Ballot inventory.

10.2. The Clerk, in conjunction with Canada Post, will provide an On Demand Special Ballot Kit to each person identified on the Special Ballot Registration Form as of 2:00 p.m. on September 26, 2022 or it can be picked up at the Town of Pelham Municipal Office if prearranged.

10.3. On Demand Special Ballot Kits that are required after the pre-registration deadline will be considered on a case-by-case basis by contacting the Clerk directly. Every effort to accommodate requests will be made, including no-contact porch drop methods of personal delivery by the Clerk. Porch drop deliveries must provide for the Clerk witnessing retrieval of the Ballot kit. No Ballot envelope will be left unattended. If there is no one present at the dwelling to accept the porch drop at the agreed upon time, the Ballot will not be delivered and separate arrangements must be made. This will be noted in the Clerk's office records.

11. Security of Ballot During/After Voting

11.1. Upon receiving the prepaid Return Voting Envelope by mail, in-person or from the Ballot Return Station(s), the Envelope will be opened and upon being verified, the sealed Ballot Secrecy Envelope will be stored in a secured and fireproof location in the Clerk's Office.

11.2. Unissued, reserve Ballots will be remain in the custody of the Clerk.

11.3. At 6:00 p.m. on Voting Day, the sealed Ballot Secrecy Envelopes will be moved by the Clerk or Election Official to Miclette Room, the envelopes will be opened, and the Ballots tabulated.

11.4. An Election Official will remain in the Miclette Room from 6:00 p.m. until all vote are tabulated and the final results tape is run.

11.5. After the count, the duplicate original Statement of Results (including Advance Poll, October 1, 2022 Station #2 and On Demand Special Ballot Ballots) will be placed in the Ballot Box with the Ballots, which will be sealed and initialed by the Clerk or Designate and then secured/locked in the Clerk's Department vault together with all Ballot Boxes utilized in the Municipal and School Board Election.

12. Scrutineers

12.1. Each Candidate may appoint, on the prescribed form, Scrutineers to be present to observe the election process and the counting of Ballots in the Miclette Room. Scrutineers will be permitted entry at 5:45 p.m. and will remain in the Miclette Room in accordance with public health guidelines.

12.2. At the Miclette Room, a Scrutineer representing a Candidate may be present at the Ballot opening/counting table to oversee the count, upon submission of his/her written appointment. The Scrutineer will be required to take the oral oath of secrecy. Only one Scrutineer per Candidate may be present at one time at the table.

12.3. All Scrutineers must comply with the procedures that are set out on their appointment form and any applicable public health procedures as they relate to the COVID-19 pandemic.

13. Emergencies

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements she deems necessary for the conduct of the election.

14. Amendment to this Document

14.1. The Clerk, at any time, has the right to amend this document to facilitate the vote, the count, the tabulation of the votes and the security of the process.

14.2. The Clerk's ruling on any interpretation of the document is final.

MUNICIPAL ELECTION October 24 2022

Town of Pelham Candidate Guide

Candidate Guide

Pelham NIAGARA

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Introduction

Congratulations on your decision to run for an elected office in the Town of Pelham. This guide has been assembled to help you better understand the roles of elected officials, the conduct of candidates and their campaign teams during the election process, and is intended as a supplement to the guide published by the Province of Ontario for Ontario municipal council and school board elections.

This guide provides you with additional information pertinent to candidates running for local municipal (Town of Pelham and Region of Niagara) or school board office in the Town of Pelham. Candidates are responsible to ensure they comply with all requirements of the *Municipal Elections Act, 1996*, (the "Act") as amended, including election financing regulations and qualifications for nomination.

Additional information may be obtained by contacting the Clerk's Department during regular business hours, Monday-Friday, 8:30 a.m. to 4:30 pm.

All election information and notices will be published on the Town's webpage www.pelham.ca/election and official notices will be published through local media outlets.

The Role of the Clerk

Section 12(1) of the Act states:

A Clerk who is responsible for conducting an election may provide for any matter or procedure that:

- Is not otherwise provided for in an Act or regulation; and
- In the Clerk's opinion is necessary or desirable for conducting the election. 1996, c.32, Sched.,s. 12(1).

With this in mind, various procedures have been developed with regard to the conduct of the Town of Pelham 2022 Municipal Election, and will be provided to all registered candidates.

Third Party Advertising: An Overview

The Act introduced a framework for third party advertising on April 1, 2018. The regulations have been introduced to manage unregulated third party advertising that has been increasing during the past several municipal elections.

A third party advertisement is a message in any medium (billboard, newspaper, radio, social media advertisement, etc.) that supports or opposes a candidate on the election ballot. Third party advertising is also an advertisement message in any medium that supports or opposes a Yes/No referendum question on the ballot.

It is now an offence for any third party advertiser to incur any expense on third party advertising during the restricted election period if they are not registered with the Clerk of the Municipality, or municipalities in cases of more than one, where the advertising occurred. Registration allows a third party advertiser to promote or oppose any candidate in the Municipality.

Third party advertising does not include advocacy or issues-based advertising. Groups that do public outreach can continue their work throughout the election period. As well, advertising that does not cost money to post or broadcast, such as comments made on social media, are not considered to be third party advertising.

Eligibility

Only individuals, corporations and unions can register as third party advertisers and/or make contributions to third party advertisers as they are not permitted to make contributions to candidates. Third party advertising must be done independently of candidates. Candidates are not able to direct a third party advertiser.

The following are eligible to file as a third party advertiser:

- An individual who is normally a resident of Ontario;
- Corporations that conduct business in Ontario; and
- Unions who have bargaining rights for employees in Ontario.

The following are ineligible to file as a third party advertiser:

- A registered candidate of the municipal election;
- A Federal political party, association or registered candidate;
- A Provincial political party, association, or registered candidate;
- The Crown; and
- A Municipality or Local Board.

Requirements

Third party advertisers must register with each Municipality where they intend to advertise should there be multiple municipalities.

- Third party advertisers must file a notice of registration with the Town Clerk in person or by agent. Registration forms are available in the Town Clerk's Office. The registration form must be filled in completely;
- Third party advertisers must sign a declaration of qualification; and
- Registration period: May 2, 2022 to October 21, 2022.

Mandatory Information on Advertisements

Third party advertisements must contain:

- Name of registered third party advertiser;
- Municipality where the third party advertiser is registered;
- For print advertisements: Contact information for the third party advertiser (phone number, mailing address, or email address);
- For radio advertisements: A statement indicating who paid for the advertisement; and
- Information to be provided to Broadcasters/Publishers. Third party advertisers must provide broadcasters/publishers doing the third party advertising with the following information in writing:
  - Name of the registered third party advertiser;
  - Municipality where the third party advertiser is registered;
  - Name, address and phone number of the agent/person interacting with the broadcaster/publisher on behalf of the third party advertiser; and
  - Ensure the third party advertiser is aware of their obligations pursuant to section 88.3(5) of the Act.

Campaigning

Candidates and third party advertisers are permitted access into apartment buildings, condominiums, non-profit housing co-ops and gated communities from 9 a.m. until 9 p.m. in order to campaign.

Landlords and condominium corporations are not allowed to prohibit tenants or owners from displaying campaign signs in their windows.

Candidates and third party advertisers are required to identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears or is broadcast. For example: "This ad is brought to you by 'John Doe,' 'Corporation Name' or 'Union Name.' "

Office of the Mayor

The Mayor is described by the *Municipal Act*, *2001*, Section 225, as the head of Council. The primary legislative role of the Mayor is:

- To act as the Chief Executive Officer of the Municipality;
- To preside over Council meetings;
- To provide leadership to Council;
- To represent the Municipality at official functions; and
- To carry out the duties of the Head of Council under this Act or any other Act.

Role of Council Members

The role of Council is described in the *Municipal Act*, *2001*, Section 224, is:

- To represent the public and to consider the well-being and interests of the Municipality;
- To develop and evaluate policies and programs of the Municipality;
- To determine which services the Municipality provides;
- To ensure that administrative practices and procedures are in place to implement the decisions of Council;
- To maintain the financial integrity of the Municipality; and
- To carry out the duties of Council under this or any other Act.

Candidate Eligibility and Qualifications

To run for Mayor, Councillor or Regional Councillor a candidate must:

- Be a Canadian Citizen on Election Day;
- Be at least 18 years of age on Election Day;
- Be a resident of the Municipality or a non-resident owner or tenant of land in the Municipality, or the spouse or partner of an owner or tenant of land in the Municipality;
- Not be disqualified by any legislation from holding municipal office;
- Submit a completed and legible Form 1;
- Provide 25 signatures from eligible voters endorsing the nomination upon registration; and
- Pay the required nomination fee.

To run as a Trustee for a local school board a candidate must:

- Be a Canadian Citizen on Election Day;
- Be at least 18 years of age on Election Day;
- Be eligible to be an elector of that school board for which the person is a candidate;
- Not be disqualified by any legislation from holding municipal office;
- Submit a completed and legible Form 1; and
- Pay required nomination fee.

Disqualifications

The following persons are disqualified from holding office:

- An employee of the Municipality (if you are running for municipal council) or school board (if you are running for school board trustee) unless a leave of absence has been granted;
- A judge of any court, a member of the Legislative Assembly or the Senate or the House of Commons;
- A Crown employee within the meaning of the Public Service Act who is a Deputy Minister or who is in a position or classification designated in the regulations made under that Act for the purposes of Section 11 thereof;
- An inmate of a penal or correctional institute;
- One who ceases to be a Canadian Citizen;
- One who is not a resident, owner or tenant in the Municipality;
- One who is prohibited from voting in an election according to the *Municipal Elections Act, Municipal Act or Education Act;*
- One who has violated financial requirements for filing financial information; and
- Despite the above disqualification, Members of Parliament (MPs), Members of Provincial Parliament (MPPs) and Senators may be nominated for municipal office without having to resign their current seat in Parliament. However, by 2 p.m. on August 19, 2022 (Nomination Day) MPs, MPPs, and Senators will be required to resign their current seat should they wish to continue to seek municipal office.

How to Be Nominated

Nomination Period

The nomination period for the 2022 Municipal and School Board Election begins on Monday, May 2, 2022 and continues to Nomination Day, Friday, August 19, 2022. Nomination papers must be filed with the Clerk during regular business hours (8:30 a.m. to 4:30 pm) by appointment. On Nomination Day, nominations may be submitted only between the hours of 9:00 a.m. and 2:00 p.m.

Nomination Endorsements

Twenty Five (25) endorsements must accompany the nomination, in the prescribed form, “Nomination Paper – Form 1” and “Endorsement of Nomination – Form 2”. Copies are available through the Office of the Clerk, or through the Town’s election webpage.

Nomination Forms and Fees

Nominations must be submitted on the prescribed form and are to be submitted to the Clerk together with payment of the required nomination fee ($200 for Head of Council and $100 for all other offices). Payment may be in cash, debit, certified cheque or money order. Credit card payments are not accepted. Filing fees will be refunded if all documents required under subsection 88.25(1) are filed on or before 2:00 p.m. March 31, 2023. The nomination papers must be filed in person by either the candidate or an agent of the candidate. Candidates are required to provide proof of identity and qualifying address within the Town of Pelham when the nomination paper is submitted.

Under the Act, the Clerk will certify or reject the nominations of candidates on or before 4:00 p.m. on August 22, 2022. A candidate who wishes to withdraw their nomination must notify the Clerk in writing by 2:00 p.m. on August 19, 2022. This withdrawal letter may not be faxed or scanned – an original signature is required on all election documents. Candidates who withdraw must submit a financial statement to cover all financial transactions up to the time of withdrawal.

A declaration of qualification must be taken before a Commissioner of Oaths. The Clerk, Deputy Clerk and Legislative and Committee Coordinator can administer this oath. If an agent is filing the nomination on behalf of the candidate, the candidate's declaration must be commissioned prior to the agent filing.

2022 Municipal Election Key Dates

Monday, May 2, 2022 **to** **Friday, August 19, 2022** *(MEA 31 and 33(4))*	**Nomination Period:** Nomination forms may be filed by candidates beginning Monday, May 2, 2022 and on any day thereafter prior to Nomination Day, at any time when the Clerk's Office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.) and on Nomination Day, Friday, August 19, 2022 when nomination forms may be filed between the hours of 9:00 a.m. and 2:00 p.m.
Monday, May 2, 2022 **to** **Saturday, December 31, 2022** *(MEA 88.24)*	**Campaign Period:** The campaign period begins when a candidate has filed the nomination form and ends on December 31, 2022. Alternative time periods are in effect if the candidate withdraws the nomination, if the Clerk rejects the nomination, or the candidate extends his/her campaign and is continuing to campaign to erase a deficit.

Monday, May 2, 2022 **to** **Friday, October 21, 2022** *(MEA 88.6)*	**Third Party Advertising:** Individuals, corporations or trade unions may file with the Clerk to be a registered third party for the election in the prescribed form. Restrictions apply as to who may register.
Sunday, July 31, 2022	**Last Day for MPAC to Deliver the Preliminary List**
Friday, August 19, 2022 *(MEA 31 and 33(4))*	**Nomination Day:** Last day for filing nominations. Nominations, in the Required Form, filed on this date may only be filed between the hours of 9:00 a.m. to 2:00 p.m. **Third Party Advertising:** Filings for registration accepted Monday, May 2, 2022 to Friday, October 21, 2022.
Monday, August 22, 2022 *(MEA 35; 37)*	**Certification of Nomination Forms and Acclamations:** The Clerk shall certify filed nomination forms prior to 4:00 p.m. Immediately after 4:00 p.m., the Clerk shall declare any acclaimed eligible candidates to be duly elected.
Thursday, September 1, 2022 *(MEA 23)*	**Voters' List:** The Clerk shall make the list of voters available to persons entitled. The list is for election purposes only and, as such, viewing will be supervised.
Thursday, September 8, 2022 **to** **Thursday, September 29, 2022**	**Pelham Farmers' Market:** Clerk's' Department staff will be available at the Pelham Farmers' Market each Thursday to provide an opportunity for electors to check/confirm information and make application to correct one's own information. Voter Lookup Service will again be available on the Town's website.
Thursday, September 1, 2022 **to** **Monday, October 24, 2022**	**Revision to the Voter's List - Application to Add, Remove or Correct One's Own Information:** Individuals may make application to the Clerk requesting that their name/information be added, removed or corrected.
Monday, October 24, 2022	**Election Day: Voting opportunities will be held between the hours of 10:00 a.m. and 8:00 p.m. Voting Locations will be published and voter notification packages provided.** **Information with respect to Advance voting opportunities and Special On Demand Mail in Ballots will be brought to Council once established by the Clerk.**

Tuesday, October 25, 2022	**Declaration of Results:** The Clerk will declare the results of the election of candidates and the result of any vote upon a by-law or question "as soon as possible after voting day".
Tuesday, November, 15 2022	**Term of Office Commences:** Elected members must take the oath of office prior to taking their seat. Inaugural Meeting will be held November 21, 2022 at a time and place to be determined.
Saturday, December 31, 2022	**Campaign Period Ends:** Deadline to provide Clerk with written notification of deficit and continuation of campaign. Candidates may file financial information.
Friday, March 31, 2023	**Filing Date:** Deadline for filing financial statements by 2:00 p.m. Penalties for non-compliance may apply.

Offices to be Elected

Mayor: One (1) to be elected at large within the Town of Pelham. The Mayor also serves as a Regional Councillor.

Ward Councillors: Six (6) to be elected, two from each of three wards: Ward One, Ward Two and Ward Three.

Regional Councillor: One (1) to be elected at large within the Town of Pelham to represent the Town at Niagara Regional Council.

English Language Public School Board Trustee: One (1) to be elected at large, shared between Pelham and Thorold. Nominations filed with Town of Pelham.

English Language Catholic District School Board Trustee: One (1) to be elected at large, shared between Grimsby, Lincoln, West Lincoln and Pelham. Nominations filed with Town of Grimsby.

French Public School Board Trustee: One (1) to be elected at large, shared between Fort Erie, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Welland, Thorold and Wainfleet. Nominations filed with City of Welland.

F**rench Separate School Board Trustee:** One (1) to be elected at large, shared between Fort Erie, Pelham, Port Colborne, Wainfleet and Welland. At time of publishing, nominations filed with City of Welland.

Scrutineers

Each candidate may appoint, in writing, any number of persons as are necessary to act as a Scrutineer to represent them at the voting place and to be present during the counting of the votes. Only one Scrutineer per candidate may be in the voting place for each vote tabulating machine. If a candidate enters the voting place, they are considered to be a Scrutineer.

Scrutineers must be appointed, in writing, and upon request shall show proof of their appointment to an election official. If no written proof is provided, the Scrutineer may be denied entry into the voting place by the Poll Supervisor. Forms are available from the Clerk for this purpose.

Rights and Privileges

Candidates and Scrutineers have the following rights:

- To be present when ballot boxes and materials related to the advance voting and the ballot boxes and statement of the results on election day are being delivered to the Clerk;
- To enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots, and all other election documents but not so as to delay the opening of the voting place;
- To place their own seal on the ballot box after the close of voting on an advance vote so ballots cannot be withdrawn or deposited without breaking the seal;
- To sign the statement of the results of an election; and
- To place their own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited on Election Day.

Candidates and Scrutineers are prohibited from the following:

- Attempting, directly or indirectly, to interfere with how an elector votes;
- Attempting to campaign or persuade an elector to vote for a particular candidate;
- Displaying a candidate’s election campaign material in a voting place, including vehicles that are parked at the voting location;
- Compromising the secrecy of the voting;
- Interfering or attempt to interfere with an elector who is marking a ballot;
- Obtain or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted; and
- Communicating any information obtained at a voting place about how an elector intends to vote or has voted.

Sign Regulations

Candidates should reference Town of Pelham By-law No. 3987(2018), being a by-law to regulate Election Signs within the Town of Pelham.

Additionally, By-law No. 122-2013, as amended, of the Regional Municipality of Niagara prohibits the placement of signs on Regional road allowances at any time. Any election signs will be removed from the road allowance of Regional Roads by Regional staff forthwith.

Prohibition of Canvassing in Voting Places

The Clerk is the lessee of the premises used as voting places. As the lessee of such premises, the Clerk does not permit electioneering of any nature in or on the premises used as a voting place on Election Day, and during any advance polls. The premises are deemed to include the entire building and property on which it is located.

Section 48(2) of the Act provides as follows:

"No person shall display a candidate's election campaign material or literature in a voting place."

The Poll Supervisor is instructed to remove forthwith from any voting place any material, campaign buttons, or literature of any nature which may be deposited therein. Periodic checks will be made by election staff throughout advance polls and on voting day. This includes campaign material visible in any vehicle. It is a candidate's responsibility to ensure their campaign team is aware of this and all election requirements.

Definition of Residence

In determining the eligibility of electors, one must examine the meaning of residence. Provisions exist to allow for the homeless to be enumerated and vote.

Section 2 of the Act reads as follows:

"2(1) For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return.

2(2) The following rules apply in determining a person's residence:

1. A person may only have one residence at a time.
2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.

3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence."

There are specific exceptions for students who may have residences in two local municipalities at the same time.

Preliminary List of Electors

The Preliminary List of Electors ("PLE") for the Town of Pelham is prepared by the Municipal Property Assessment Corporation ("MPAC") and forwarded to the Clerk.

Eligible electors are encouraged to check www.voterlookup.ca to ensure they are on the Voters' List and that their information is correctly entered.

Revision of the Preliminary List of Electors

The PLE will be reproduced as the Voters' List by September 1, 2022. Applications for amendments to the Voters' List will be accepted by the Clerk commencing on September 1, 2022 and ending at 8:00 p.m. on Election Day.

Special on Demand Vote by Mail

Electors may request a Special On Demand Vote By Mail Kit to allow them to cast a ballot without attending a voting location in person.

Qualified electors who have registered for an On Demand Special Ballot will receive an On Demand Special Ballot Kit via Canada Post regular mail service or in-person pickup. All electors are required to sign the declaration on the registration form which will serve as identification. On Demand Special Ballot Registration forms are available in the Clerk's Department, Town of Pelham Municipal Office, 20 Pelham Town Square, Fonthill, or www.pelham.ca.

All On Demand Special Ballots included in the Special Ballot Kits must be returned either by in-person drop off, Canada Post first class mail or deposited into one of the "Ballot Return Stations" located at the Town of Pelham Municipal Building, 20 Pelham Town Square, Fonthill, Meridian Community Centre, 100 Meridian Way or at the Lincoln Pelham Union Library Maple Acre Branch, 781 Canboro Road, Fenwick, during regular branch hours. On Demand Special Ballot returns will not be accepted at any of the voting poll locations or at advance polls.

Ballots not received by 8:00 p.m. on October 24, 2022 will not be counted and electors who received an On Demand Special Ballot Kit but no ballot

returned, or ballots returned late, will be marked on the VoterView system using the "Unrecord" process.

The Miclette Room at the Town of Pelham Municipal Office will be established as the Special Ballot counting centre, together with the advance vote tabulation. Only the Clerk and election officials, certified candidates or authorized scrutineers will be permitted to remain in the Miclette Room. Special Ballot on Demand ballots will be tabulated beginning at 6:00 p.m.

Please refer to the On Demand Special Ballot Procedure for additional information.

Advance Voting Opportunities

Advance votes will be held at the following locations on the dates and times indicated below:

Saturday, October 1, 2022 10:00 a.m. – 8:00 p.m.	Pelham Fire Station #2 766 Welland Road	All Wards; All Polls Advance Voting
Saturday, October 15, 2022 10:00 a.m. – 8:00 p.m.	Pelham Meridian Community Centre – Accursi Room 100 Meridian Way	All Wards; All Polls Advance Voting
Tuesday, October 18, 2022 10:00 a.m. – 8:00 p.m.	Old Pelham Town Hall 491 Canboro Road	All Wards; All Polls Advance Voting

Election Day

Election Day is Monday, October 24, 2022. Voting places will be open from 10:00 a.m. to 8:00 p.m.

Voting Locations

Below is a list of polling stations for the 2022 Municipal Election:

Monday, October 24, 2022 10:00 a.m. – 8:00 p.m.	Pelham Fire Station #3 2355 Cream Street	**Ward One**; Polls 01, 02, 03
	Pelham Fire Station #2 766 Welland Road	**Ward One**; Polls 04, 05, 06, 07, 08, 09
	Pelham Fire Station #1 177 RR 20	**Ward Two**; Polls 10, 11, 12, 13
	Pelham Meridian Community Centre – Accursi Room 100 Meridian Way	**Ward Two**; Polls 14, 15, 16, 17, 18

	Pelham Friends Church 940 Haist Street	**Ward Three**; Polls 19, 23, 27
	Pelham Meridian Community Centre – Gym 100 Meridian Way	**Ward Three**; Polls 20, 21, 22, 24, 25, 26
Monday, October 24, 2022 6:00 p.m. start	Town Hall	**All Wards; All Polls Vote By Mail**
Monday, October 24, 2022 9:00 a.m. – 12:00 p.m. Monday, October 24, 2022 1:30 p.m. – 3:30 p.m.	Lookout Ridge Retirement Community Shorthills Villa Retirement Community	**Ward Two Institutional Voting Only** **Ward Two Institutional Voting Only**
Monday, October 24, 2022 9:00 a.m. – 11:00 a.m.	Woodlands of Sunset Home for Aged	**Ward Three Institutional Voting Only**

Voter Information Notification

Pursuant to the Act, the Clerk will advise each resident elector of the date and time of voting, including advance voting, and of the location of the voting place at which that elector is to vote by mailing a notice of the date and time of voting and of the location of such voting place, which notice shall be directed to all the electors at that address. Voter Information Notifications (VIN) will be mailed through Canada Post during the fall of 2022.

Elector Absence from Work

An elector is entitled to have three consecutive hours to vote on Election Day. If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the polls, the employer must allow them to be absent, and the absence shall be timed to suit the employer's convenience as much as possible. For example, if an employee is scheduled to work from 10:00 a.m. to 7:00 p.m., the employee must be permitted to either begin the shift at 1:00 p.m. or leave work by 5:00 p.m.

Form of Ballots

The Town of Pelham uses a full composite ballot. Each elector receives one composite ballot which contains all ballots for every office for which they are entitled to vote. There will be different ballots for public school electors, separate school electors and for French language public and separate school

electors to ensure no elector receives a ballot for offices for which they are not entitled to vote.

Marking the Ballot

The Municipal and School Board Election will be conducted using the Accu-Vote Tabulation System. All candidates should be aware of the method to mark ballots. Any campaign material a candidate is using which refers to marking the ballot should accurately reflect the proper method.

Tabulating the Votes and Posting Results

By using the vote tabulation process, each polling location will tabulate results as soon as possible after the polls close at 8:00 p.m. directly at the voting place and telephone the Clerk with the results, followed by a delivery of the tabulation results printouts.

Candidates and members of the public who are interested in viewing the results as they are tallied may view the live tabulation on the Town of Pelham website. Results of the vote will be displayed beginning as soon as possible after 8:00 p.m.

The results posted on October 24, 2022 are the "Unofficial Results" and must be certified by the Clerk as soon as possible after voting day, whereupon the Clerk will make a Declaration of Results, to be posted in Town Hall and on the municipal website.

Recounts

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen (15) days after the declaration of results of the election.

A person entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the Clerk conduct a recount. This must be commenced within thirty (30) days after the Clerk's declaration of the results. The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount, which is to be held within fifteen (15) days after the day of receipt of the order.

MUNICIPAL ELECTION October 24 2022

Town of Pelham
Third Party Advertiser Guide

Third Party Advertiser

Pelham NIAGARA

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Duties of Registered Third Party Advertisers

Pursuant to Section 88.26 of the *Municipal Elections Act, 1996,* (the 'Act'), a registered third party shall ensure that:

a. No contributions of money are accepted or expenses are incurred in relation to third party advertisements that appear during an election in a municipality unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
b. All contributions of money are deposited into the campaign accounts;
c. All funds in the campaign accounts are used exclusively for the purposes of the election campaign;
d. All payments for expenses are made from the campaign accounts;
e. Contributions of goods or services are valued;
f. Receipts are issued for every contribution and obtained for every expense;
g. Records are kept of,
    (i) The receipts issued for every contribution,
    (ii) The value of every contribution,
    (iii) Whether a contribution is in the form of money, goods or services, and
    (iv) The contributor's name and address;
h. Records are kept of every expense including the receipts obtained for each expense;
i. Records are kept of any claim for payment of an expense that the registered third party disputes or refuses to pay;
j. Records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of $25 or less or by the sale of goods or services for $25 or less;
k. Records are kept of any loan and its terms under section 88.17;
l. The records described in clauses (g), (h), (i), (j) and (k) are retained by the registered third party for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
m. Financial filings are made in accordance with sections 88.29 and 88.32;
n. Proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the registered third party;
o. A contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the registered third party becomes aware of the contravention;

p. A contribution not returned to the contributor under clause (o) is paid to the clerk of the municipality in which the registered third party is registered;
q. An anonymous contribution is paid to the clerk of the municipality in which the registered third party is registered; and
r. Each contributor is informed that a contributor shall not make contributions exceeding,
    (i) A total of $1,200 to any one registered third party in relation to third party advertisements, and
    (ii) A total of $5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements. 2016, c. 15, s. 61; 2017, c. 10, Sched. 4, s. 8 (16).

Effect of Default by Registered Third Party

Section 88.27 (1) Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

a. If the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
b. If a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
c. If a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
d. If a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 61.

Notice of Default

(2) In the case of a default described in subsection (1), the clerk shall notify the registered third party in writing that the default has occurred and shall make available to the public the name of the registered third party and a description of the nature of the default. 2016, c. 15, s. 61.

Application to Court

(3) The registered third party may, before the last day for filing a document under section 88.29 or 88.32, apply to the Superior Court of Justice to

extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the registered third party to file the document but the court shall not grant an extension of more than 90 days. 2016, c. 15, s. 61.

Notice to Clerk

(4) If a registered third party makes an application under subsection (3), the registered third party shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 88.29 or 88.32 that the application has been made. 2016, c. 15, s. 61.

Effect of Extension

(5) If the court grants an extension under subsection (3), the penalty set out in subsection (1) applies only if the registered third party has not filed the document before the end of the extension. 2016, c. 15, s. 61.

Cessation of Penalty

(6) The penalty set out in subsection (1) for a default described in clause (1) (a) does not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the registered third party files the relevant document as required under section 88.29 or 88.32 and pays the clerk a late filing fee of $500. 2016, c. 15, s. 61.

Late Filing Fee

(7) The late filing fee is the property of the municipality. 2016, c. 15, s. 61.

Financial Statements, Etc. of Registered Third Parties

Section 88.29 (1) On or before 2 p.m. on the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements,

a. In the case of a regular election, as of December 31 in the year of the election; and
b. In the case of a by-election, as of the 45th day after voting day. 2016, c. 15, s. 61.

Error in Financial Statement

(2) If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected

financial statement and auditor's report on or before the applicable filing date under section 88.30. 2016, c. 15, s. 61.

Supplementary Financial Statement and Auditor's Report
(3) If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 2016, c. 15, s. 61.

Supplementary Report
(4) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party's campaign finances during the supplementary reporting period. 2016, c. 15, s. 61.

Auditor
(5) An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004. 2016, c. 15, s. 61.

Exception re Auditor's Report
(6) No auditor's report is required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than $10,000. 2016, c. 15, s. 61.

Notice from Clerk, Before Filing Date
(7) At least 30 days before the filing date, the clerk shall give notice of the filing requirements of this section and the penalties set out in subsections 88.27 (1) and 92 (4) to every registered third party that registered in the municipality. 2016, c. 15, s. 61.

Same, Before Supplementary Filing Date
(8) At least 30 days before the supplementary filing date, the clerk shall give notice of the filing requirements of this section and the penalties set out in subsections 88.27 (1) and 92 (4) to every registered third party that gave notice to the clerk under paragraph 4 of section 88.28. 2016, c. 15, s. 61.

Electronic Filing
(9) The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing. 2016, c. 15, s. 61.

Documents Filed After Filing Date

(10) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1). 2016, c. 15, s. 61.

Report by Clerk

(11) As soon as possible after April 30 in the year following a regular election or 75 days after voting day in a by-election, the clerk shall make available to the public on a website or in another electronic format a list of all registered third parties for the election along with an indication of whether each has filed a financial statement and auditor's report under subsection (1). 2016, c. 15, s. 61.

Return of Surplus for Subsequent Expenses

Section 88.32 This section applies if all of the following circumstances exist:

1. A candidate or registered third party has paid a surplus to the clerk under subsection 88.31 (4).
2. The candidate's election campaign period has ended under paragraph 2, 3 or 4 of subsection 88.24 (1) or the registered third party's campaign period has ended under paragraph 2 or 3 of section 88.28.
3. It is no longer possible to recommence the campaign period under paragraph 5 of subsection 88.24 (1) or paragraph 4 of section 88.28.
4. The candidate or registered third party subsequently incurs expenses relating to a compliance audit. 2016, c. 15, s. 62.

Return of Surplus

(2) If the candidate or registered third party notifies the clerk in writing that he, she or it is incurring subsequent expenses relating to a compliance audit, the clerk shall return the amount of the surplus, with interest, to the candidate or registered third party. 2016, c. 15, s. 62.

Effect of Return of Surplus

(3) If the surplus is returned to the candidate or registered third party, he, she or it is permitted to incur expenses relating to a compliance audit but no other expenses may be incurred. 2016, c. 15, s. 62.

Reporting Periods

(4) The first reporting period of the candidate or registered third party under this section begins on the day after the surplus is returned and ends 90 days

later, and each successive period of 90 days is a further reporting period. 2016, c. 15, s. 62.

Financial Statements

(5) For each reporting period, the candidate or registered third party shall file with the clerk a financial statement in the prescribed form reflecting the expenses of the candidate or registered third party for the reporting period, and the financial statement must be filed no later than 2 p.m. on the 10th day after the end of the reporting period. 2016, c. 15, s. 62.

Final Financial Statement

(6) If, during a reporting period, the amount of surplus is reduced to zero or any remaining surplus is no longer required by the candidate or registered third party for expenses relating to a compliance audit, the candidate or registered third party shall file a final financial statement. 2016, c. 15, s. 62.

Repayment of Remaining Surplus

(7) If the final financial statement indicates that there is any remaining surplus, the candidate or registered third party shall pay the remaining surplus to the clerk when the financial statement is filed. 2016, c. 15, s. 62.

Remaining Surplus Held in Trust by Clerk

(8) The clerk shall hold the amount of the remaining surplus in trust for the candidate or registered third party. 2016, c. 15, s. 62.

Release of Amount if another Compliance Audit

(9) If, after the candidate or registered third party pays the remaining surplus to the clerk, another compliance audit commences, subsections (2) to (8) apply, with necessary modifications, with respect to the subsequent compliance audit. 2016, c. 15, s. 62.

Amount to become Property of Municipality of Local Board

(10) The amount of the remaining surplus becomes the property of the municipality or the local board, as the case may be, when the compliance audit is finally determined and the period for commencing any other compliance audit has expired. 2016, c. 15, s. 62.

Offences by Registered Third Party – Exceptions

Exception, Action in Good Faith

(5) However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalty described in subsection 88.27 (1) does not apply. 2016, c. 15, s. 68 (2).

(6) If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 2016, c. 15, s. 68 (2).

Note: It is recommended that you familiarize yourself with all pertinent sections of the Act for compliance with every aspect of your election campaign.

MUNICIPAL ELECTION October 24 2022

Candidate Access Portal User Guide

Candidate Access Portal

Pelham NIAGARA

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Information for Candidates

The Candidate Access Portal permits candidates to:

1. Search for registered electors in their constituency and view selected voter details;
2. Request an extract or a revision list of registered electors in their constituency;
3. Retrieve documents uploaded to the portal by the municipality.

Support: All questions or assistance related to the Candidate Portal must be addressed to the Town Clerk.

It is recommended that the candidate bookmark the access link: www.candidateaccess.ca

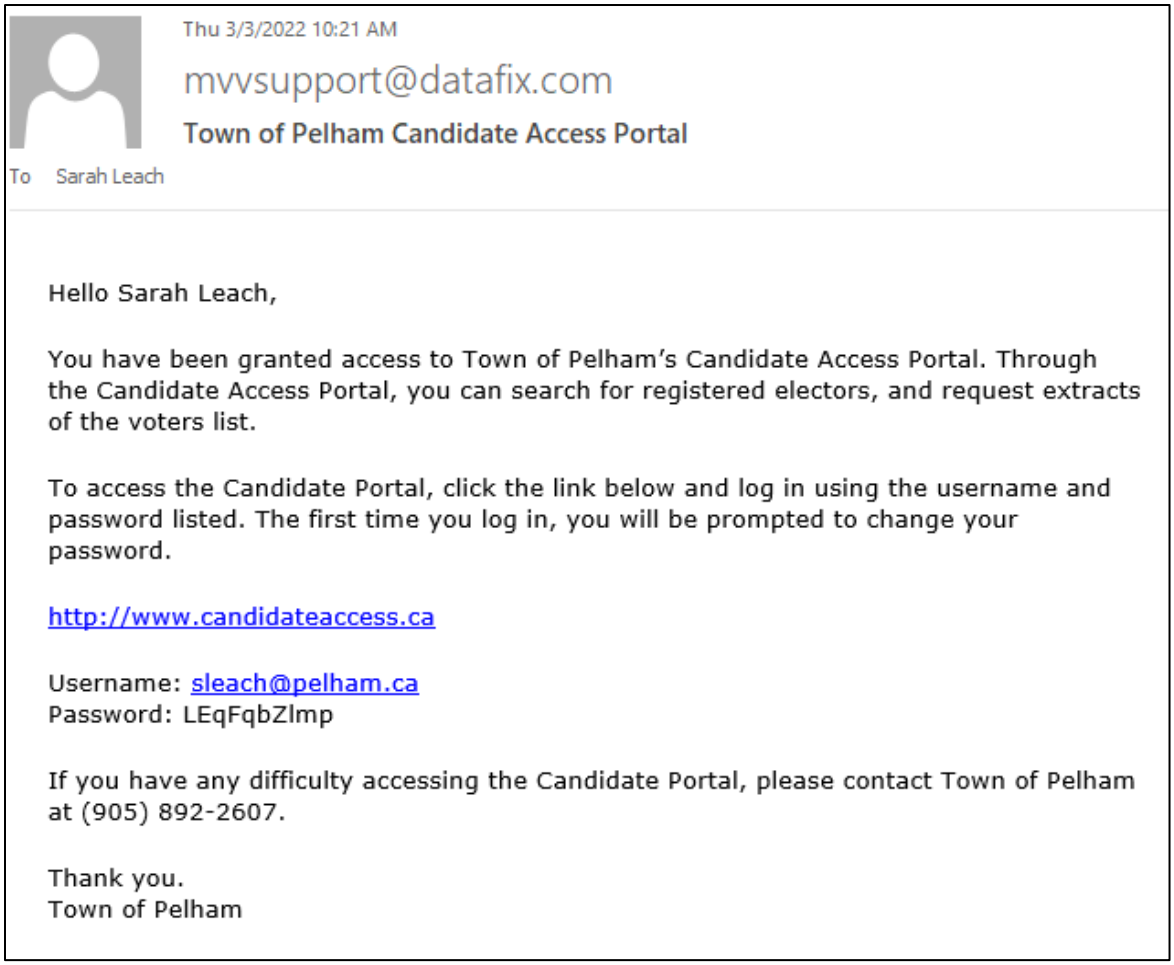
Please note, your access to the Candidate Access Portal will cease on October 25, 2022 at 12:00am.

Accessing the Portal

Access to the portal is granted by the Clerk's Office to certified candidates following Nomination Day on August 22, 2022.

Once a candidate has been configured as a user in the Candidate Access Portal, the candidate will automatically receive an email from mvvsupport@datafix.com with their access details, including the link to the portal and a temporary password a shown on the next page in the example **Figure 2.0**.

The password must be changed after the initial login and the application will prompt the candidate for a password change. Initial credentials will be found in the welcome email generated from Municipal Voter View.



Thu 3/3/2022 10:21 AM

mvvsupport@datafix.com

Town of Pelham Candidate Access Portal

To Sarah Leach

Hello Sarah Leach,

You have been granted access to Town of Pelham's Candidate Access Portal. Through the Candidate Access Portal, you can search for registered electors, and request extracts of the voters list.

To access the Candidate Portal, click the link below and log in using the username and password listed. The first time you log in, you will be prompted to change your password.

http://www.candidateaccess.ca

Username: sleach@pelham.ca
Password: LEqFqbZlmp

If you have any difficulty accessing the Candidate Portal, please contact Town of Pelham at (905) 892-2607.

Thank you.
Town of Pelham

Figure 2.0

When you click the link, the Candidate Access Login screen displays. You are required to enter the credentials provided to you as shown in **Figure 2.1.**

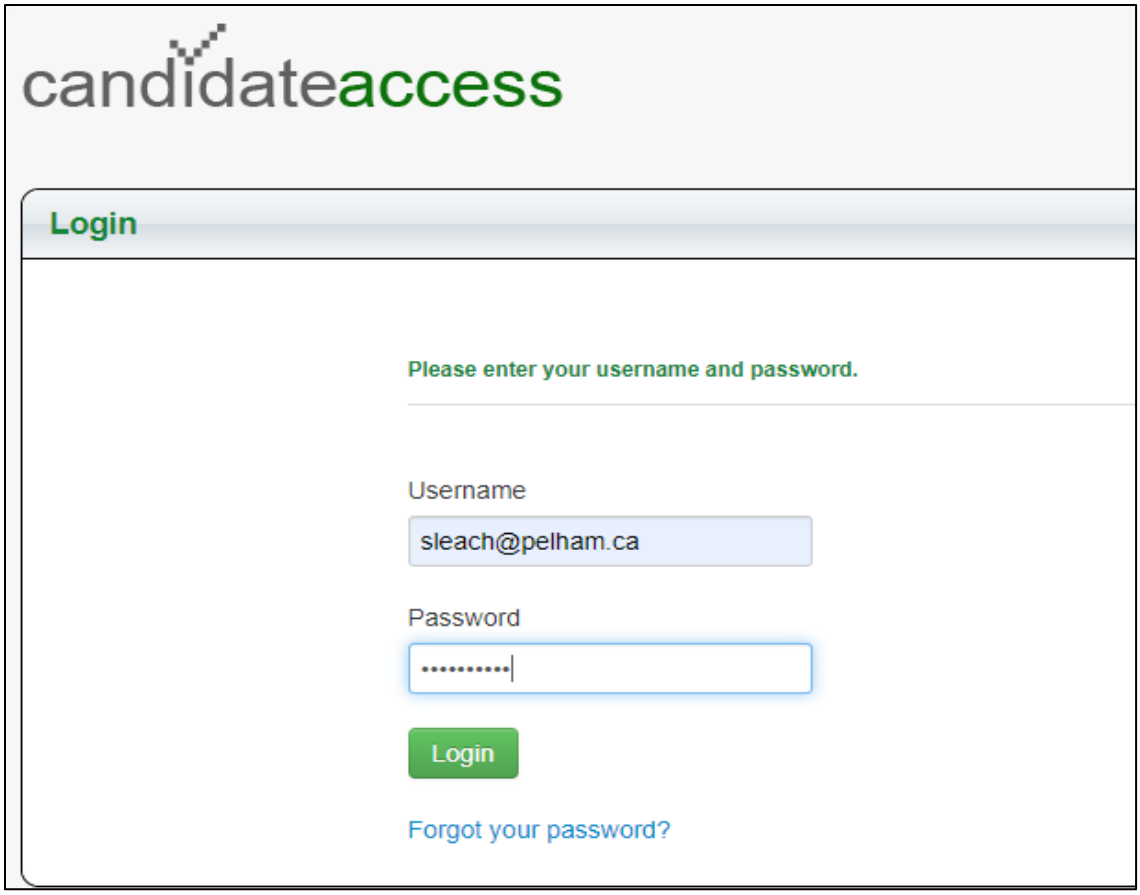


Figure 2.1

Upon entry to the Candidate Access Portal, the candidate will be required to agree to the terms of use of the information contained on the Voters' List as shown in **Figure 2.2.**

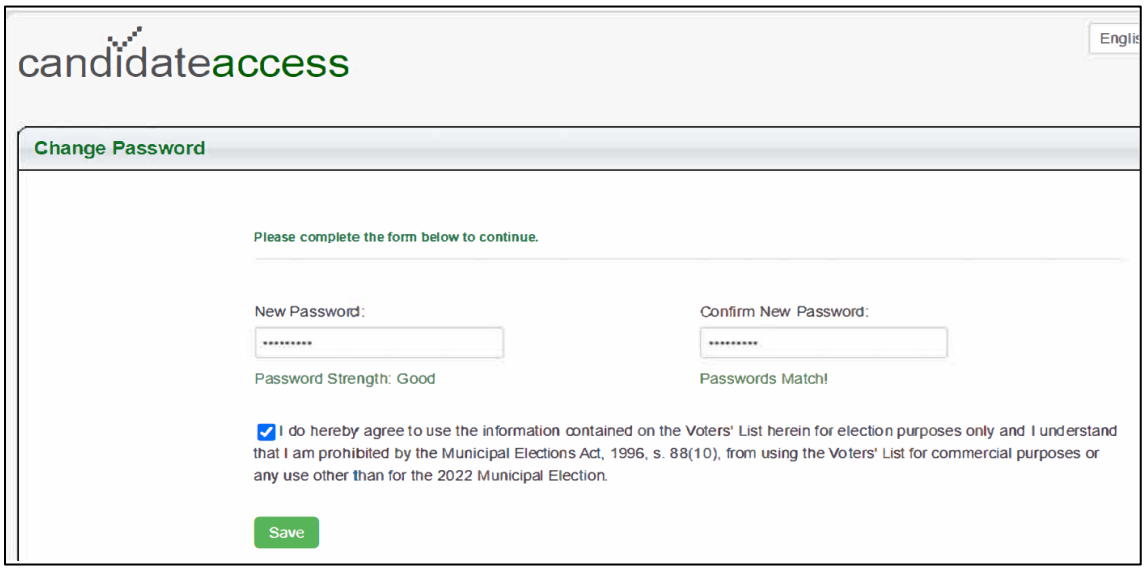


Figure 2.2

After all required information is completed and saved, the candidate portal opens to the main screen as shown below in **Figure 2.3.**

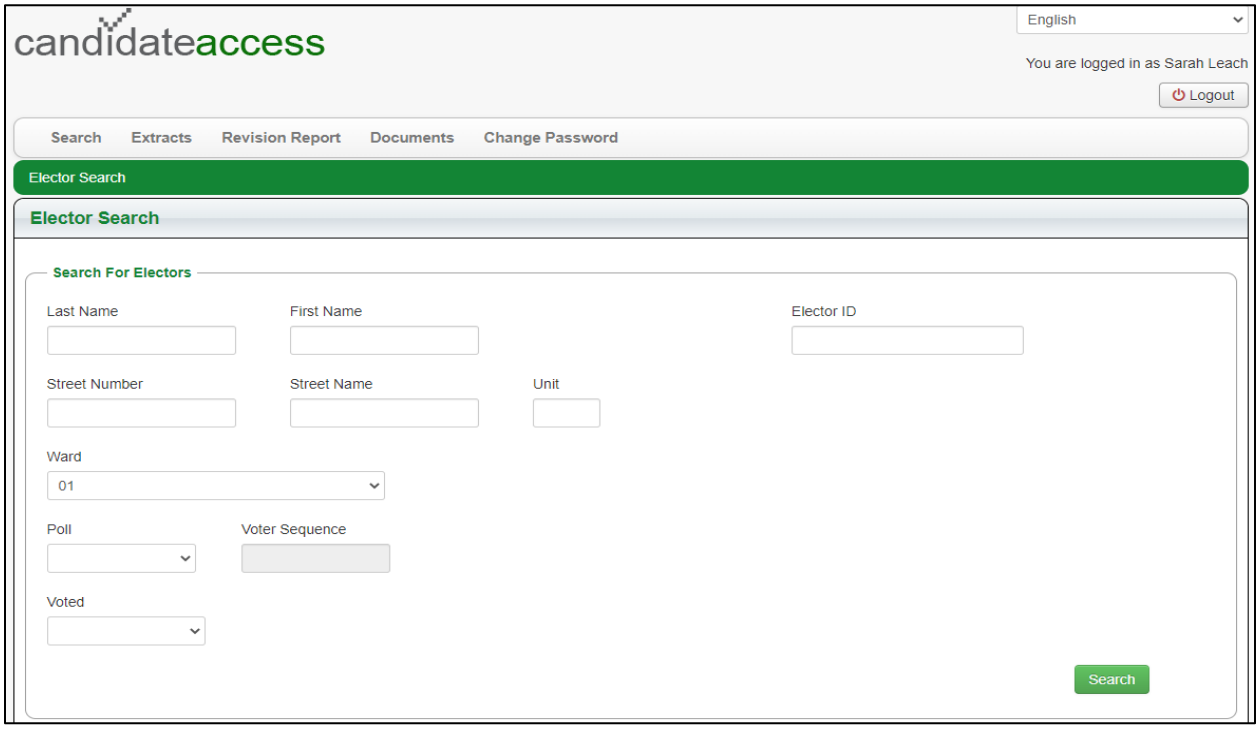


Figure 2.3

The information you can access is set by the Town Clerk/ Returning Officer. Please contact Ms. Holly Willford with any questions:

Holly Willford
Town Clerk/ Returning Officer
Email: hwillford@pelham.ca
Direct Phone Number: 905-980-6657

Portal Features

The following section describes how to use the features of the portal:

Elector Search

From the Home screen, you can search for registered electors in your constituency by last name, street name or elector ID.

Searching by Name

To begin the search, starting typing in the Last Name field. Optionally, you can add a first name to narrow your search.

Press enter or click the Search button to continue.

The application automatically displays all matches for the name that you are typing.

Click on the name of the elector to retrieve voter details as displayed on the following page in **Figure 3.1.**

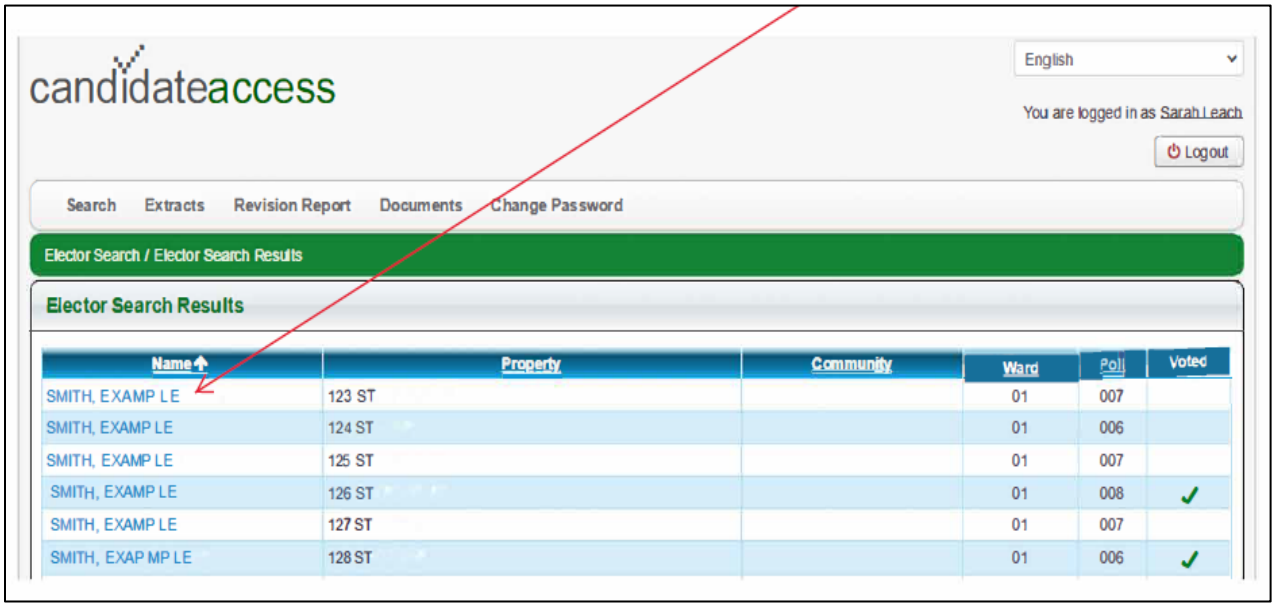


Figure 3.0

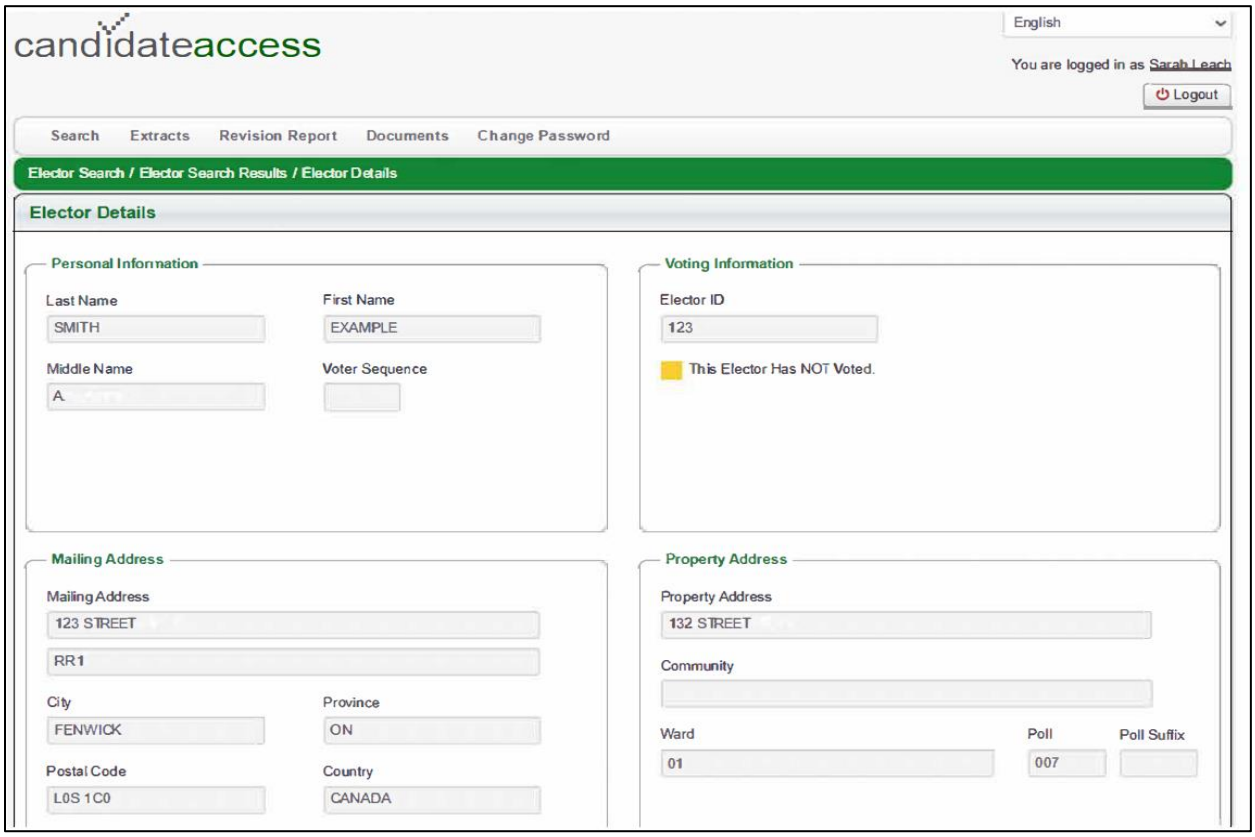


Figure 3.1

Searching by Street

To find electors by their street name or to view how many electors reside on a street in the applicable constituency, start typing in the Street Name field on the Home Screen and the application automatically displays all matches for the street name that you are typing, as displayed below in **Figure 4.0.**

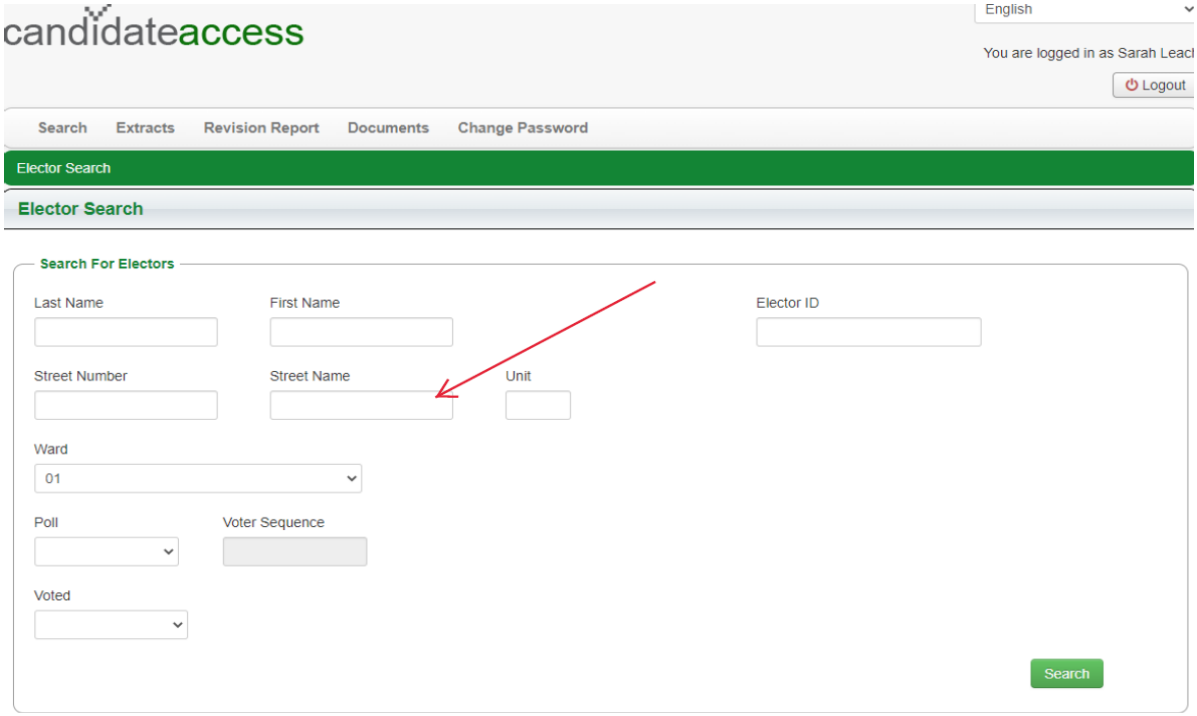


Figure 4.0

If more than one elector resides on the chosen street, the Elector Search Result screen displays showing all electors on that street.

You can re-order the columns by clicking in the column headings, as shown on **Figure 4.1.**

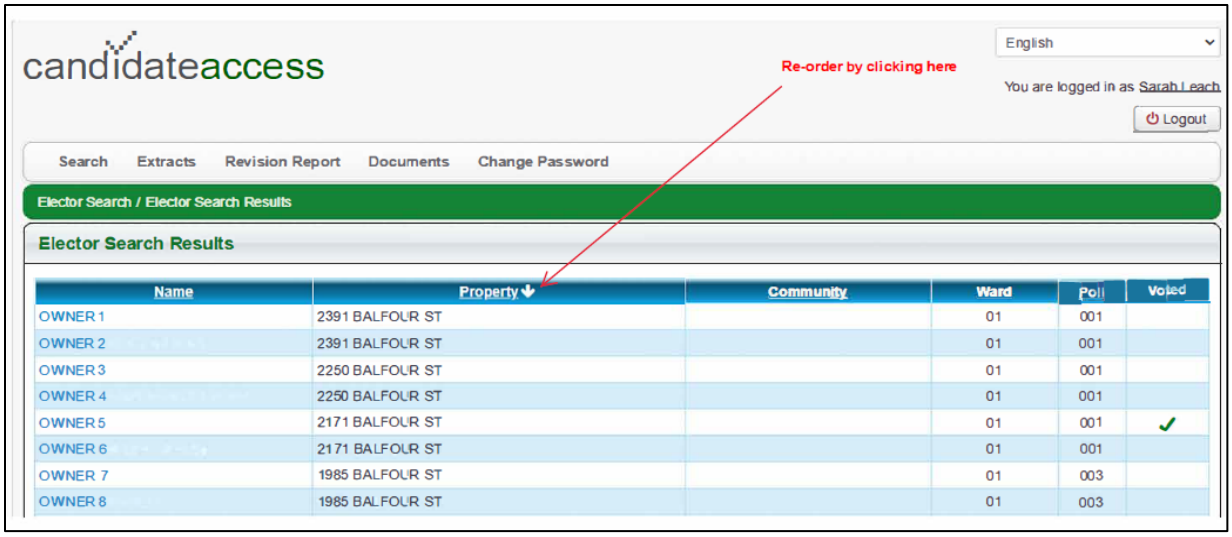


Figure 4.1

From the Elector Search Results screen, you can view the name and address of the elector, the ward and poll information (if applicable), and whether or not the elector has voted.

Downloading an Extract

You can request an extract of the current Voters' list of registered elector's in your constituency through the Extracts screen.

Note: The frequency at which you can download an extract is every 15 minutes.

To request an extract of the voters list:

1. Click Extracts from the main menu (see **Figure 5.0** on the following page);
2. If desired, change the email address to which the extract will be sent;
3. Click continue.

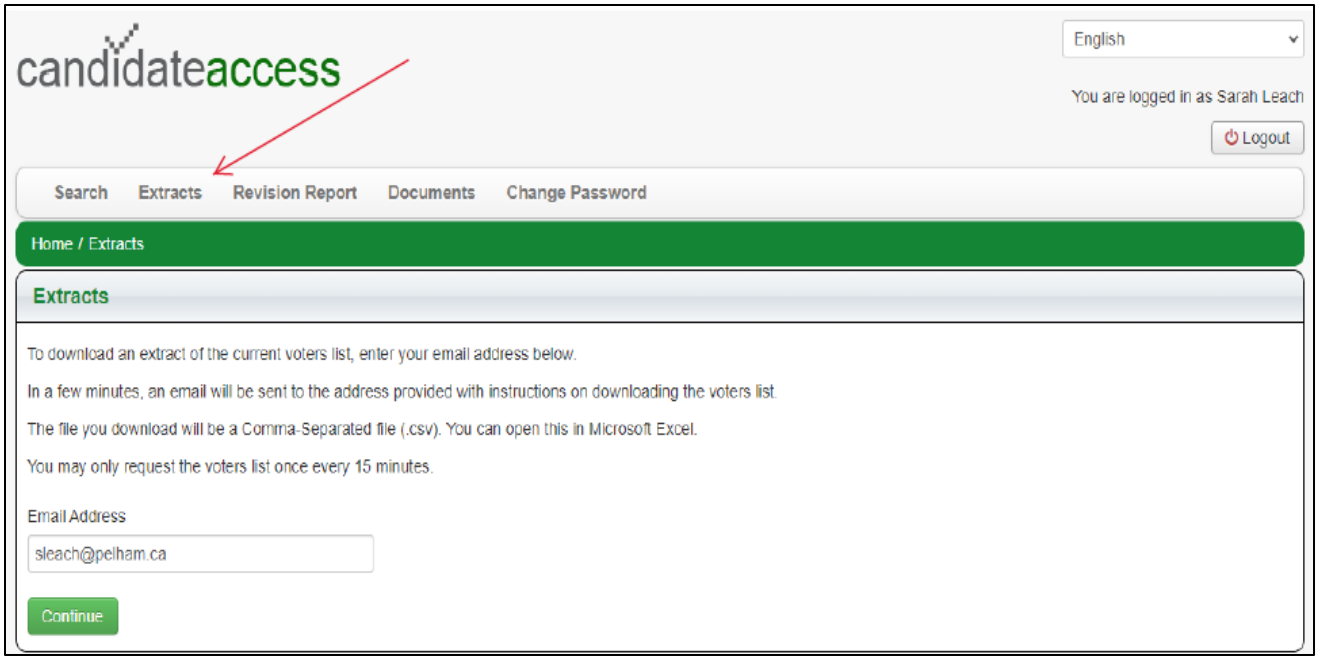
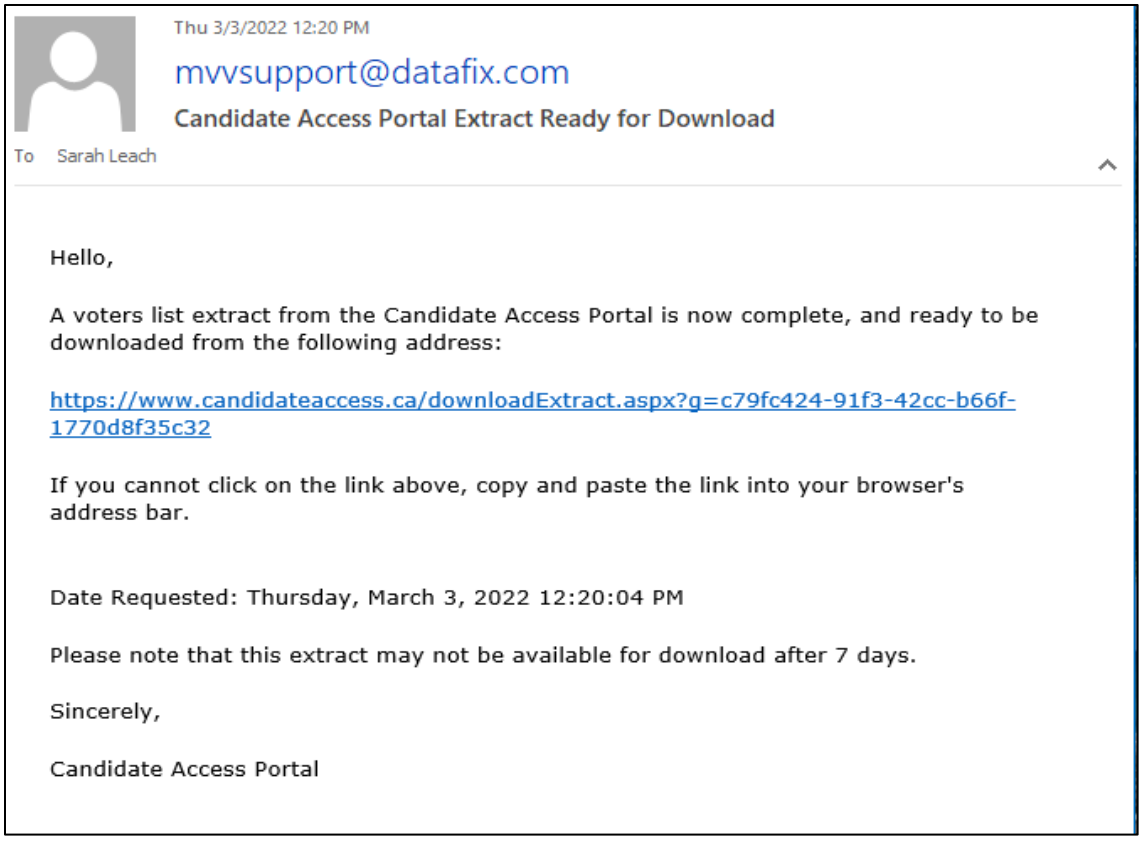


Figure 5.0

After you click continue, a message will appear stating "The extract has been requested. You will receive an email with instructions on downloading the extract shortly."

As shown in **Figure 5.1,** you will receive an email with the link for downloading the extract (Please allow 3-5 minutes).



Thu 3/3/2022 12:20 PM

mvvsupport@datafix.com

Candidate Access Portal Extract Ready for Download

To Sarah Leach

Hello,

A voters list extract from the Candidate Access Portal is now complete, and ready to be downloaded from the following address:

https://www.candidateaccess.ca/downloadExtract.aspx?g=c79fc424-91f3-42cc-b66f-1770d8f35c32

If you cannot click on the link above, copy and paste the link into your browser's address bar.

Date Requested: Thursday, March 3, 2022 12:20:04 PM

Please note that this extract may not be available for download after 7 days.

Sincerely,

Candidate Access Portal

Figure 5.1

When the email has been received, click the link or paste it into your browser.

Click Download to access the extract.

Note: the report is available in Excel format.

Downloading a Revision Report

You can request a revision report of the current list of registered electors in your constituency.

To request a revision report, click the Revision Report tab from the main menu.

Note: The frequency at which you can download an extract is every 15 minutes.

Select from the "Include Revisions Since" drop-down menu, a date from which to include changes, as shown below in **Figure 6.0.**

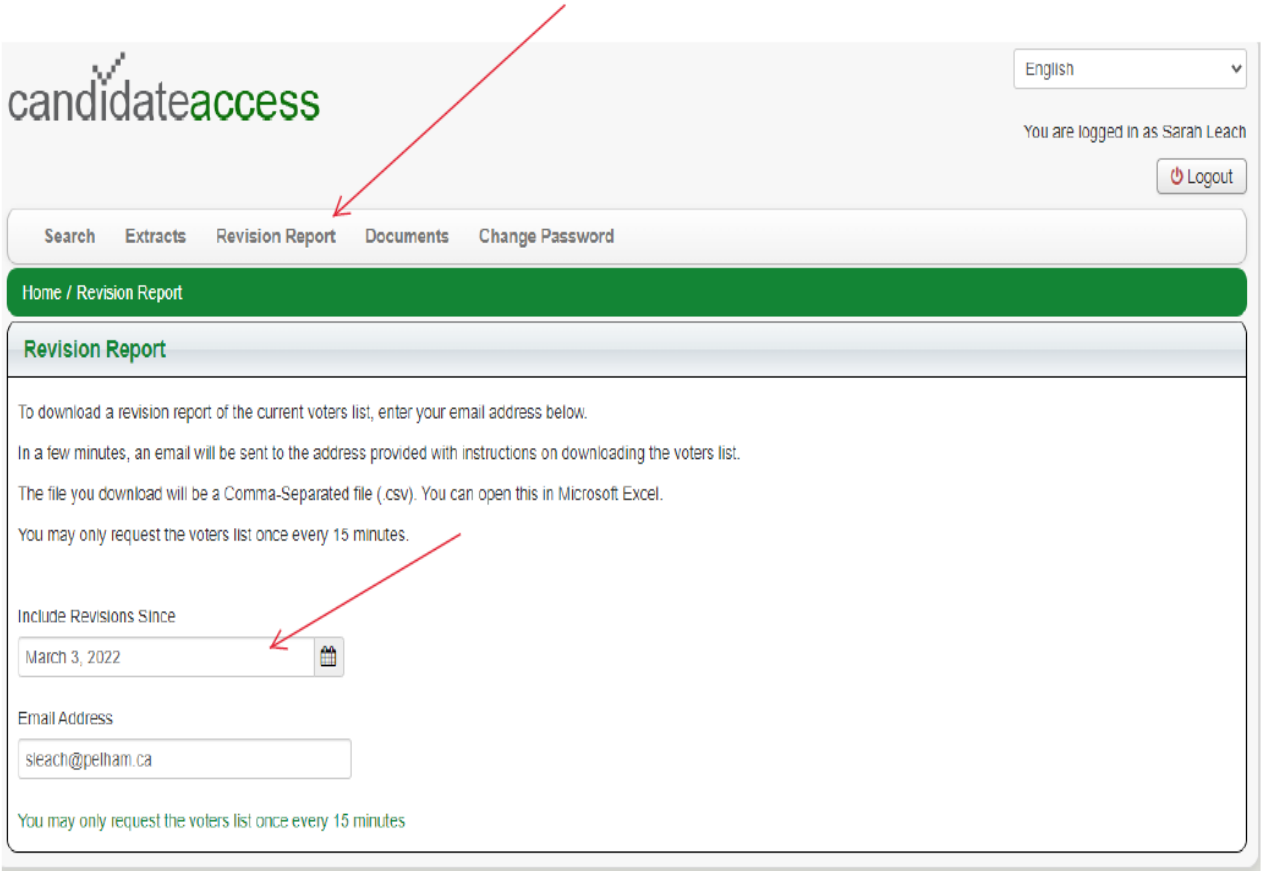


Figure 6.0

The application confirms the revision report request and will send an email with instructions for downloading the report. (Refer to **Figure 5.1**).

Click the link in your email or paste it into your browser.

Click Download to retrieve the extract.

Why is a Revision Report a Useful Tool?

As electors add themselves to the Voter's List and/ or update their personal information, this will become visible using the Revision Report.

As well, the Revision Report will show you who has voted at each advanced poll. This information is live and can be requested every 15 minutes.

Viewing Documents in the Portal

The Town Clerk/ Returning Officer will use this tool in communicating with you. Important documentation will be uploaded to the Documents tab as it

becomes available, as shown below in **Figure 7.0.** To view documents in the portal, click on the Documents Tab to display the contents.

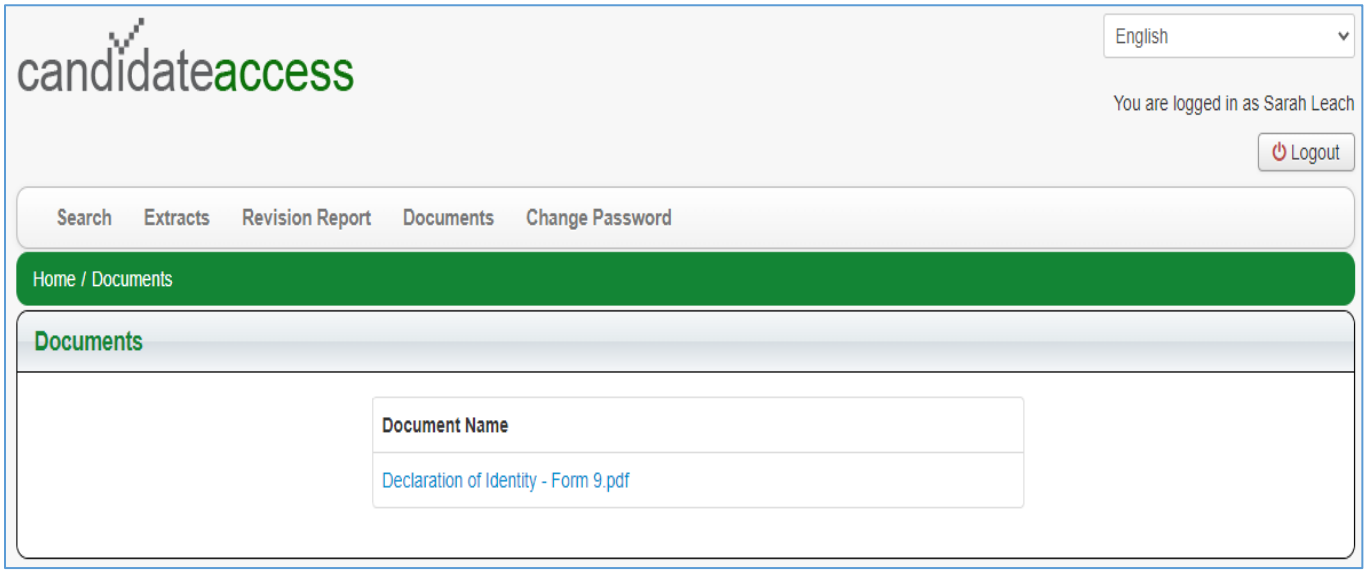


Figure 7.0

MUNICIPAL ELECTION October 24 2022

Vote Tabulator Procedure

Vote Tabulation

Pelham NIAGARA

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1. Definitions

In this procedure:

"**Act**" means the *Municipal Elections Act, 1996*, S.O. 1996, c.32.

"**Ballot Marking Pen**" means the designated ballot-marking pen provided by an election official for the use of a voter to mark the ballot.

"**Memory Pack**" means a cartridge that is a removable, battery-sustained memory where all tabulated totals are stored with the subdivision program.

"**Secrecy Folder**" means an apparatus in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot and so as to expose the initials of the deputy returning officer to the Vote Tabulator Operator.

"**Valid Mark**" means a mark made in the designated oval space to the right of the candidate's name using the black ballot-marking pen provided by the election official.

"**Vote by Mail**" means an alternative method of voting where ballot papers are distributed to electors by post or in-person prior to advanced voting or voting day and returned to the Town Clerk by post, in-person or in a designated Vote by Mail dropbox.

"**Voting Place**" means a polling place where voters cast their ballot. A polling place can contain one or more polling stations. For clarity, the Town of Pelham Miclette Room has been designated as a Voting Place for Vote by Mail ballots.

"**Vote Tabulator**" means an apparatus that optically scans a specified area on the ballots to read the votes and tabulate the results.

2. Application of Procedure

This procedure applies to the 2022 Municipal Election to be conducted in the Town of Pelham, the Council of which has passed By-law No. 4401(2021) pursuant to Section 42 of the Act authorizing the use of Vote Tabulators at Voting Places.

Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*.

Where a form of words or expression are prescribed by this procedure, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

The Clerk may, in writing and in accordance with the provisions of the Act, amend these procedures and in the case of such amendment, shall provide notice to each candidate of the amendment in a form and manner and at a time that the Clerk considers adequate in order to give reasonable notice or to convey the information.

3. Election Officials

3.1. The Clerk may appoint election officials for the purposes of this procedure and may designate their titles and duties.

4. Voting Subdivisions

4.1. The Clerk may divide the municipality into voting subdivisions and combine voting subdivisions into one or more voting locations.

5. Ballots

5.1. Composite ballots combining the contents of two or more separate ballots shall be prepared to conform as closely as possible to the prescribed form and rules provided for in the Act.

6. Vote Tabulators

6.1. The Clerk shall designate Voting Places where the Vote Tabulator(s) will be located.

6.2. Where the Clerk has not provided a Vote Tabulator at a Voting Place, the Clerk shall designate a place to which the ballots shall be taken after the close of the voting to be tabulated by a Vote Tabulator. Every attempt will be made to ensure that all polling locations are equipped with a Vote Tabulator save and except institutional voting at long-term care facilities where a Voting Place within the same ward may be

designated for processing of ballots, depending on availability of Vote Tabulators.

7. Programming of Vote Tabulators

7.1. The Vote Tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced.

7.2. The Vote Tabulator shall be programmed so that the following ballots are returned to the Deputy Returning Officer or Vote Tabulator Operator as described:

a. A ballot without votes in any of the specified voting spaces as determined by a vote tabulator with the message "**BLANK VOTED CARD SEE OFFICIAL**"

b. A ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a Vote Tabulator, with the message "**OVERVOTED RACE *NAME OF RACE***".

c. A ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator with the message "**DEFECTIVE BALLOT**".

7.3. Vote Tabulators will not be programmed to return undervoted ballots as it is a common strategy and a permissible practice for electors to purposely undervote. This would cause many ballots to be returned at the poll and would unnecessarily slow the voting process.

8. Testing of Vote Tabulators

8.1. Prior to voting day, the Clerk shall test the Vote Tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.

8.2. When testing the Vote Tabulator, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to the Vote Tabulator.

8.3. The test shall be conducted by:

a. Loading the memory packs into the Vote Tabulators;

b. Tabulating a pre-audited group of ballots, including ballots that fall into each of the categories of ballots described in Subsection 7(2) and ballots on which are recorded a predetermined number of valid votes for each candidate and on each by-law and question; and

c. Comparing the output of the tabulation against the pre-audited results.

8.4. If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made.

8.5. The Clerk shall, at the successful completion of the test, seal the memory pack to the Vote Tabulator, and record the seal number for validation purposes.

9. Candidates/ Scrutineers

9.1. Candidates may appoint scrutineer(s) in writing, using the prescribed forms, to represent them at the Voting Place.

9.2. Scrutineers shall show their written appointment to election officials upon request upon entry to a Voting Place, and at any time thereafter upon demand of an election official.

9.3. The Poll Supervisor is responsible for the conduct of the Voting Place and no candidate or scrutineer has any right to interfere with the Deputy Returning Officer or any other election official in the discharge of their duties.

9.4. During the fifteen minutes before the opening of the Voting Place, the candidates or scrutineers who are entitled to be present in a voting location during voting hours, are entitled to visually inspect the ballots and any other papers, forms and documents relating to the vote but not so as to delay the timely opening of the voting location.

9.5. Only one scrutineer per candidate may be in the Voting Place for each vote tabulating machine or ballot box, at any time. If the candidate or another of their scrutineers enters the Voting Place, the original scrutineer shall leave.

9.6. To protect the secrecy of the vote, scrutineers shall not be permitted to examine marked ballots or to object to ballots or to the tabulating of votes on a marked ballot as provided for in clauses 47(5)(e) and 47(5)(f) and subsection 54(3) of the Act as the ballots are being fed into the vote tabulator by the election official.

9.7. The total of votes cast for each candidate as counted by the vote tabulating equipment and as accepted by the Poll Supervisor is final; however, a Poll Supervisor shall allow a candidate/scrutineer to inspect a printout of the results of the election as produced by vote tabulating equipment.

10. Procedure at the Voting Place

10.1. If a vote tabulator is to be used in a Voting Place, the Vote Tabulator Operator or election official shall, in the presence of all scrutineers (if any), cause the Vote Tabulator to print a copy of all totals in its memory pack one hour or less before the opening of the voting confirming zero totals.

10.2. If the totals are zero for all candidates, by-laws and questions, the Vote Tabulator Operator or election official shall remove this zero total tape and affix it to the outside of the tabulator to be seen by all electors and shall remain visible to electors throughout the day. All election officials may sign the zero totals report, and any scrutineers present may also sign the zero totals report. The Vote Tabulator Operator or election official shall cause to be printed a second zero total tape, and ensure that the zero printout remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the vote in one continuous printout.

10.3. If the totals are not zero for all candidates, by-laws and questions, the Vote Tabulator Operator or other election official shall immediately notify the Clerk and shall conduct the vote using the back-up compartment of the ballot box until the Vote Tabulator is made

operational or the Clerk provides a back-up Vote Tabulator to the voting location.

10.4. The Clerk may assign an election assistant, in addition to the Deputy Returning Officer, to initial a ballot before the ballot is provided to a voter.

10.5. The Deputy Returning Officer or an election assistant shall provide a Secrecy Folder to each person to whom a ballot is provided at the same time as the ballot is provided.

10.6. Upon receiving the ballot, the voter shall:

a. Proceed to the voting compartment; and,

b. Using the Ballot Marking Pen provided, vote by filling in the oval to the right of the candidate(s) of their choice or for the answer to any by-law or question.

10.7. After marking the ballot in the voting compartment, the voter shall:

a. Insert the ballot into the secrecy folder with the Deputy Returning Officer's or other designated election official's initials showing;

b. Leave the compartment without delay; and

c. Deliver the Secrecy Folder containing the ballot to the Vote Tabulator Operator.

10.8. The Vote Tabulator officer shall, in the presence of the voter and without removing the ballot from the secrecy folder, verify the initials of the Deputy Returning Officer or other designated election official, and

a. If a Vote Tabulator is available in the Voting Place, insert the Secrecy Folder containing the ballot, with the initials of the Deputy Returning Officer or other designated election official face down, into the feed area of the Vote Tabulator until the Vote Tabulator draws the ballot from the Secrecy Folder in full view of the voter; or,

b. If a Vote Tabulator is not available in the Voting Place, or if the back-up procedure is enacted, insert the ballot, with the initials of

the Deputy Returning Officer or other designated election official face down, directly into the ballot box from the Secrecy Folder in full view of the voter.

10.9. If a Vote Tabulator is available in the Voting Place but fails to operate, the Vote Tabulator Operator shall:

a. Insert the ballot into the back-up compartment of the ballot box; and

b. Subject to subsection 11(2), insert the ballots into the feed area of the Vote Tabulator after the close of the voting.

10.10. If a ballot described in subsection 7(2)(a) ("blank voted card") is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Vote Tabulator Operator shall advise the voter that the tabulator does not detect any votes in the designated voting spaces and unless instructed by the voter to override the ballot (the voter intended to leave the ballot blank), shall mark the ballot "cancelled", and have the voter return it to the Deputy Returning Officer or election assistant who will place the ballot in the cancelled ballot envelope, deliver another ballot to the voter and instruct the voter how to properly mark the ballot, allowing the voter to mark the subject ballot correctly and have the Vote Tabulator Operator reinsert it.

10.11. If a ballot described in Clause 7(2)(b) ("over voted") is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Vote Tabulator Operator shall, unless instructed by the voter to override the ballot, mark the ballot "cancelled", and have the voter return it to the Deputy Returning Officer or election assistant who will place the ballot in the cancelled ballot envelope, deliver another ballot to the voter and instruct the voter how to properly mark the ballot.

10.12. If a ballot described in Clause 7(2)(c) ("invalid ballot") is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Vote Tabulator Operator shall re-insert the ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the ballot, the Vote Tabulator Operator shall, unless instructed by the voter to override the ballot, mark the ballot "cancelled", and have the voter return it to the Deputy Returning Officer or election

assistant who will place the ballot in the cancelled ballot envelope, deliver another ballot to the voter and instruct the voter how to properly mark the ballot.

10.13. If a ballot described in subsection 7(2) is returned by the Vote Tabulator and the voter who delivered the ballot is present and declines to accept another ballot, the Vote Tabulator Operator shall override the ballot so that the AccuVote accepts the ballot. If the ballot cannot be overridden, the Vote Tabulator Operator will mark the ballot "declined" and return it to the Deputy Returning Officer who issued it.

10.14. If a ballot described in subsection 7(2) is returned by the Vote Tabulator and the voter who delivered the ballot is not present, the Vote Tabulator Operator shall mark the ballot "defective" and insert the ballot into the back-up compartment of the ballot box.

10.15. After the close of the voting, and in conjunction with the Poll Supervisor, any ballots in the back-up compartment of the ballot box shall be processed as follows:

a. Where there are no marks in the specified voting spaces, the Vote Tabulator Operator will override the ballot for acceptance by the tabulator. Should the tabulator still fail to accept the blank ballot in override mode, the Vote Tabulator Operator shall mark the blank ballot "declined" and return it to the Deputy Returning Officer who assigned it for accounting purposes.

b. Where there are marks in the specified voting spaces:

I. Prepare a replacement ballot for the defective ballot by duplicating the marks shown on the defective ballot to the replacement ballot. The replacement ballot shall be clearly labeled "replacement" and given a serial number which number shall be recorded on the defective ballot;

II. Substitute the replacement ballot for the defective ballot and tabulate it; and

III. For accounting purposes, give the defective ballot to the Deputy Returning Officer who provided the replacement ballot.

The Deputy Returning Officer will place the defective ballot into the appropriate envelope.

10.16. Beginning at 6:00pm on voting day, Vote by Mail ballots will unsealed and fed into the AccuVote machine face down by a Vote Tabulator Operator or Deputy Returning Officer. A non-staff person, in addition to any scrutineer or candidate, will be positioned in the Voting Place to witness the tabulation.

11. Procedure for Closing the Voting Place on Election Day

11.1. If a Vote Tabulator has been used to tabulate the votes cast in a Voting Place, the Vote Tabulator Operator shall, after the close of the voting and in the presence of anyone present, check the back-up compartment of the ballot box for ballots to ensure all votes are tabulated and shall immediately:

a. Record the number of ballots tabulated as displayed on the tabulator and secure the Vote Tabulator against receiving any more ballots;

b. Obtain a printed record of the votes given for each candidate and, if applicable, the votes given for and against a by-law or question;

c. Sign the certificate portion of the printed record together with the Poll Supervisor and any scrutineers who are present and wish to sign;

d. Remove the printed record from the Vote Tabulator and place it in the statement envelope (zero total and final results tape);

e. Remove the tabulator from the ballot box and secure and seal the ballot box to ensure that the box cannot be reopened without breaking the seal and to cover the ballot slot;

f. Under supervision of Poll Supervisor, collect all completed Deputy Returning Officer Statements of Ballot Account for return to the Clerk which define:

I. Ballots received from the Clerk or printed through the Ballot on Demand option if utilized;

II. Ballots issued to electors and voted;

III. Cancelled Ballots;

IV. Declined Ballots;

V. Defective Ballots; and

VI. Ballots Unused.

g. Report the ballots counted by the Vote Tabulator on the Vote Tabulator Operator Statement and attach the Deputy Returning Officer Statements to it;

h. Place the original copy of the Deputy Returning Officer and Vote Tabulator Operator Statements in the statements envelope, as well as the Vote Summary Totals Tape from the AccuVote Tabulator;

i. Place a duplicate copy of the statements and all ballots that have been counted by the Vote Tabulator in a ballot transfer container provided by the Clerk to ensure the safe transfer of the ballots and seal it;

j. Place in a separate envelope:

I. Cancelled Ballots;

II. Declined Ballots;

III. Defective Ballots;

IV. Unused ballots if Ballot on Demand process not used or if any ballots were printed in error;

k. Seal the envelopes;

l. Place all remaining supplies and sealed envelopes, excluding the statement envelope, in a transfer carrier and seal the transfer carrier; and

m. The Vote Tabulator Operator shall personally deliver the transfer carrier, ballot transfer container, vote tabulator and statement

envelope to the Office of the Clerk or to such other place as the Clerk has directed, in writing.

11.2. If a Vote Tabulator has been used to tabulate votes cast in a Voting Place but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the Vote Tabulator Operator or an election assistant shall, after the close of the voting and after determining the tabulation cannot be completed:

a. Seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking a seal;

b. Secure the vote tabulator against receiving any more ballots;

c. Place all supplies and all cancelled, declined, defective and unused ballots in the transfer carrier and seal it;

d. Personally deliver the ballot box, transfer carrier, ballot transfer container and Vote Tabulator to a place designated by the Clerk where a back-up Vote Tabulator is located, which shall be for the 2022 Election event the Town of Pelham Municipal Building, 20 Pelham Town Square, Fonthill;

e. Follow the procedures set out in section 10 to ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws and questions;

f. Insert all the ballots from the ballot box into the back-up vote tabulator; and

g. Follow the procedures in subsection 11(1).

12. Advance Voting, Vote By Mail and Early Closing of Voting Places

12.1. The total of the votes at an advance voting location or at a voting location that closes early under subsection 46 (3) of the Act shall not be printed and the procedures under section 12 shall not be followed until after 8:00 p.m. on the voting day.

12.2. Each advance poll will be treated as a separate and distinct poll for tabulator purposes, with separate memory cards to be prepared for each date and location.

12.3. A vote tabulation machine will be assigned to all Vote by Mail ballots and shall be treated as a separate as distinct poll for tabulation purposes, with a separate memory card.

12.4. Following the close of all voting locations on voting day, after 8:00 p.m., the Clerk, or designate, shall tabulate the results of the advance voting and institutional voting results. If a Vote Tabulator has been used to tabulate the votes cast in an advanced or institutional Voting Place, the Clerk, or designate, shall, in the presence of anyone present:

a. Secure the Vote Tabulator against receiving any more ballots (Ender Card Process);

b. Obtain a printed record of the votes given for each candidate and, if applicable, the votes given for and against a by-law or question; and

c. Sign the certificate portion of the printed record together with any scrutineers who are present and wish to sign.

13. Recounts

13.1. Subject to the order of a judge under section 58 of the Act, if a recount of votes is held, the votes shall be recounted in the same manner as the votes were counted on voting day.

13.2. A Vote Tabulator shall be tested before the recount in the manner described in section 8.

13.3. The Clerk (recount officer) shall attend the recount and bring the transfer carriers, ballot transfer containers, vote tabulators, statement envelopes.

13.4. All documents that, in the opinion of the Clerk (recount officer), are relevant to the recount.

13.5. If a Vote Tabulator is used for a recount, the recount is limited to the ballots tabulated by a Vote Tabulator on voting day.

13.6. For the purposes of subsection (2), "results of the election" means:

a. In the case of an election to an office, which candidate or candidates have been declared elected;

b. In the case of an election to obtain the assent of the voters on a by-law, whether the affirmative or negative received the greatest number of votes; and

c. In the case of a question submitted to the voters, which answer received the greatest number of votes.

13.7. The result of a recount using a Vote Tabulator is final and no further recount shall take place, unless:

a. The recount changes the results of the election, as declared by the Clerk under subsection 55 (4) of the Act; or

b. A judge makes an order under Section 58 of the Act requiring a recount to be held.

13.8. If clause (2)(a) applies, the Clerk (recount officer) shall conduct a manual recount following as far as practicable the provisions of the Act governing the counting of votes and, subject to a judge's order, shall recount only those voting subdivisions where the count at the recount differed from the count on voting day.

13.9. The manual recount shall be a recount of all the original ballots received from the voters in those voting subdivisions.

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW 3987(2018)

Being a by-law to regulate Election Signs within the Town of Pelham; and to repeal Section 12.1 of the Town of Pelham Sign By-law, 3310(2012).

WHEREAS the *Municipal Act, S.O. 2001, c.25*, Section 8 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the *Municipal Act*, Section 11(3) provides for the specific spheres of jurisdiction under which the lower and upper tier municipalities may pass by-laws respecting specific matters including matters with respect to signs;

AND WHEREAS the powers conferred under Sections 8 and 11 shall be exercised by by-law;

AND WHEREAS Section 99 specifically sets out the guidelines relating to the passing of by-laws relating to signs and advertising devices;

AND WHEREAS pursuant to Section 63 of the *Municipal Act* which provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS the Corporation of the Town of Pelham deems it expedient to pass a by-law to regulate the erection of signs for federal, provincial and municipal elections;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council for the Corporation of the Town of Pelham enacts as follows:

1. DEFINITIONS:

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

"Boulevard" means the portion of a highway between a street line and the edge of the curb, or where there is no curb, that portion of the highway which is travelled or designated to be travelled by vehicles but does not include medians, bulges or traffic islands;

"By-Election" means an election other than a regular election;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"Candidate" means:

i. A candidate within the meaning of the Canada Elections Act,

the Election Act (Ontario) or the Municipal Elections Act, 1996, as amended; and

ii. Shall be deemed to include a person or agent for a registered person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, as amended;

"Clerk" means the Municipal Clerk of the Corporation of the Town of Pelham, or a person delegated by the Municipal Clerk for the purpose of this By-law;

"Corporation", "Municipality" and **"Town"** means the Corporation of the Town of Pelham;

"Council" means the Council of the Town of Pelham;

"Daylighting Triangle" means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 9 m (29.53 ft.) along each such street line and joining such points with a straight line, and the triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylighting triangle;

"Election" means any federal, provincial, regional or municipal election or by-election, and any question or by-law submitted to the electors and includes an election to a local board or commission;

"Election Headquarters" means the central location from which an election is administered and for the purposes of a municipal election, shall mean the Town Hall;

"Election Period" means the period from when Candidate Nomination or Third Party Registration papers are submitted, up to and including Voting Day;

"Election Sign" means a sign, including without limitation, posters, placards, bulletins, banners, notices and/or signs not permanently affixed to the ground and specifically designed and intended to be readily moved from place to place, which by the use of words, pictures or graphics or any combination thereof is intended to influence, promote, oppose or take a position with respect to:

i. Any candidate or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act*, 1996, as amended;

ii. An issue associated with a person or political party in an election under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as amended;

iii. A question, law or by-law submitted to the electors under the the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as amended;

"Enforcement Officer", "Municipal Law Enforcement Officer" and **"Officer"** means a Municipal Law Enforcement Officer appointed by the Municipal Council of the Town of Pelham;

"Erect" means anything done in the installation, placement, display, maintenance, repair, or alteration of any sign;

"Erector" means anyone who does anything or permits anything to be done, or causes anything to be done, in the erection of any sign;

"Ground Sign" means a sign 3m (9.84 ft.) or less in height directly supported from the ground without the aid of any building or structure other than the sign structure;

"Height of Sign" means the vertical distance from the ground to the highest point of the sign or sign structure;

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of the pavement of two or more highways that join one another at an angle, whether or not one highway crosses the other;

"Island" means a raised area in the middle of a road, designated to channel traffic and aid pedestrians in crossing;

"Land" means any private property, premises, grounds, yard or vacant lot and includes any building or structure thereon not actually used as a dwelling;

"Lot" means any parcel of land whether such parcel is described in a registered deed, or shown as a lot or block in a registered plan of subdivision and shall also mean a parcel of land identified in a registered lease agreement as a separate entity related to a separate and distinct building on the lands;

"Lot Line" means any boundary of a lot;

"Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electrical or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;

"Occupier" means any person, firm or corporation having control over any portion of the building or land or lot under consideration and includes the persons in the building or on the land or lot;

"Owner" includes:

i. owner of the sign;
ii. owner of the property/land/lot on which an election sign is placed;
iii. any person described on or whose name, image, address or

telephone number appears on the election sign;

iv. any person who is in control of the election sign;

v. any person who benefits from the message on the election sign;

vi. any person who has placed or permitted to be placed the election sign; and

vii. shall be deemed to include Candidates and Registered Third Parties; and

viii. for the purpose of this by-law, there may be more than one owner of the election sign;

"Person" means an individual, business, firm, corporation, association, partnership or entity, candidate, his or her agent or any representative of a candidate, registered third party, his or her agent or any representative of a registered third party; Person shall not mean the Clerk or Enforcement Officer;

"Private Property" means real property under private ownership;

"Public Property" means lands owned by the Corporation of the Town of Pelham, The Corporation of the Regional Municipality of Niagara, the Province of Ontario, or a local board as defined in the Municipal Affairs Act, as amended, and includes any road allowances;

"Reasonable Time" means anytime between the hours of 6 am and 9 pm.;

"Registered Third Party" means an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996;

"Residential Lands" means any lands zoned "Residential" in accordance with the provisions of any zoning by-laws of the Town of Pelham;

"Roadway" means the part of a highway that is improved, designed or ordinarily used for vehicular traffic;

"Road Allowance" means the allowance for a public road and includes the travelled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks;

"Sidewalk" means any municipal walkway, or that portion of the street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

"Sign" means any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line trademark reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever, so that the same is used or is intended to be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever, and includes the structure of the said device;

"Street Line" means the boundary line that divides a lot from a road allowance;

"Third Party Advertisement" means an advertisement placed in any broadcast, print, electronic or other medium by a Registered Third Party, that has the purpose of promoting, supporting or opposing;

i. a candidate; or
ii. a "yes" or "no" answer to a question referred to in subsection 8(1), (2) or (3) of the Municipal Elections Act, 1996, as amended;

"Voting Day" means voting day as defined by the Municipal Elections Act, 1996 as amended, and polling day as defined by the Canada Elections Act or the Elections Act (Ontario);

"Voting Location" means a place where electors cast their ballots as approved by the Federal, Provincial or Municipal Election Official(s) and;

i. when a voting location is located on public property, includes any street abutting; or
ii. when a voting location is located on private property, includes any street abutting;

"Writ of Election" means the date as defined in the Canada Elections Act and the Elections Act (Ontario).

2. GENERAL PROVISIONS:

2.1 No person shall place or permit an Election Sign except in accordance with this by-law.

2.2 No person shall place or permit an Election Sign that is in contravention of the Town of Pelham comprehensive Sign By-law, 3310(2012) or any successor thereto.

2.3 No person shall place or permit or cause to be placed an Election Sign that:

a) is illuminated;
b) has flashing lights or rotating parts;
c) has an appearance which simulates any traffic control device;
d) interferes with the safe operation of vehicular traffic or the safety of pedestrians;
e) impedes or obstructs the Town of Pelham maintenance operations.

2.4 No person shall:

a) place or permit to be placed an Election Sign on or in a Voting Location;
b) place or permit to be placed an Election Sign on or in a motor vehicle that is parked on any premises used as a Voting Location;
c) place or permit to be placed an Election Sign on or in a motor vehicle that is parked or driven on Election Headquarters property, nor be parked on the road allowance

immediately abutting Election Headquarters property, throughout the Election Period.

2.5 An Election Sign may be displayed on or in a motor vehicle provided:

a) the display of such election sign is not contrary to the provisions of this by-law;
b) such Election Sign, if on the exterior of the motor vehicle, is mounted flush on the motor vehicle body;
c) such Election Sign is not displayed so as to contravene the provisions of sections 73.(1) or 74.(1) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended.

2.6 No person shall place or remove an Election Sign, or cause an Election Sign to be placed on or removed from, private property without the consent of the candidate or registered third party to whom the sign relates, or the owner of the property on which the sign is erected.

2.7 Election signs are not permitted on public property, and shall not be erected within the road allowance of the Town of Pelham or the Regional Municipality of Niagara, including medians and islands, utility poles, light standards and traffic signal standards. Election candidates shall be responsible for compliance with the signage by-laws and regulations of the Regional Municipality of Niagara and Province of Ontario as the case may be.

2.8 Election signs, including signs attached to vehicles, are not permitted to be erected or displayed in any way on Town property or buildings, including but not limited to the municipal offices, town parks, cemeteries, arena, libraries and fire halls.

2.9 Election Signs erected on the ground shall be located not less than 1.0 m (3.3 ft) from a lot line and a street line, and shall not place a sign with a height greater than 1.0m (3.3ft) within a Daylighting Triangle.

2.10 Election signs erected on residential only lands shall not exceed 0.6 m^2 (6.5ft^2) in sign area.

2.11 No election sign shall be erected on the property where a polling facility is located, or within 60 m (197 feet) of a polling facility.

2.12 Election Signs for Candidates and/or Third Party Advertisers relating to a Municipal Ward Councillor shall not be placed outside of the Ward in which the Candidate seeks to represent.

2.13 A lessee or tenant of property may display an Election Sign as such conditions to reasonable size or type a landlord, building manager or condominium corporation deems appropriate.

2.14 No person shall deface or wilfully cause damage to a lawfully erected Election Sign.

2.15 The Town or any of its municipal servants, employees, agents or contractors will not be responsible for investigating or

prosecuting for any acts of vandalism to Election Signs.

2.16 No person shall display on any Election Sign a logo, trademark, official mark, or crest, in whole or in part, owned by the Town of Pelham.

2.17 Election Signs shall include:

a) Where the owner is a candidate;
    a. Name of candidate
b) Where the owner is a registered third party;
    a. Name of the registered third party;
    b. The municipality where the registered third party is registered;
    c. Telephone number, mailing address or email address at which the registered third party may be contacted regarding the Third Party Advertisement.

2.18 A candidate or third party registrant is required to submit a deposit in accordance with Schedule "A" before any person shall place or permit to be placed an Election Sign.

2.19 Subject to any deductions made under this by-law, a candidate or registered third party is entitled to have his/her deposit refunded, no later than 90 days after Voting Day.

2.20 If costs incurred by the Town in removing a candidate's sign(s), pursuant to this by-law, exceed the deposit paid by the candidate, the town shall notify the candidate who shall have five (5) business days after the date notice is received to pay:

a) Outstanding costs of removal at a cost in accordance with Schedule "A"; and
b) A further deposit as required under Schedule "A".

2.21 No permits are required from the Town for placing of Election Signs.

2.22 This by-law does not supersede any authority or remedy provided under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*, as amended.

2.23 This by-law does not relate to signs erected by or under the direction of the Clerk for the Town of Pelham, or by the Regional Clerk, as they relate to voting locations or voting booths, etc. which are not deemed to be campaign or third party signs.

3. <u>TIME RESTRICTIONS:</u>

3.1 Election signs shall not be erected for a municipal election earlier than forty-five (45) days before voting day, with the exception of signage at a campaign headquarters.

3.2 No person shall place or permit to be placed an Election Sign for a Federal or Provincial election or by-election earlier than the day the Writ of Election or By-Election is issued.

3.3 Despite Section 3.1 and 3.2 of this by-law, Election Signs may be erected at a Campaign Office once the candidate/third

party has filed his or her nomination/registration papers and paid the required filing fee. For the purpose of this section, a candidate may designate only one building or part thereof in the municipality as the Campaign Office at any one time and must advise the clerk, in writing, of the address of the Campaign Office prior to erecting signs authorized by this section.

3.4 Election and campaign headquarters signs shall be removed no later than three (3) days following Election Day. The candidate shall be responsible for removal of the signs.

4. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE MUNICIPAL CLERK/ENFORCEMENT OFFICERS

4.1 The Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

4.2 Any Election Sign removed as authorized by this by-law may be deposited elsewhere on the property on which it is located, or may be stored by the Town, its employees, agent or contractor.

4.3 If an Election Sign is removed in accordance with this By-law, the candidate/third party to whom the sign relates will be charged a fee, in accordance with Schedule "A", which will be deducted from the refundable portion of the candidate's deposit to cover the cost of the removal of the sign.

4.4 Where an Election Sign has been removed and stored, the Owner may reclaim such sign upon payment to the Town any outstanding costs incurred in the removal of such sign.

4.5 Where a sign has not been reclaimed within thirty (30) days of removal, such sign may be forthwith destroyed or otherwise disposed of by the Town, its employees, agent or contractor.

5. LIABILITY

5.1 The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or wilful acts of such person, or his or her agents or employees, in the construction erection, maintenance, repair or removal of any such signs. Further, provisions of this section shall not be construed as imposing on the Corporation of the Town of Pelham, its officers, employees, servants, agents and contractors, any responsibility or liability whatsoever by reason of the removal of any sign.

6. ENFORCEMENT

6.1 This By-law may be enforced by the Clerk and/or the Enforcement Officer.

7. ENTRY AND INSPECTION

7.1 Subject to the following conditions, an officer may at any reasonable time enter onto land for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being complied with:

7.1.1 The power of entry shall be exercised by an employee, officer or agent of the municipality or a member of the police force of the municipality;

7.1.2 The person exercising the power must on request display or produce proper identification;

7.1.3 The person exercising the power may be accompanied by a person under his or her direction;

7.1.4 Except as provided in Section 7.1.5, authorization from the occupier of the land is required prior to exercising the power of entry provisions;

7.1.5 If the required authorization as per Section 7.1.4 is not obtained, a notice of the proposed entry shall be provided to the occupier of the land;

7.2 Where a notice of a proposed entry is required to be given as per Section 7.1.5, the notice must satisfy the following requirements:

7.2.1 The notice must be given to the occupier of the land in respect of which the power of entry will be exercised;

7.2.2 The notice may be given by personal service, prepaid mail or by posting the notice on the land in a conspicuous place;

7.2.3 The notice must be given a minimum of 24 hours before the power of entry is exercised.

8. RESTRICTIONS

Every occupier shall permit an officer to inspect any land for the purposes as set out in Section 7.1 of this by-law.

9. INSPECTION POWERS

For the purposes of an inspection, an officer may;

9.1. require the production for inspection of documents or things relevant to the inspection;

9.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

9.3 require information from any person concerning a matter related to the inspection; and

9.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs, necessary for the purposes of the inspection.

10. OBSTRUCTION

10.1 No person shall obstruct, or attempt to obstruct, any officer or other person who is exercising a power or performing a duty under this by-law or the Municipal Act, 2001, S.O. 2001, c.25, as amended, or its predecessor.

10.2 Without limiting Section 10.1, "obstruct" includes:

10.2.1 to hinder or mislead;

10.2.2 to knowingly provide false information or make a false claim or statement;

10.2.3 to prevent, bar or delay, or attempt to prevent, bar or delay, entry or inspection by an officer, or any person under his or her direction;

10.2.4 to prevent, bar or delay, or attempt to prevent, bar or delay, any person, including an officer, from carrying out his or her duties or exercising his or her powers, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;

10.2.5 to prevent, bar or delay, or attempt to prevent, bar or delay, any person, including an officer, from carrying out his or her duties or exercising his or her authority pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Municipal Act, 2001, S.O. 2001, c.25, as amended; and

10.2.6 to fail to provide, upon request by an officer, any information, documents or things relevant to an inspection.

10.3 Without limiting Sections 10.1 and 10.2, every person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an officer upon request and failure to do so shall be deemed to have obstructed the officer in the execution of his or her duties contrary to Section 10.1 of this by-law.

11. VALIDITY/SEVERABILITY

11.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

12. PRECEDENCE OVER OTHER BY-LAWS

12.1 In the event of a conflict between this by-law and the provisions of another Town by-law, the provisions of this by-law shall prevail.

13. PENALTY

13.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

14. REPEAL, FORCE AND EFFECT

14.1 Upon enactment of this by-law, Section 12.1 – Election Signs, By-law #3310(2012) be and is hereby repealed.

14.2 THAT this By-law shall come into force and effect upon the date of passing.

ENACTED, SIGNED AND SEALED THIS
16th DAY OF APRIL, 2018 A.D.

MAYOR DAVE AUGUSTYN

CLERK NANCY J. BOZZATO

SCHEDULE 'A'
TO BY-LAW ####(2018)

ELECTION SIGN DEPOSIT

Type	Deposit Required
Municipal Election or By-Election	
• Mayor • Regional Chair • Regional Councillor • Third Party Advertiser	$250.00
• Ward Councillor	$150.00
• School Board Trustee	$75.00
Federal/Provincial Election or By-Election	$250.00
Sign Removal Fee (Per Sign)	$25.00

Clerk's Office
Tuesday, April 19, 2022

Subject: Special Event Permit Application – Tulip Pick Farm

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0085 – Special Event Permit Application, for information;**
>
> **AND THAT Council authorize and direct the Town Clerk to issue a Special Event Permit for the Tulip Pick Farm event running from April 30 to May 15, 2022, subject to the approval of the Town Clerk, Director of Public Works, Director of Community Planning and Development, Fire Chief, the Niagara Region (if applicable) and any other applicable agency, upon receipt of satisfactory drawings, plans, permits, or other such documents as requested;**
>
> **AND THAT the Special Event Permit include any such conditions of approval as requested by the said approval departments and or agencies.**

Background:

The Town of Pelham has received an application from the Tulip Pick Farm located on Balfour Street in Fenwick to host a special event during the month of May.

Analysis:

Town staff met internally and with the applicant to understand the event and to provide the applicant with the said requirements to ensure all municipal and regional requirements are met.

The Town Clerk will not issue a Special Occasions Permit without having received approvals from all necessary agencies required to be circulated.

Financial Considerations:

The Town requires the applicant to provide a certificate of liability insurance to the Town of Pelham in the amount of $5 million per occurrence.

The event is held on private property and therefore there are no financial considerations.

Alternatives Reviewed:

Council can direct the Clerk to not issue the Special Occasions Permit. Having said this, each permit or approval referenced within the application can be obtained independently.

Strategic Plan Relationship: Risk Management

The Town of Pelham requires various permits and licenses to be acquired prior to certain events to ensure the safety of the public. By reviewing such applications and notifying relevant agencies the Town is able to ensure, as best as possible, public safety.

Consultation:

Planning Department

Other Pertinent Reports/Attachments:

Special Event Permit Application – Tulip Event

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Special Event Permit Application

Events on Public and Private Property

Date of Application: 4/4/2022

Contact Information		
Name of Applicant:	Michael McCourt	
Mailing Address:	1415 Balfour St.	
Phone Number:	203-947-6368	Cell:203-947-6368
Email:	mike@tascllc.com	
Name of Property Owner(s):	Shawn Evans	
Mailing Address:	269 Canboro Road	
Phone Number:	905 321-8081	
Email:	shawn@revelrealty.ca	
Name of Organization: *if applicable	TASC Canada Bulbs ULC	
Mailing Address:		
Phone Number:		
Email:		

Event Information	
Name of Event:	TASC Tulip Pick Farm
Event Dates:	April 30-May 15
Start Time(s):	9AM Weekdays and 8AM Weekends
End Times(s):	6PM Weekdays 7PM weekends
Is the Event Reoccurring?	□ Weekly □ Monthly □Other(Specify) _____
Address of Event:	1415 Balfour St.
Description of Event:	Pick Farm
Expected Attendance:	Approximately 36,000 over 21 days
Is this a community-sponsored, non-profit, or religious affiliated event? □No	

*If any question in the section below is answered "Yes", please ensure all necessary permits have been obtained and provide proof thereof with the application.

Municipal Permit Requirements	
Will any roads be blocked or closed during the event? Even if only temporarily? *If yes, please submit a Traffic Management Plan and Emergency Plan	□No
Is a large volume of vehicular or pedestrian traffic/ attendance expected? *If yes, please submit a Parking Plan. Additional requirements may apply.	□Yes
Will the event include pyrotechnics, open flame or fuel fired cooking appliances? *If yes, please obtain necessary permits from Fire Services	□Yes (only in our food trucks, who will provide their documentation)

Will the event include the consumption of alcohol? *If yes, please provide a copy of the AGCO approval	□No
Will the event include a tent **or** group of tents with a total area of 60 m2 (645 ft2) or larger? *If yes, please obtain necessary permits from Building Services	□Yes
Will the event include a tent of any size which is attached to or within 3m of a building? *If yes, please obtain necessary permits from Building Services	□No
Note: All tents at a public function, regardless of size, must receive a fire inspection. Please contact the Fire Prevention Officer to book the inspection.	
Will the event include the use of refreshment vehicles? *if yes, please obtain an Itinerant Sellers Licence per refreshment vehicle from the Clerk's Department.	□Yes

Please note, approval from each department is required prior to issuance of the permit. Additional requirements may apply aside from what is noted above. Associated fee's can be found in the Town's Fee's and Charges By-law.

Signage and Advertising	
Will there be any use of permanent or temporary signage to publicly advertise the event? *If yes, please obtain a sign permit from By-law Services.	□No

Additional Information:

1. All permit requirements/ approval as identified above must be submitted with the completed application.
2. Please submit your completed application and supporting documentation to the Town of Pelham Clerk's Department by:
   a. Email: hwillford@pelham.ca
   b. Regular Mail: Town of Pelham, Town Hall, P.O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1C0
   c. In person/ Town Drop-Box: Town of Pelham, Town Hall, P.O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1C0
3. The applicant should expect a response from the Clerk's Department within 4-6 weeks from the date of complete submission. Council approval is required.

Declaration

1. The licensee will agree to save the Town of Pelham harmless from any and all claims and /or damages arising out of this event and/or road closure and to provide any bond or insurance which may be required in this regard.
2. The licensee will be responsible for any and all costs to provide and maintain sufficient traffic control measures to ensure the safety for the travelling public and participants.
3. The licensee must provide Proof of Liability Insurance ($5 million per occurrence naming the Corporation of the Town of Pelham as additional insured; additional $5

million per occurrence if fireworks or service of alcohol during the event noting that liquor is served on town property.)

4. To abide by all Town By-laws, and any conditions listed in the municipal permit authorization letter.
5. I have read and understand the Special Event Permit Application requirements and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website.

Applicant's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Clerk's Office Quarterly Report
Tuesday, April 19, 2022

Reporting Period: Clerk's Office Quarterly Report for the period: January, February, March 2022

Recommendation:

BE IT RESOLVED THAT the Q1/2022 Clerk's Report be received for information.

Department Overview and Statistics:

Year	2020	2021				2022			
Quarter (Year to Date)	Year End	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Insurance or Small Claims Processed (incl.potential)	21	4	8	18	29	8			
Pelham Deaths Registered	64	28	43	52	72	22			
Deaths Outside of Pelham Registered	110	31	55	76	99	20			
Lottery Licenses Issued	12	1	2	4	9	2			
Council Meetings Attended/Minuted	21	5	11	15	22	5			
Special Council Meetings Attended/Minuted	18	7	11	16	19	2			
COW Meetings Attended/Minuted	6	-	-	1	3	-			
Public Meetings Attended/Minuted	8	3	4	5	7	3			
P & P Meetings Attended/Minuted	1	-	-	-	-	-			
Affidavits Sworn	79		73	104		-			
FOI Requests Received/Processed	15	2	12	16	19	1			
FOI Appeal or Complaint	1	-	1	1	2	-			
Closed Meeting Investigation	1	-	1	1	1	-			
Committee of Adjustment – Variances	28	18	31	36	41	3			
Committee of Adjustment – Consents	11	18	24	30	33	5			
Committee of Adjustment – Hearings	15	4	8	11	14	3			
OLT Appeals C of A	3	-	-	-	-	2			
Property Standards Appeals	0	-	-	-	-	-			
Fence Viewing Meetings	0	-	-	-	-	-			
By-laws	114	27	56	88	101	31			
Itinerant Seller/Vehicle Licenses Issued	1	1	2	2	2	-			
Short Term Accommodation Licences Issued	1	2	2	3	3	-			
Wet/Dry Status to AGCO	4	-	-	1	1	1			
Sidewalk Patio/Sidewalk Sale Permits	4	-	2	3	3	-			
Special Event Permit – Private	0	-	2	2	2	-			

Livestock Valuer Claims	**0**	**-**	**-**	**-**	**-**	**-**
AMP Review Hearings	**29**	**1**	**2**	**2**	**2**	**2**
AMP Review Decision Appeals	**0**	**-**	**1**	**1**	**1**	**-**
Marriage Licenses Issued	**29**	**5**	**21**	**50**	**51**	**3**
Civil Marriage Ceremonies Officiated	**15**	**1**	**4**	**9**	**9**	**-**
Proclamations	**5**	**1**	**6**	**6**	**6**	**2**
Press Releases	**51**	**13**	**26**	**37**	**44**	**22**
News Briefs	**164**	**33**	**68**	**81**	**102**	**21**
PSR	**0**	**-**	**-**	**1**	**1**	**-**

Projects:

Shared Appeals Officer

The Town of Pelham spearheaded a project for Niagara municipalities to work together and share a hearings officer. Originally eight municipal partners joined the initiative but since the commencement of the shared program, two additional municipalities have joined. To date, there have been two successful appeal hearings completed.

Procedural By-Law

The Clerk's department has been actively working on a comprehensive revised Procedural By-Law. More than 20 procedural by-laws within the province were reviewed to ensure best practices are implemented.

The Clerk's department held multiple full working day meetings in an effort to create the best document for Pelham, which is easy to understand and to eliminate ambiguity.

Council Chambers Technology

The technology in Council Chambers has been updated to allow for better hybrid meetings. The cameras in Council Chambers now will *zoom* to the speaker regardless of where they are sitting in Chamber. Should any member of Council wish to meet in person, they are welcome to do so upon providing notice to the Clerk.

2022 Municipal and School Board Election

Preliminary Notice of Election

The Area Clerks Election Working group worked together to create a shared Niagara Votes preliminary notice of election. The advertisement is scheduled to run in local newsprints in early April. This notice is a statutory requirement.

Additionally, the Clerk posted a preliminary notice of election on the Town's election website.

Candidates Night

The Niagara Region's 2022 Municipal Elections "Candidates Night" will be hosted by Town of Pelham at the MCC on Thursday, April 28, 2022 from 6:00 – 9:00 p.m. It is estimated that approximately 100 people will attend.

Update Polices, Guides and Forms

The Clerk's department has begun reviewing and updating its election polices, guides and forms for the upcoming election. This includes a new professional look and feel. As documents are approved they will be uploaded to the Town's election website.

Awareness Campaign

The Clerk's department launched an awareness campaign in an effort to promote: being a candidate, working the election and coming out to vote. In this regard the Clerk's department, alongside the Communication Specialist, has created: envelopes with the Town's election logo, a neighborhood mail out and a 2022 serving the Town of Pelham flyer.

Preparation for Election Works

The Clerk's department has started its election worker recruitment campaign. In this regard, the Clerk's department has reviewed and, where necessary, revised, the job descriptions, remuneration of positions and the application. The application can be found on the Town's election website.

In an effort to promote applications, the Clerk's department has sent letters to previous workers, advisory committee members and service club members to encourage participation.

Voting Dates and Locations – Advance Polls and Voting Date

The Clerk's department has finalized the 2022 Municipal School Board and Election advance voting dates and locations along with Voting date locations.

The Clerk's department will run three advanced polls, being held on: Saturday, October 1, 2022, Saturday, October 15, 2022 and Tuesday, October 18, 2022. There are various locations for voting on voting day as well. All details are available on the Town's election website.

PR/Marketing Analytics, January - March 2022

Page Views	Pages per Session	Average Time on Page
115 329	2.16	1:45

Top 5 pages: Main page, Online Services, Careers, Meridian Community Centre, Arena and Skating Programs

Twitter

Tweets	Engagement	New Followers
269	432	53

Facebook

Engagement	Page Views	Total Reach
2,838	3,924	47,858

Instagram

Total Posts	Engagement	Post Video Views
248	2,651	501

Engaging pelham (Bang the Table)

Total Visitors	New Registrations	Engaged/ Informed Visitors
486	3	3/340

Marketing Projects:

- Life in Pelham Spring Issue (Print/Digital)
- Family Day in Pelham Media Campaign (Print/Web/Social)
- March Break in Pelham (Social)
- Summer Camp Promotion (Print/Social)
- Earth Week in Pelham (Print/Web/Social)
- Rain Barrel Campaign (Print/Social)
- Spongy Moth Campaign

Public Relations Projects:

- Crime Stoppers Niagara Flag Raising and Campaign
- Meals on Wheels Flag Raising and Campaign
- Flag Raising for Ukraine
- Centennial Park Funding announcement
- Pathstone Clinic Cheque Presentation

Employee Updates:

The Legislative and Committee Coordinator is currently enrolled in AMCTO's Primer on Planning course.

The Town's Election Coordinator started with the Town on April 11th, 2022.

Meetings:

Town Clerk

- SLT
- Weekly meeting with CAO

- Committee of Adjustment Hearings
- EOC
- JAAC Admin Group Meeting
- Shared Appeals Officer Discussion Meetings
- Area Clerk Meeting re Municipal Election
- Bi-weekly Election Planning Meetings
- Escribe Manager Training
- Secretary-Treasurer's Meeting
- Election Coordinator Interviews

Deputy Clerk

- SLT/EOC, as required
- Committee of Adjustment Hearings
- Committee of Adjustment Test Sessions
- Pre-Consultation Meetings for Committee of Adjustment
- Area Clerk Meeting re Municipal Election
- Bi-weekly Election Planning Meetings
- Escribe Manager Training
- MPAC Voter Lookup
- Secretary-Treasurer's Meeting
- Election Coordinator Interviews
- Itinerant By-law Review
- Crisis and Communication Training for Municipalities, Redbrick Communications

Legislative and Committee Coordinator

- Committee of Adjustment Hearings
- Committee of Adjustment Test Sessions
- Escribe Manager Training
- Shared Appeals Hearing Officer Training with Town of West Lincoln and City of St. Catharines
- Itinerant By-law Review
- Bi-weekly Election Planning Meetings

Communications Specialist

- EOC
- EM
- Pelham Summerfest Committee
- Pelham Active Transportation Committee
- LAM Communicators
- Crisis and Communication Training for Municipalities, Redbrick Communications

Corporate Services Quarterly Report
Tuesday, April 19, 2022

Reporting Period: Corporate Services Department Quarterly Report for the period: January, February, March 2022

Recommendation:

> **BE IT RESOLVED THAT Council receive the Q1/2022-0072 Corporate Services Department Report, for information.**

Department Overview and Statistics:

January
In the month of January, the review of automation for Corporate Services was completed, funded by the Municipal Modernization grant.

February
In the month of February, the Corporate Services department was working on year-end invoices, closing processes, adjustments and accruals.

March
During March, year-end procedures and audit working papers were finalized, with ongoing preparations for the audit in April.

Taxes
Interim Tax Bills for 2022 were successfully sent out with a due date of February 28th, with no issues and payments were collected. The Town has conducted a tax sale on two properties both of which had multiple bids. The Taxation Clerk is in in the process of finalizing the tax sale process. For the period January to March, there were over 70 ownership changes for the Town.

Information Technology
The IT department has been working on the following projects:

- Mobile POS (Point of Sale) systems for MCC to accommodate events held in both Committee Rooms.

- Thinkdox (Records Management) implementation. Created two Virtual Servers to host the software application and the web application. Set up of security, user accounts, templates, and workflows are scheduled to commence in April.
- Clockworks to implement upgrade to MCC Video Surveillance system. IP network routing and additional switches have been integrated with current solution to accommodate additional bandwidth and network requirements.
- Soundbox to install video streaming solution in Accursi Room. Due to global shipping constraints, some hardware products are still on backorder.
- EHM Solutions to finalize Building Automation System (BAS) for Town Hall. Controller IP's have already been programmed. Project completion is still on track for the end of Q1.
- Scheduled demos with Public Works staff for AMS (Asset Management Systems) and Work Order systems.

The IT Manager attended the Cyber Security Community meeting on February 4, 2022. Given the rising geopolitical tensions related to developments in Ukraine and the surrounding region, the Cyber Security Centre of Excellence hosted a special segment to share its assessment of potential cyber threats.

The IT Manager attended the Ministry of Government and Consumer Service's Cyber Security Division meetings on February 11, 2022 and March 11, 2022 which shared the latest updates and advice on cyber security threats and topics of interest to the community.

Accounts Payable
The Accounts Payable Clerk is fully engaged with FH Black in meetings and supporting documentation as requested to assist with the automation processing implementation grant for the Corporate Services Department.

Water
There were approximately 5380 water and wastewater bills sent out for each billing in January and March. The March billing also contained the new rate and account information insert. This provides the resident with useful information on how to understand their billings, instructions on how to read the water meter and FAQ's.

Payroll
T4 slips were prepared and issued for all Town staff by the end of January which is one month before the February 28 due date.

Employee Updates:

The Manager, Financial Services & Deputy Treasurer and Financial Analyst trained on the fixed asset module in iCity, the Town's accounting software.

The Manager, Financial Services & Deputy Treasurer and Financial Analyst continued training on the fixed asset module in iCity, the Town's accounting software.

The Manager, Financial Services & Deputy Treasurer attended Deloitte's Indirect Tax webinar Hot Topics for the Public Sector.

The Manager, Financial Services & Deputy Treasurer attended additional training on eScribe.

The Staff Accountant/Payroll Clerk completed the Performance Management course through CPA Ontario in January.

Sherene Henry, CPA, CGA started January 31, 2022 as the Financial Analyst covering a maternity leave.

Andrea Metler started on March 7, 2022 as the Administrative Assistant, Corporate Services. Andrea has a Bachelor of Arts from Wilfrid Laurier University and over 11 years business experience in the public sector.

Grants, Concerns, RFPs, Agreements:

In Q1, the following is a list of grants that the Town has applied for, have been approved for and for those in which the Town has received funding.

Funding Applied For:	Grant	Amount
Active Transportation Grant	Project is $1,325,000 for Canboro Road bike lanes and sidewalks and the Spur.	$795,000
Main Street Grant	Celebration Square	$227,684
Inclusive Grant Library	Accessible Shelving	$45,700
Ontario Trillium Foundation	RCW Business Plan Review	$83,000
Reconnect Summer Chills	Thursday Night Experience & Bandshell (total project $180,062)	$90,031
Reconnect Summerfest	Summerfest (total project $226,987)	$92,559
Summer Experience RCW	Summer Student RCW	$3,689
Niagara Region Combined Sewer Outflows Application	1) Church Street Sanitary Sewer Replacement Project 2) Sanitary I&I Program – Planned Replacements and Rehabilitation 3) Sanitary Sewer Capital Construction Repairs	Various projects: $2.5 M and $100,000; $140,000
Intact Municipal Climate Resiliency Grant	Rain barrels and trees	$25,000

Funding Approved:	Grant	Amount
Ontario Trillium Foundation	Library Grant for RFID and 24 outdoor book lockers	$146,900
Modernizatin Grant Phase 3: HR Digitalization	Implementation of Human Resources Performance Management and Human Resources Information System Software based on Phase 2 Recommendations from the consultant.	$71,502
Modernization Grant Phase 3: Corporate Services Automation	Implemenation of Corporate Services Functions Review for Automation of Processes based on the Phase 2 recommendations from the consultant.	$217,283
Modernization Grant Phase 3: Review of Recreation, Culture & Wellness Operations at the MCC	A third-party review will provide recommendations for the following: (1) an optimal integrated organizational structure, with staffing requirements (2) space utilization (3) business planning processes	$71,232
Drainage Superintendant	To help offset some of the staff costs for the drainage superintentendant	$8,425
New Horizons for Seniors Program Grant (Seniors Community Grant)	SAY IT! On Stage: Stories Found, will bring together youth and seniors within the community, to build and foster relationships, share experiences and build a collaborative theatrical experience.	$25,000

Funding Denied:		
Tree Canada Grant	Create a Tree Canopy for North Pelham Park with 30 new trees.	$10,000
Main Street Grant	various projects including arches	$227,684
Ontario Community Environment Fund- 12 Mile Creek Erosion Mitigation Grant	Study	$43,298

Current Bids and Tenders

Invitation to Bid# 2021-CS—11 Records Management System

Bidders	**Amount**
Aark Canada Incorporated	No Value Submitted
Image Advantage Solutions Inc.	$ 26,060.00
Indixio Inc.	$ 31,280.00
Loris Technologies Inc.	$ 139,750.00
Ricoh Canada Inc.	$ 74,350.00
SoftSages LLC	$ 43,342.00
ThinkDox Inc.	$ 38,505.00

Award is to ThinkDox Inc. with a contract value of $ 48,335

Budget: $ 50,000

Invitation to Bid# 2021-PW-13 – Supply and Installation of Video Surveillance Equipment and Cameras

Bidders	**Amount**
Viridian Automation Inc.	$ 60,900.00 Evaluation Score 82/100
Underwriter's Security Controls	$ 162,019.08 Evaluation Score 77/100
EllisDon	$ 38,483.00 Evaluation Score 85/100
Activo	$ 70,643.69 Evaluation Score 79/100
Clockwork Systems Inc.	$ 44,255.68 Evaluation Score 86/100
Wallwin Integrated Systems	$ 41,799.00 Evaluation Score 77/100
BearCom Canada Corp.	$ 91,862.74 Evaluation Score 68/100
Aatel Communictions Inc.	$ 87,000.00 Evaluation Score 71/100
Comu Networks	$ 99,925.18 Evaluation Score 66/100
BHofe Consulting Inc.	$ 47,216.50 Evaluation Score 76/100
Chubb Fire & Security	$ 91,428.49 Evaluation Score 53/100
H.I. Security Corp	$ 91,958.00 Evaluation Score 70/100
Securitas Electronic Security	$ 51,652.35 Evaluation Score 74/100
828324 Ontario Limited o/a Design Electronics	$ 85,988.58 Evaluation Score 80/100

Award is to Clockwork Systems Inc. with a contract value of $ 44,255.68. Evaluation Score of 86/100

Budget: $ 50,000.00

Invitation to Bid# 2021-CS-12 – RFP Audio/Video Upgrade and Streaming Service Meridian Community Centre (MCC)

Bidders	Amount
Paladin Technologies Inc.	$ 161,072.64
Christie Lites Sales Ltd.	$ 142,000.00
Soundbox Inc.	$ 123,081.04
Dynamix London Inc.	$ 218,239.00
Aligned Vision Group Inc.	$ 189,987.00
OCTAV Integrated Design Inc.	$ 168,000.00
Cycom Canada Corporation	$ 149,914.00
Aatel Communications Inc.	$ 128,550.00
Underwriter's Security Controls	$ 196,742.78

Award is to Soundbox Inc. with a contract value of $ 123,081.04.

Budget: $123,000

Invitation to Bid# 2022-CS-01 – Pro Shop Operator with Skate Sharpening Services

Bidders
No Submissions received

Invitation to Bid# 2022-PW-05 RD 02-22 – Balfour Street Culvert

Bidders	Amount
Ranking Construction Inc.	$ 623,425.00
Enscon Ltd	$ 787,175.00
Neptune Security Services Inc.	$ 629,636.00
CRl Campbell Construction & Drainage LTD	$ 530,207.50
Stonecast Contracting Limited	$ 733,520.50

Award is to CRL Campbell Construction & Drainage LTD with a contract value of $ 530,207.50

Budget: $ 650,000.00

Invitation to Bid# 2022-CS-03 – PRK 02-22 Centennial Park Tennis Court Resurfacing & Redevelopment of an existing All Purpose Court	
Bidders	**Amount**
Stevensville Lawn Service Inc.	$749,965
Award is to Stevensville Lawn Service Inc. with a contract value of $ **Budget $270,000.00 (PRK 02-22);** **$479,800.00 (PRK 10-22)** **$ 749,800 Total**	
Invitation to Bid# 2022-CS-02 – Integrity Commissioner Services	
Bidders	
Boghosian + Allen LLP	Service contract – hourly rate
Award is to Boghosian + Allen LLP.	

Meetings:

F.H. Black & Company
McAvoy, Belan Insurance
Watson & Associates
Deloitte
Municipal Property Assessment Corporation (MPAC)
SAP
Area Treasurers
Town of Lincoln Director and Associate Director of Finance

Projects:

Constituent Concerns and Issues Arising:

Recreation, Culture and Wellness Quarterly Report
Tuesday, April 19, 2022

Reporting Period: Recreation, Culture and Wellness Quarterly Report for the period: Q1 2022

Recommendation:

> **BE IT RESOLVED THAT the 2022-0098 Recreation, Culture and Wellness Department Report be received for information.**

Department Overview and Statistics:

Projects:

Facilities, Programming and Rentals

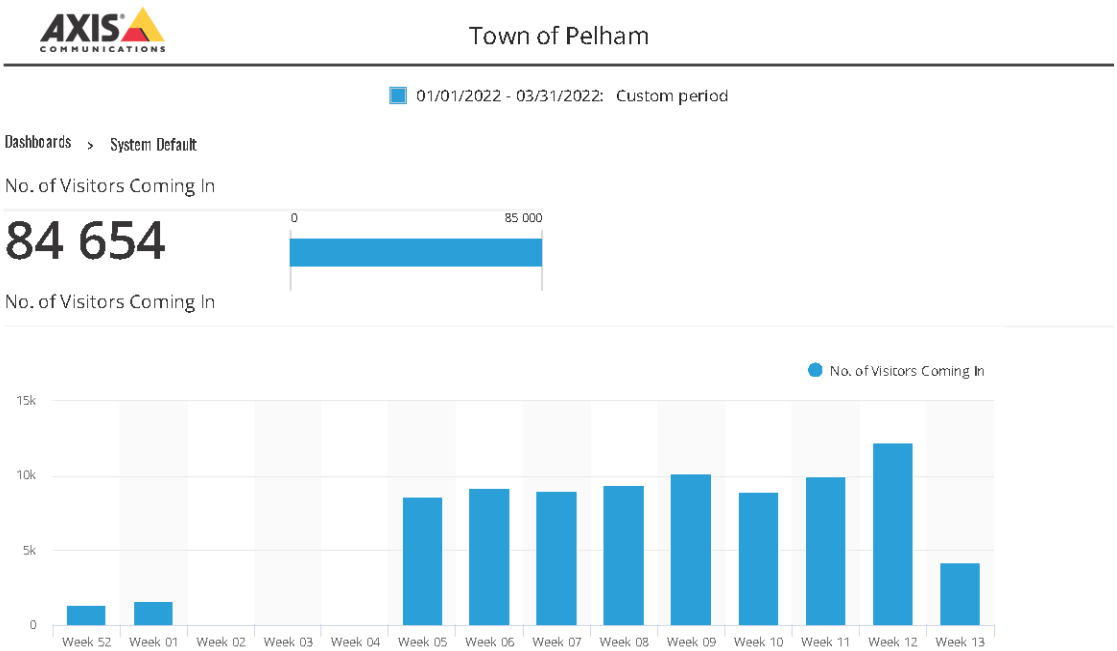
The beginning of 2022 started off with the Meridian Community Centre closing its doors four days after New Year's due to provincial regulations. For just over three weeks the doors were only open for the Pathstone Mental Health clinic. Unfortunately, this closure sidelined regular programming across the board, including the annual Silver Stick International Tournament.

On January 31st the Meridian Community Centre doors were once again open following modified Step 2 Reopening plan regulations. Proof of vaccination was required to enter following Ontario's vaccine certificate with QR code. Due to these new regulations Signal 88 Security was used in conjunction with the Customer Service team to aid in the screening and entry to the facility. This endeavor was a brief two weeks before the Meridian Community Centre removed the aid of Security to solely using staff to screen and check proof of vaccinations.

The Meridian Community Centre saw 8,361 people the first week of reopening under the modified Step 2 Reopening plan. During February 36,175 visitors came through the doors to use the facility as it was intended. All user groups were back to practicing, playing games and utilizing what time they could have in the facility. There were still capacity limits to all areas of the facility and all of Niagara Region was under a special letter of instruction to follow from Dr Hirji.

By March 1st the community Centre was back to full capacity with no proof of vaccination and nothing more than passive screening and masks required. With the capacity limits removed and the letter of instruction rescinded, the Meridian Community Centre seen 44,325 visitors come through our doors the month of March. Many tournaments were hosted within the facility. Basketball hosted OBA finals, Pelham Minor Hockey had their play downs and AAA Admirals hosted their Novice tournament. The community Centre is back to seeing high 3,000 to 4,000 visitors on any given Saturday within the Community Centre.

All of the provincial regulation changes have slowly diminished utilizing the Meridian Community Centre back to its full potential once again. All staff have been working tirelessly maintaining the Community Centre, keeping all programming organized, running efficiently and safe for all our users and staff.



Family Day

Staff hosted an in-person Family Day event at the Meridian Community Centre on Monday, Feb 21. All event activities were free of charge, and ran from 11:00am – 3:00pm. The schedule below displays the in-person activities that took place for this year's event:

11:00am – 3:00pm	Drop-in Family Gym Time

11:00am – 1:00pm	Drop-in Family Pickleball Clinic
11:15am – 12:45pm	Family Skate
11:30am – 12:30pm	Magic Show with Scoop McCoy
12:00pm – 2:00pm	Community Expo
12:00pm – 3:00pm	Family Craft Corner
1:00pm – 2:00pm	Magic Show with Scoop McCoy
1:15pm – 3:00pm	Family Skate Sponsored by Rotary Club of Fonthill
2:15pm – 2:15pm	Magic Show with Scoop McCoy

In addition to the in-person event, staff provided a virtual Family Day Adventure Scavenger Hunt that ran Friday, February 18 to Monday, February 21. The platform used for the virtual adventure was the GooseChase app, a free download from the Apple Store or Google Play. Family-inspired missions were released throughout the weekend, and participants submitted video, photo or text answers to climb the virtual leaderboard. Over 25 families participated in the challenge, and Pelham Bucks prizes were awarded to 8 families. Staff are very thankful to the Rotary Club of Fonthill and the Mayor's Youth Advisory Committee who were able to sponsor activities for the day, and the local business community for submitting fun Family Day missions for the challenge.

Tree Artist Reception

On April 2 staff hosted a reception for the new Tree Art display at the Meridian Community Centre. Tree artist Krista McMillin has art on display for the month of April to showcase the beauty of trees, and highlight the importance of preservation of nature, in support of the Town's focus on green initiatives.

For the reception, Krista was joined by Adam Shoalts who spoke on his love for nature, and the importance of protecting it. The Pelham Arts Advisory Committee donated 100 tree saplings that were distributed during the event for residents to plant in their own yards. There was also a solo musician and refreshments for guests. Over 60 people were in attendance.

Earth Week Celebration

Staff have been preparing for Earth Week events that will be taking place April 18 to April 30. Earth Week will encompass a number of elements and events, which include:

- **Earth Week Challenge Virtual Scavenger Hunt - April 18-25**
  Daily missions that will challenge participants to take part in environmentally sustainable activities throughout the Town. Participants will have the opportunity to win Pelham Bucks prizes.

- **Rain Barrel Sale Pick-up at MCC - April 23, 8:00am-1:00pm -**
  324 rainbarrels were available for purchase for the price of $40 each, and have SOLD OUT. The rainbarrel pick up at the MCC during the Earth Day event.

- **Sale of Compost Bins - April 23, 8:00am-1:00pm**
  Compost bins will be for sale on April 23 for $21 each at Meridian Community Centre.

- **Community Cleanup Kickoff - April 23, 9:00am**
  As of April 6, 45 residents from across Pelham have registered to participate in Pelham's Community Cleanup. Participants will arrive at 9:00am to pick up supplies and clean up designated areas of Pelham. They will then join back up at the MCC afterward for refreshments.

  Staff has also built in a small vendor fair featuring local environmental groups to be on-site during the rain barrel pick up and community cleanup.

  Pelham is a registered participant at www.pitch-in.ca

  Community Tree Plant Event - April 29, 9:00am-12:00pm at Centennial Park
  Staff is preparing to welcome back the Community Tree Plant event this year, where local schools, organizations and residents will participate in expanding the tree canopy in Pelham.

Pelham Farmers Market

Staff have been working with the Farmers Market Committee in conjunction with Niagara Public Health on operations for the 2022 Pelham Farmers Market season. The market will operate Thursday May 5 through to October 6 with the following public health considerations in place:

- On site market with one entrance and one exit
- Markets are permitted at full capacity for vendor stalls
- Hand wash and/or sanitation stations will be at entrances and within the market

The Farmers Market Committee met on March 31st, where vendors for the 2022 season were determined. There will be 16 vendors in total plus a not-for-profit booth. The number of vendors may increase as the season unfolds.

Summer Chill Supper Market

Staff is in preparation to host the Summer Chill Supper Market on Thursday evenings from June 9 to September 1. With the easing of public health restrictions, it is anticipated that the Summer Chill Series in 2022 will not require modifications to the in-person event as was done in 2021.

The event will have options for local food vendors, as well as beer, wine, and cider vendors. There is also opportunity for local musical performances and buskers. Food, beverage, and musician vendor applications have been submitted, and will be determined after the April 11 cut off date.

Active Programs

Active Program participants have been returning to the Meridian Community Centre in waves as restrictions continue to change. Many programs have seen an increase in participation, reaching pre-COVID numbers for participation each week. Due to the increase in popularity, additional programs have been reintroduced including Zumba, Mom & Baby Fitness and Mom Fitness. Pickleball has also expanded to two gyms when possible due to the popularity within the community. Other programs Including Brock FIT, Adult Learn to Skate and Ballroom Dance began their winter session, with many other drop in programs still continuing with dedicated participants returning each week.

55+ Programs

55+ Active programs such as Brock FIT, 55+ Aerobics and Yoga continued at the Meridian Community Centre throughout the winter, with opportunities to engage in both social and active programs virtually from home, for those who weren't yet comfortable returning to an in person setting. Virtual programming through Art Your Service has continued, offering over 70 registrants both active and social programs twice daily, 5 days a week, from

the comfort of their own home. For those needing assistance with technology and getting connected, the Staying Connected 1-on-1 support has continued, with 4 seniors coming to the Meridian Community Centre to meet with the Active Living Programmer for 1-on-1 assistance with their devices. Online Webinars continued to be offered in coordination with the Health Depot, who offered information session to the Seniors of Pelham on important topics such as Sleep 101 and Medication Use, as well as a Fraud Webinar in partnership with the Ontario Securities Commission.

MYAC Updates

MYAC has been busy planning ahead for events and opportunities within the Community! Through the winter months, they volunteered at the Meridian Community Centre Family Day Event, running a drop in craft activity interacting with families and children in person. They have also been instrumental in contributing to the GooseChase activities for each event, and are always excited to be involved in coming up with missions to offer friendly competition within the community. At their March meeting, MYAC invited both Pathstone Mental Health, as well as InspireHER Niagara to learn more about initiatives taking place within the community, and ways they can get involved or help spread information to other youth who may benefit.

Winter & March Break Camp

Unfortunately, due the COVID lockdown following the Winter Break, only 1 day of Pelham's Winter Break Camp was able to take place this year. Prior to the news of the lockdown, the camp was full with 21 campers excited for a week of camp activities and fun! March Break Camp was able to take place this year, for the first time in 2 years, and welcomed 56 campers into the Meridian Community Centre for the week! Campers enjoyed a week of outdoor play, sports and activities in the Gym, creative activities, skating and even a special visit from Niagara Face Painting to end the week. March Break Camp registration was full with a maximum of 56 campers, while 17 others interested in attending unfortunately remained on the waitlist.

Camps and Aquatics Update

Preparation has begun for the 2022 Summer season in regard to Camps and Aquatics. The hiring process is now complete, and a great team of camp leaders, lifeguards, instructors and supervisors have been selected for the summer. Summer Camps will run for 9 weeks this summer, and 9 additional Specialty Camps available including Bike Camp, Tennis Camp, Leadership Camp and Jr. Firefighter Camp! As Public Health guidelines have not yet been released, each camp week registration has been opened to a limited capacity at this time. Currently all camp weeks are full, with 40 campers enrolled, and all specialty camps are full with a maximum of 14 campers each week. Once updated guidelines are released, it is anticipated more spaces will become available, and majority of the 75 families currently on the waitlist will be able to secure a camp space for the summer. Registration for Aquatics Programs and swimming lessons opened on April 1st.

Street Pole Banners/2022 Canada Summer Games Program

The 2022 Canada Games Banners have been hung on existing Town of Pelham banner brackets located around Town Hall and the Meridian Community Centre. Staff will continue to support the program with the assistance of co-ordinating banner locations, and installations for all existing and new banners.

2022 Canada Summer Games:

Staff have been in preparation for a number of Canada Summer Games events, such as the Torch Relay on Saturday, July 16, and 13 for 13 and host of Cycling on Thursday, August 18.

Summerfest

The Summerfest Committee is preparing to hold Summerfest from July 14-17, 2022. With the easing of public health restrictions, it is anticipated that the Summerfest will not require any modifications to the in-person event.

The 4-day event will have local food and artisan vendors, live entertainment, buskers, community groups and service clubs, local craft beer options, and family0friendly activities and performances in the Kids Zone. Vendors will be reviews following the application deadline on April 30.

Volunteers

During Q1 of 2022, Staff received nine new expression of interest forms through the Town's website to volunteer at Town events and programs. These volunteers were interviewed and subsequently added to the community volunteer database. Town Staff continue to advertise volunteer opportunities through emailing the community volunteer database, handouts at the Meridian Community Centre and posting through our social media channels.

Two community volunteers assisted at the Family Day event on February 21 with set-up, tear-down, managing the volunteer opportunities table and handing out giveaways. A total of 8 hours were contributed by these community volunteers.

The Senior VIP (Volunteers in Pelham) program, where volunteers 55+ assist at the Meridian Community Centre started up in February. The VIP's have assisted with screening attendees' QR codes, directing participants to the desired location, answering questions regarding programming, greeting and creating a sense of community within the building. There are three active participants in this program who have given over 46 volunteer hours within the last two months.

Dedication Program

Though there have been inquiries into the Town's dedication program within the first quarter of 2022, there have been no donations. Staff have continued to work on the two benches that were donated in the Fall. The bench that was placed on the Berkhout Trail between Cream St and Centre St now has the plaque placed.

Staff is continuing to work with the Niagara Region Native Centre on the orange bench that was anonymously donated to honour Indigenous heritage and roots within Pelham. Staff are looking to meet on location in April to confirm its exact location and finalize the inscription on the plaque. The goal is to have the bench unveiled for National Indigenous Day on June 21st.

Transit Update, as of March 31 2022:

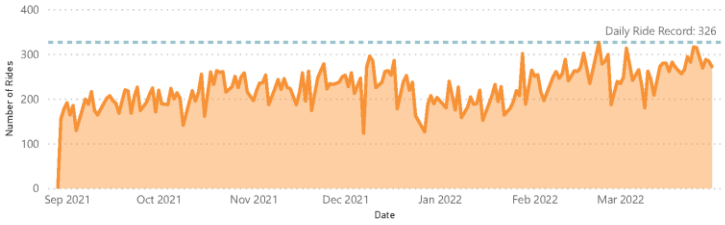
Overall NRT OnDemand Service Metrics - Year 2

Year 2 Start Date - August 30, 2021

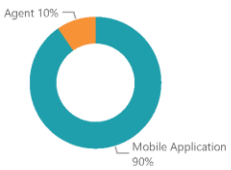
Data as of: Thursday, March 31, 2022

Number of Rides	Number of Trips	WAV Trips
40,446	36,169	450

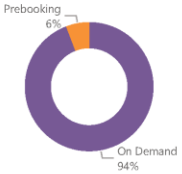
Daily Ridership



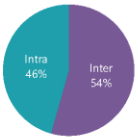
Booking Method



Booking Type

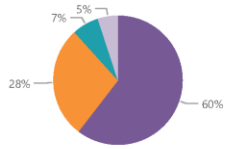


Inter vs. Intra-Municipal Rides



Origin \ Destination	Fort Erie	Grimsby	Lincoln	Pelham	Port Colborne	St. Catharines Transit Comission	Wainfleet	Welland	West Lincoln	Total
Fort Erie					11					11
Grimsby		11,132	2,636	60	32	367	58	142	1,728	16,155
Lincoln		2,497	5,131	163	49	784	33	162	672	9,491
Pelham		72	163	1,223	32	434	66	287	319	2,596
Port Colborne	13	11	38	48	927		50		31	1,118
St. Catharines Transit Comission		293	578	409			105		392	1,777
Wainfleet		72	45	61	127	34		139	41	519
Welland		113	155	251			145		41	705
West Lincoln		1,578	646	319	54	405	57	49		3,108
Total	13	15,768	9,392	2,534	1,232	2,024	514	779	3,224	35,480

Intra-Municipal Rides



Grimsby Lincoln Pelham Port Colborne

Overall NRT OnDemand Service Metrics - Year 2

Year 2 Start Date - August 30, 2021

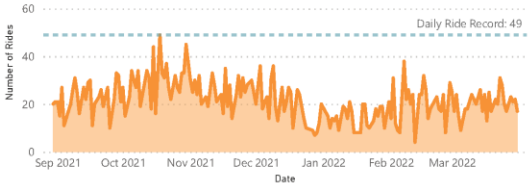
Pelham
Origin and/or Destination Municipality

Thursday, March 31, 2022
Date as of

Number of Rides	Number of Trips	WAV Trips	On-Demand Trip Average Wait Time (min)
3,911	3,624	14	23.70

Trip Rating

Daily Ridership



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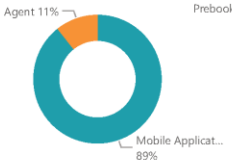

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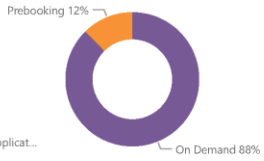
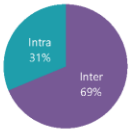
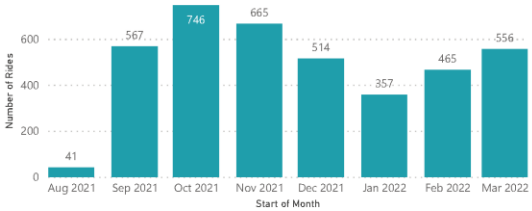


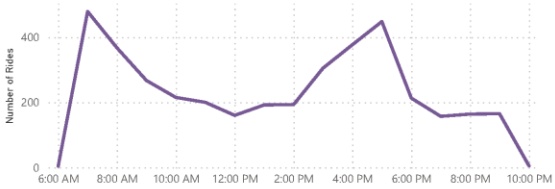
Inter vs. Intra-Municipal Rides

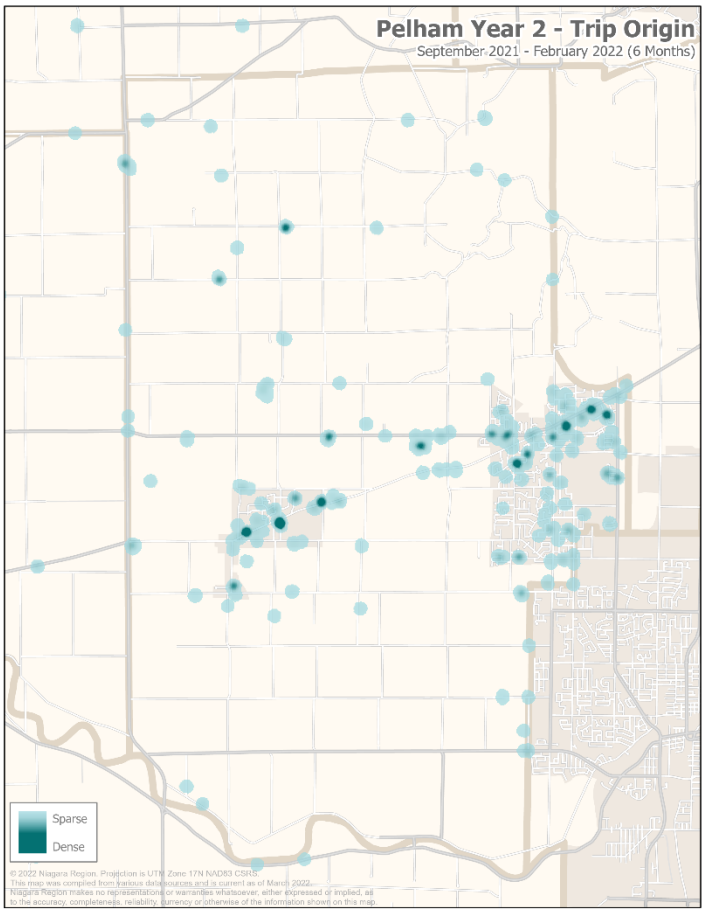


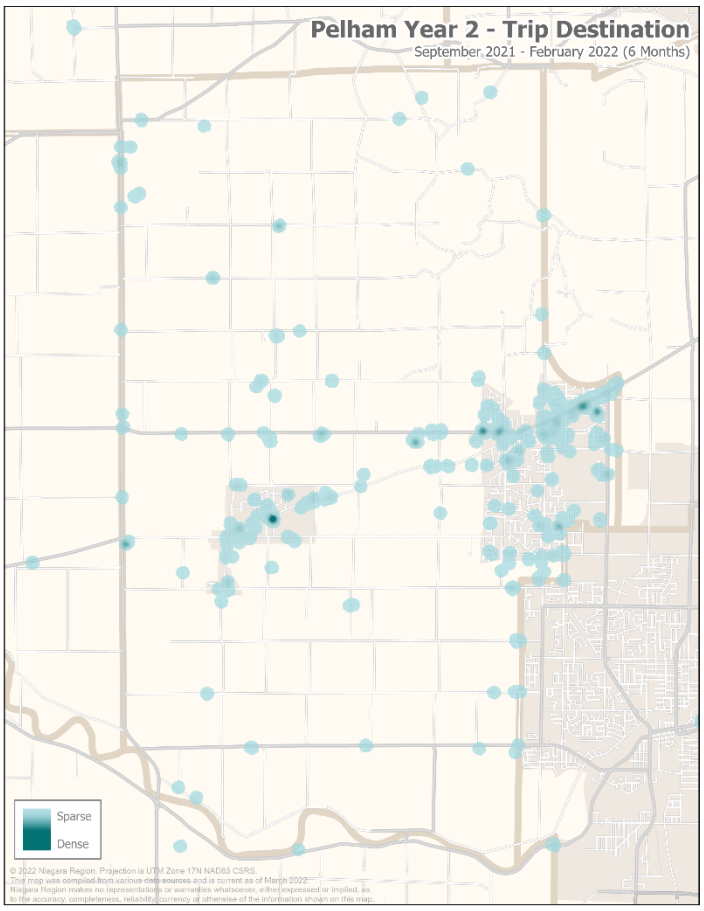
Monthly Ridership



Peak Hours







Grants, Concerns, RFPs, Agreements:

- Provincial Reconnect application submitted for Summerfest and Summer Chill Series
- Intact Climate Resiliency Grant application submitted to expand existing tree planting for 2022 and subsidization of a rain barrel program
- New Horizon Funding for Say IT Stage & materials $25,000 approved
- Scouts Canada & Communities in Bloom Gro for Good Grant application submitted on behalf of MYAC for a Year of the Garden bee hotel project
- Niagara Community Foundation Summer Camp Grant application submitted in partnership with Pelham Cares
- Summer Experience Grant application submitted

Meetings:

MCC User group roundtable zoom meetings
Summerfest Committee zoom meetings
Pelham Arts Advisory Committee zoom meetings
Niagara Parks and Recreation bi-weekly information exchange zoom meeting
Network of Municipal Event Planners Quarterly Meeting
Mayor's Youth Advisory Zoom Meetings
Pelham Seniors Advisory Zoom Meetings
OACAO GH Regional Meetings
Pelham Canada Day Planning Group
2022 Canada Games monthly Zoom meetings
Aquatic Information Sharing Group
Regional Programmer Information Sharing Meetings
Pelham Seniors Advisory Committee Meetings
Mayor's Youth Advisory Committee Meetings
Service Club Meeting

Professional Development:

The Special Events & Festivals Programmer attended FEO Conference (virtual)
Age Friendly Conference- March 22-24 (virtual)

Community Planning and Development Quarterly Report
Tuesday, April 19, 2022

Reporting Period: Community Planning and Development Department Quarterly Report for the period: January-March 2022

Recommendation:

> **BE IT RESOLVED THAT the Q1/2022 Community Planning and Development Department Report be received for information.**

Department Overview and Statistics:

The Planning Department continues to work on the following development applications: 10 Subdivision Applications, 3 condominium applications, 4 Official Plan Amendment applications, 10 Zoning By-Law Amendments, 9 applications for Site Plan Approvals, 5 consent applications, 5 minor variance applications and 3 Niagara Escarpment Development Permit applications.

Planning staff approved 2 site plan agreement applications for:

- a 5 storey, 66-unit apartment building at 118 Summersides Boulevard; and
- a residential use being added to a commercial use and addition of accessory building for commercial use at 895 Tice Road.

On cannabis related matters, there is one appeal relating to Development Charges By-law Amendment; one appeal relating to the extension of the Interim Control By-law has been withdrawn; 3 appeals on the Cannabis Official Plan Amendment and 3 appeals relating to the Cannabis Zoning By-law Amendment. The OLT scheduled a 4-day hearing commencing on January 24th, 2022 to hear the appeals related to the Official Plan and Zoning By-law matters. The OLT will reconvene on July 25, 2022 for 5 days to complete the hearing on these appeals.

The court application by Woodstock Biomed with regards to the initial Interim Control By-law is also pending and the responding material was filed with the Courts. We are awaiting a court date.

The court application by C. Montemurro relating to the issuance of a building permit on an interior testamentary devise lot that does not have frontage on a public road

was heard by the courts on February 28th, 2022. The Town was successful in this matter.

Public meetings were held with regards to:

- a zoning by-law amendment application for 1553 Pelham Street;
- a zoning by-law amendment application for 30, 54, 64, 66 and 68 Philmori Boulevard;
- a plan of subdivision, official plan and zoning by-law amendment applications for Summersides Village subdivision; and
- draft plan of condominium and zoning by-law amendment applications for 701 Quaker Road.

Building:

The Building Department continues to receive incoming permit applications consistent with seasonal trends and remains busy with inspections. The building department was able to conduct a total of 767 inspections since the 2021 fourth quarterly report.

Building Activity Statistics from January 1 – March 31, 2021:

Months	Building Permits	Inspections	Demolitions	Commercial	Sq. Ft.	New Dwellings	Value of Construction
January	24	194	3			12	$5,086,600
February	13	207	0	2	5,908	2	$1,715,000
March	25	366	1	1	2,167	5	$6,524,500
Total:	**62**	**767**	**4**	**3**	**8,075**	**19**	**$13,326,100**

Building Permit Time Frames from January – March 31, 2022:

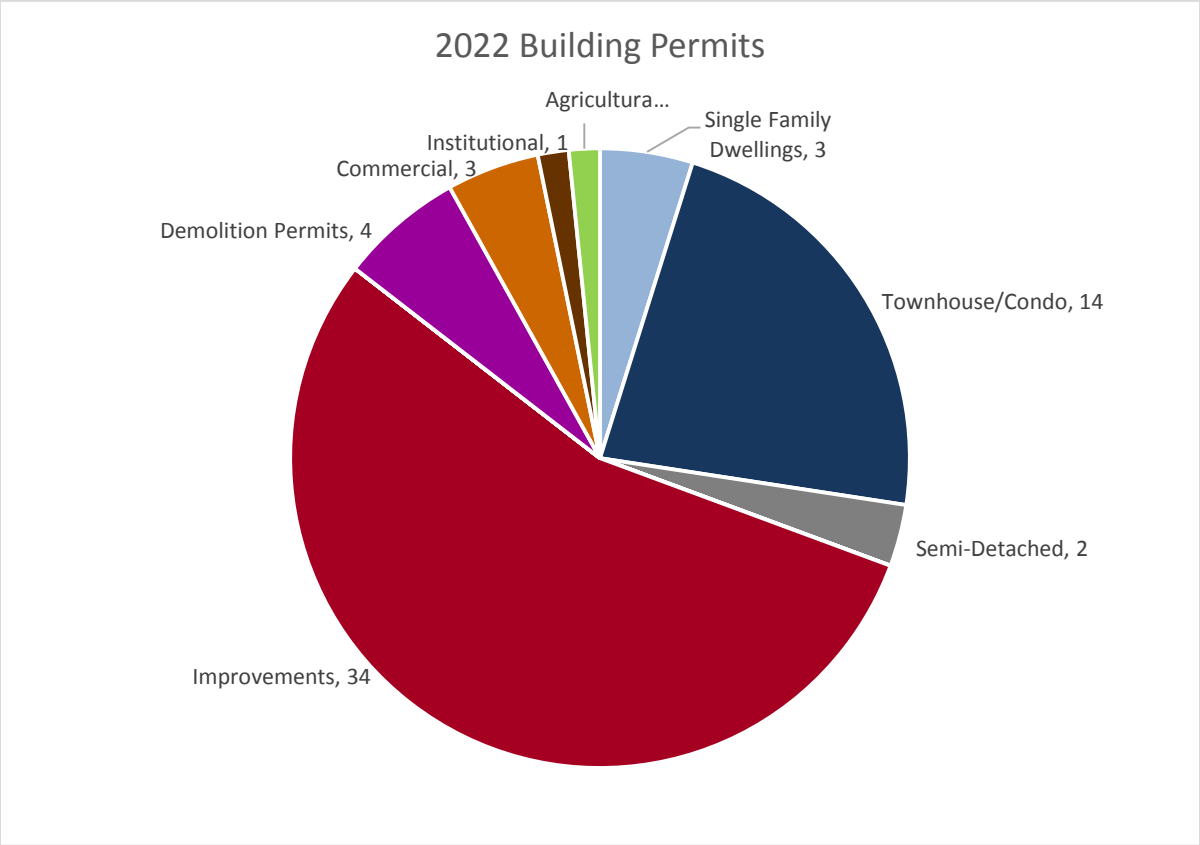
Building Type and Number of required days to issue		Number of Permits Issued	Average Number of Days to Issue Permit
House:	10 days	58	6
Small Building:	15 days	2	5
Large Building:	20 days	2	15
Complex Building:	30 days	0	
Total:		62	

Major Building Projects Over $250,000 (excluding single family dwelling units):

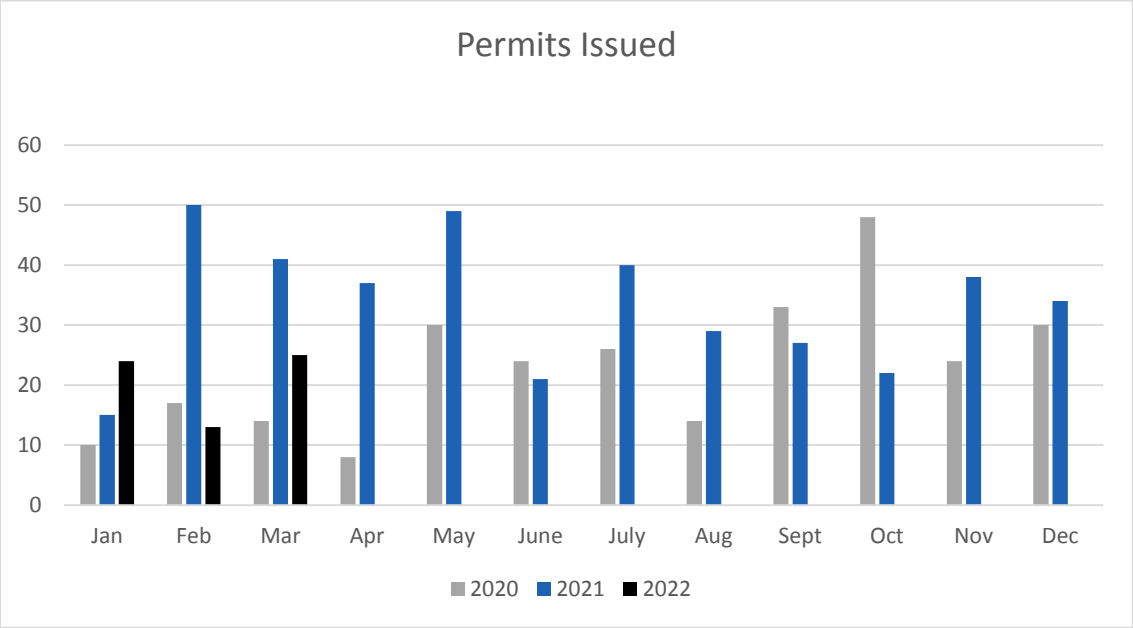
- $312,000 Residential Interior Alterations to remove an accessory dwelling unit
- $300,000 Residential Interior Alterations and covered porches
- $350,000 Town of Pelham accessory structure and plumbing for a splash pad
- $700,000 for Condominium parking garage repairs and waterproofing

Town Development Charges collected by the Finance Department for the period January 1 to March 31, 2021 total $295,960.

Building Permit Breakdown (Year to Date):



Comparative Building Activity Statistics from 2019 to 2021:



Projects:

Cannabis The Cannabis Control Committee continues to meet to discuss matters related to enforcement of the OINBL and community communication. The cannabis producers have filed court actions against the Town with regards to the OINBL; court dates are pending and will likely occur in late 2022 or 2023. A 4-day Ontario Land Tribunal (OLT) hearing was scheduled for January 24, 2022 to hear the appeals on the Official Plan and Zoning By-law amendments that were adopted by Council to address planning matters related to cannabis land use. Additional time is required to complete this hearing and the OLT will reconvene on July 25, 2022 for 5 days.

Comprehensive Zoning By-law A draft of the Zoning By-law was circulated to Council and agencies for review and comment, and has been posted on the public engagement page on the Town website at the following link https://engagingpelham.ca/comprehensive-zoning-bylaw-review. Public Open Houses are scheduled for afternoon and evening sessions on April 26th, 27th and 28th and a virtual Open House is scheduled for May 5th as part of the public consultation process. It is anticipated that the statutory Public Meeting will take place in the summer of 2022, with a Council decision to follow. The Zoning By-law review and update is a significant undertaking and involves looking at the By-law in its entirety.

Comprehensive Parking Strategy The consultants completed the Parking Study and a draft report was presented. The consultants presented the findings of the Parking Study at the first Council meeting in April, 2022. Following the presentation to Council the Parking Study will be finalized.

Big Creek Municipal Drain Assessment Schedule Update K. Smart Associates is completing this work on behalf of the Town. The project has been expanded to include an update to the assessment schedules for the Nunn, Disher, Swayze and Ridgeville drains. The draft report and updated Assessment Schedule is complete. Public consultation with affected property owners was held on March 29th and 30th with afternoon and evening sessions on both days. The next step will be to present the Engineer's Report to Council and to establish a Court of Revision to hear potential appeals on the assessments. Once all appeals have been addressed Council can give third reading to the By-law to approve the Engineer's Report.

Civic Square Design Shift Landscape Architects are undertaking the work related to developing a design for the civic square at the northeast corner of Wellspring Way and Meridian Way. Two concepts have been developed that are available for viewing in the lobby at the Meridian Community Centre and public consultation through the Engaging Pelham webpage is also active at the following link: https://engagingpelham.ca/pelham-civic-space

Constituent Concerns and Issues Arising:

Staff respond to resident inquiries on a daily basis.

Employee Updates:

The Director and Senior Planner attended the 2022 Farmland Forum-The Future of Farmland Diversification.

The Building Intake/Zoning Technician successfully completed the Ministry of Municipal Affairs and Housing HVAC exam.

Grants, Concerns, RFPs, Agreements:

The request for proposals for a Drainage Study in the Farr, River and Weber Road area has been released and will close on April, 14th, 2022.

Meetings:

On-going meetings:

- Emergency Management Meetings
- Cannabis Control Committee Meetings

- OBOA Niagara Chapter Meetings
- Pre-Consultation Meetings
- SLT Meetings
- Joint Health & Safety Meetings
- Area Planners Meetings
- Regional Process Improvement Team Meetings

In addition to the various conversations with property owners and consultants regarding potential development applications, Staff have been involved in meetings regarding the following substantive matters:

- Pelham Seniors Advisory Committee
- CNU Author’s Forum
- 6 Workshops with the Region on draft Regional Official Plan chapters
- Niagara Navigator Update Meetings

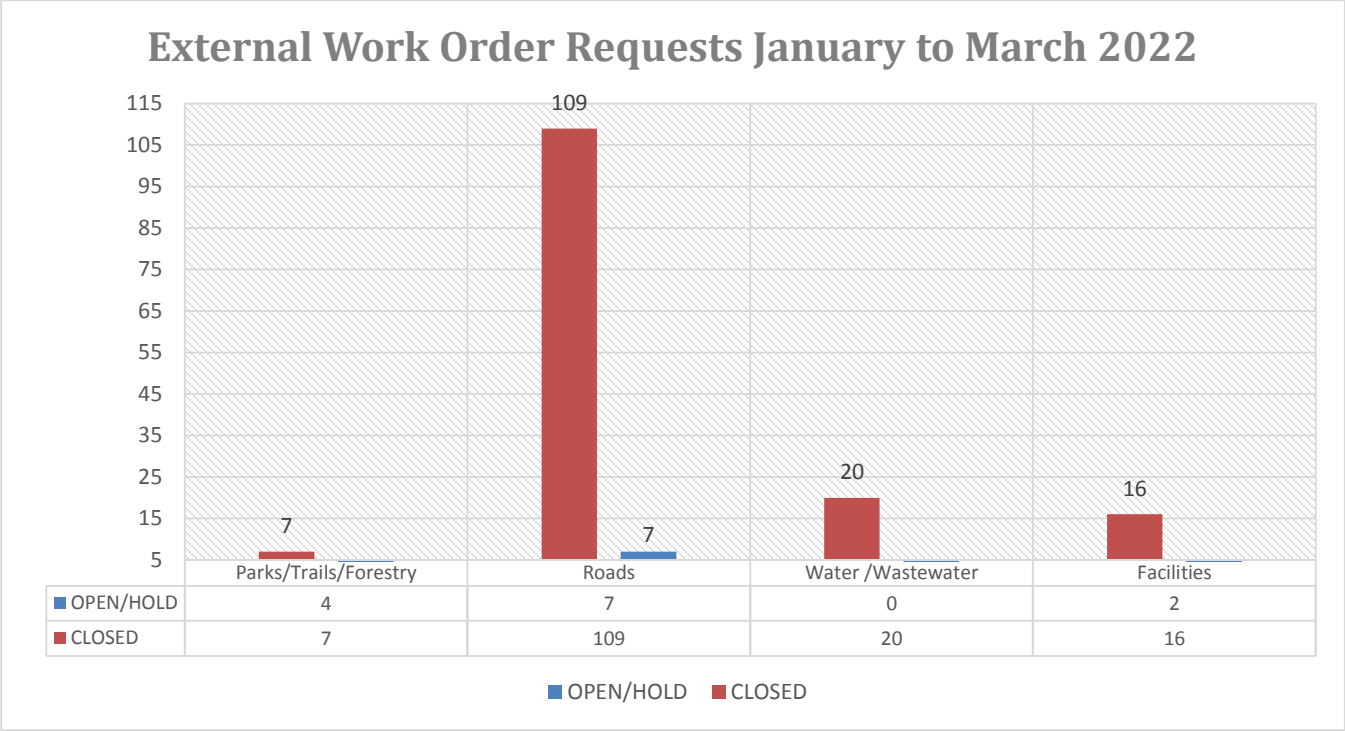
Public Works Department Quarterly Report
Tuesday, April 19, 2022

Reporting Period: Public Works Department Quarterly Report for the period: January 2022 – March 2022

Recommendation:

> **BE IT RESOLVED THAT the Q1/2022 Public Works Department Report be received for information.**

Department Overview and Statistics:



The above overview only covers work orders through the current PSR system. The above statistics do not cover work order requests generated through email or phone correspondence. The Town's Public Service Request and work order system is currently under review. Staff are currently reviewing other systems and platforms on the market to enhance and bring efficiencies to the public service request and work order process.

OPERATIONS

ROADS

Roads Staff continue to perform maintenance activities identified during routine road patrols as per the Ontario Regulation 239/02; Minimum Maintenance Standards (MMS) for Municipal Highways, passed pursuant to the *Municipal Act, 2001.*

April 1, 2022 marks the end of the 2021-2022 Winter Season. Roads staff have begun to decommission the winter fleet in order to transition into spring operations. Although staff have not received the contracted service invoices for March, it is believed the Winter Operations budget has been negatively impacted due to winter storms in January and February. Staff will report on 2022 winter operations once all invoicing has been received and operations data can be compiled.

Through the end of February and March, roads staff have concentrated their efforts on patching potholes on municipals roads. During this period, 98 tonnes of QPR cold patch has been utilized to patch potholes throughout the Town's transportation system.

Warning signage improvements and repairs are continuing. An additional dynamic speed display has been installed on Port Robinson Road in the East bound lane in front of Glynn A Green School. A second speed display unit will be installed shortly on Welland Road in the East bound lane between Stains Street and Deborah Street.

BEAUTIFICATION

Throughout the first quarter both staff and the tree contractor began work completing tree maintenance identified in the 2021 tree inspections. The majority of this work took place on Maple Street, College Street and Emmett Street. A large silver maple tree has recently been removed from Emmett Street due to its condition. A large silver maple tree on College Street has been recently identified as a hazard through an ISA certified tree inspection and is scheduled for removal in April.

The Spongy (LDD) Moth spray program is moving forward. The Town has received MECP approval to use alternative notification methods for the Aerial Spray Program using Bacillus thuringiensis subspecies kurstaki (Btk) (Foray 48B Biological Insecticide Aqueous Suspension) to control Spongy (LDD) Moth in certain locations within the Town of Pelham during the time period of May 10, 2022 to June 15, 2022 subject to weather conditions. This approval is a major component of the program and requires a combination of social media and public notifications, property owner mail outs, and other marketing efforts.

During the winter season, when not assisting in winter operations, staff perform equipment maintenance such as painting trailers and small engine servicing. Staff also continue to work on collecting the tree inventory, and other parks assets. Design of planting beds and ordering planting material also occurs in this quarter.

WATER/WASTEWATER

Water/wastewater maintenance activities continue throughout the year. Operators perform system pressure monitoring, flush water mains to ensure adequate chlorine residual, and respond to customer complaints or concerns.

Staff responded to 2 water service leaks and 3 watermain breaks during this quarter. The watermain breaks were located on Lorimer Street, Pinecrest Court and Strathcona Drive. All the breaks occurred on 6" diameter cast iron watermains which represent the highest incidence of breaks in the system.

Water operators worked with the contractor to commission the new water main into Marlene Stewart Steit Park. This water main was required to supply the new splash pad and improve service to the existing pool and address water quality issues in the area.

Staff responded to a blocked sewer main in the area of South/West Fonthill. Staff were able to pump sewage around the blocked section of main before major flooding of basements occurred. The blockage was attributed to un-flushable household materials such as wet wipes and grease. Notices will be handed out in the sewer service area, as well as on social media, reminding residents of what can and cannot be flushed down the sewer.

ENGINEERING

The following is a summary of the activities that have occurred in the Engineering Department between January 2022 and March 2022:

SULPHUR SPRINGS REHABILITATION – The Sulphur Springs Road Reconstruction project was awarded to Duffin Contracting under a design/build contract. To date the contractor has completed Site 1 (with the exception of asphalt and the landscaping to be completed in the spring) and re-opening the roadway. Site 2 will commence in July of 2022 once the contractor is permitted to work within the watercourse.

PELHAM STREET SOUTH (Phase 1 and Phase 2) – The Town has received Federal and Provincial funding towards completing a total reconstruction of Pelham Street to the Town Boundary south of Welland Road. The works include new storm sewers, updates to existing water mains, as well as new curb, asphalt, the construction of on-road bicycle lanes and new sidewalks. Phase 1 was completed in 2021. Phase 2 of the project was substantially completed in December of 2021 with the final restoration and surface works currently being undertaken. The contract for Phase 1 and Phase 2 was awarded to Rankin Construction Inc. The contractor has returned to the site to complete final surface works and restoration with an expected completion date of May 2022.

PELHAM STREET PHASE 3 – JOHN STREET TO SOUTH SPRUCESIDE INTERSECTION – The detailed design phase of the Phase 3 of the project is complete and is currently under review by senior management from Associated Engineering. The project includes a full urbanization and reconstruction of Pelham Street continuing on from John Street (Phase 2) to the south Spruceside intersection. The project is approximately 900 m in length and will include

a fully reconstructed road cross section with new sidewalks on both sides, on road cycling facilities, new watermain, new storm sewers and new roadway lighting. It is anticipated that the project will be tendered in May of 2022 with the project being substantially complete by December 2022. Completion of surface works and restoration is anticipated to be completed in the spring of 2023 similar to Phase 2.

ROAD BASE AND PATCHING REPAIR PROGRAM (2022) – Staff are currently in the process of determining the locations for the asphalt base repairs and patching program. The program will most likely focus on rural roads with emphasis placed on road segments located on the cycling race route for the 2022 Canada Summer Games. It is anticipated that this tender will be issued in May of 2022.

Tice Road: Road Base Failure

Tice Road Failing Road Shoulders

ROAD REHABILITATION AND RESURFACING PROGRAM (2022) – Engineering Staff are currently working with Public Works Operations Staff to develop a list of candidates for the 2022 Road Rehabilitation and Resurfacing program. The candidates are being selected based on the information contained in the 2019 Pavement Condition study and based on the road patrols completed by Operations Staff. The program will most likely focus on rural roads with emphasis placed on road segments located on the cycling race route for the

2022 Canada Summer Games. It is anticipated that the tender for this project will be issued in May or June of 2022.

Metler Road: Road Shoulder Failing

Road Base Failure and pavement deterioration on Roland Road

CONCRETE REPAIR AND REPLACEMENT PROGRAM (2022) – Staff are currently in the process of determining the locations for the concrete repair and replacement program. This program focuses on the repair and replacement of damaged or failed sidewalk panels, and curbs within the Town right-of-way. It also encompasses facilities' concrete repair and replacement needs. The majority of the work completed as part of this annual project is concrete curb and sidewalk repairs so that the Town is in compliance with the Minimum Maintenance Standards (MMS). It is anticipated that this contract will be tendered in the spring of 2022.

Missing curb at Millbridge

Tripping hazard at HWY 20

Sinking panels at Lawrence Lane

CONSTRUCTION OF EFFINGHAM ST: HIGHWAY 20 TO TICE ROAD – The detailed engineering design was completed by Kerry T. Howe Engineering in February 2022. This project has gone out to tender as of April 6th, 2022. This project is scheduled to commence on April 28th, 2022 and be substantially completed by July 1st, 2022 to accommodate the upcoming Canada Summer Games.

BRIDGE REPLACEMENT PROGRAM – BALFOUR BRIDGE (STRUCTURE NO. 14) – The Balfour Road Bridge was identified in the 2020 Biannual Bridge and Major Culvert inspections as a structure that required replacement. The Bridge Condition Index (BCI) for Balfour Street (Structure No. 14) is 49 with an overall bridge condition raring of "poor". This project

has been tendered and awarded to CRL Campbell. The design consultant for this project is ELLIS Engineering. The anticipated start of this project is July 4th, 2022 and completion is anticipated for September 2nd, 2022.

ROADSIDE DITCHING PROGRAM (2022) – Staff are currently working with Operations staff to determine locations for the 2022 Roadside Ditching program. Again it will include approximately 14km of roadside ditches. It is expected that the tender will be released in late spring of 2022.

STATION STREET STORM POND REHABILITATION – This project has been awarded to Duffin Contracting Inc. The commencement of the project has been delayed as a result of receiving permits from the NPCA and permission to enter and gain access over a hydro easement that runs between Station Street and Cataract Road directly adjacent to the storm water pond outlet. The contractor is continuing to work with the design consultant, Town Staff and NPCA to get the approvals necessary to gain access to the site and complete the work. Based on failed attempts to gain access to the site via the Hydro One corridor the Town has now directed the contractor to gain access to the site through the existing storm sewer easement and storm water management facility. As a result there will need to be limited tree removal and restoration works on the existing pond. All of this work for the access will be completed on Town property. A portion of the property is on NPCA regulated lands so permits and approvals through the environmental agency will be required. It is anticipated that the construction will commence in late spring of 2022 and will be completed in the fall of 2022 pending approvals and permits.

FOSS ROAD SANITARY SEWER DESIGN UPGRADES – This project is currently at 90% design stage with GHD. However, there have been some challenges with regards to the CPR crossing, which is delaying the finalization of design. Coordination with relevant agencies is being conducted in order to bring this project to completion and be construction ready. Staff are working diligently with the consultant to determine the most cost effective method of installing the sanitary sewer under the CPR right-of-way. It is anticipated that the project will be included in the 2023 Capital Budget request.

CHURCH STREET SANITARY SEWER DESIGN UPGRADES – The detailed engineering design was completed by Associated Engineering early in 2022. Permits, comments and approvals have been obtained by CP Rail and the NPCA. This project will be going out to tender in April/May of 2022. It is anticipated that construction will commence by June 2022 and be substantially completed by the end of the calendar year.

PARK LANE WATERMAIN INSTALLATION PROJECT – The Park Lane Watermain Installation Project is a project that involves the installation of a new 6 inch watermain from Hwy 20 to the bottom of Marlene Stewart Street Park in order to service the new splash pad and the existing pool facility. This project also included the installation of a sanitary sewer connection for the proposed splash pad. This project was completed in late February 2022. Based on unforeseen circumstances regarding locations of underground utilities and obstructions, additional work required to provide new sanitary sewer connections and service connections to the Park Lane Storage Facility and existing Pool Facility, as well as, issues surrounding the disposal of excess soils in accordance with new proposed

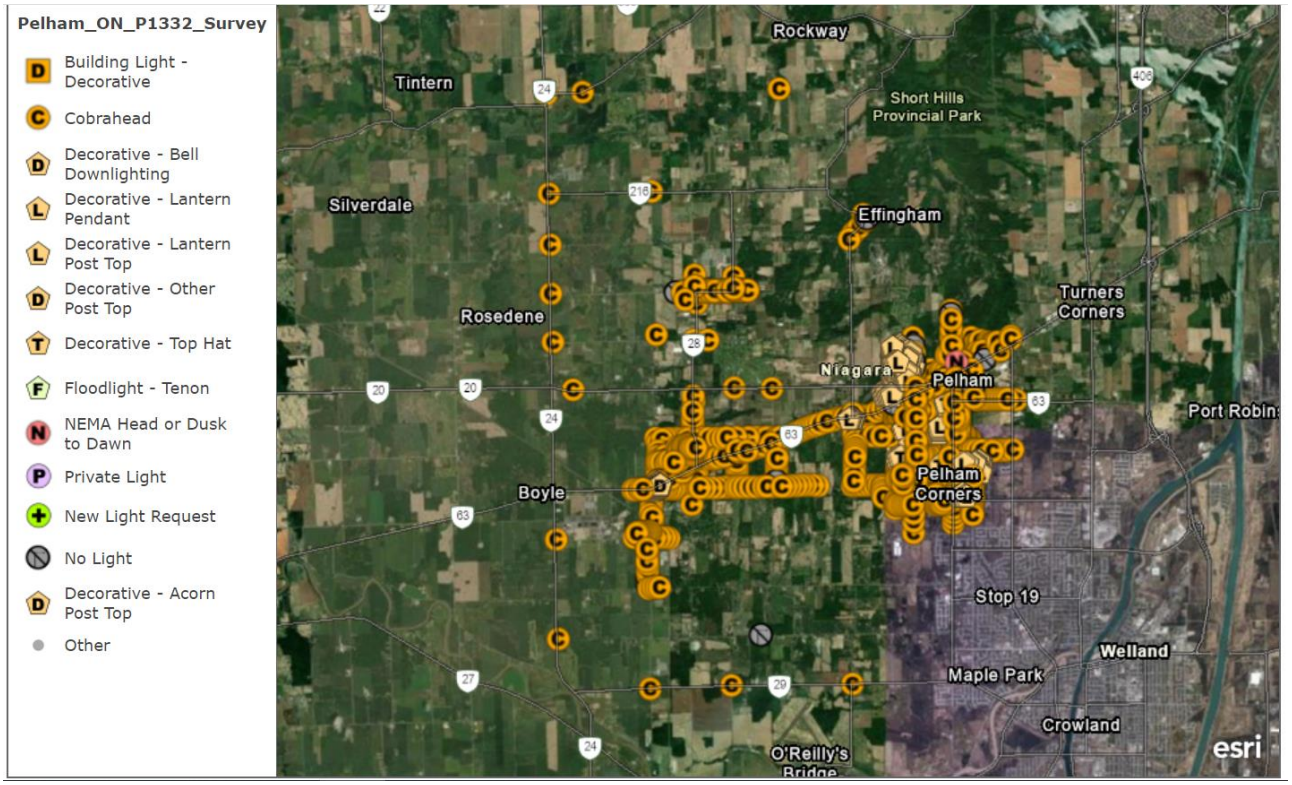
legislation, the costs for the project have exceeded the original estimated tender value and budget.

Installation of new 6 inch watermain at MSSP.

PELHAM ARCHES PROJECT - Engineering staff are working closely with representatives from the Rotary Club as well as the Engineering of record (James Federico, P. Eng.) on the replacement project for the arches. At this point in time staff have reviewed initial drawings and provided comment. Staff are awaiting a final submission of the drawings for approval as well as the Building Permit application.

QUAKER ROAD RECONSTRUCTION DETAILED DESIGN - Engineering staff are working closely with representatives from the Region and the design consultant (MTE) to finalize the design of Quaker Road from Pelham Street to Line Ave. The project will include the full urbanization of the roadway with concrete sidewalks on both sides of the street, on road cycling facilities, new watermain and services, new storm sewer and new sanitary sewer. The design will be completed in the summer of 2022 with construction anticipated in 2023 pending budget approval. The project will be tendered and administered through Niagara Region.

LED STREETLIGHT CONVERSION PROJECT – Staff had the kickoff meeting on March 10th, with Realterm Energy Inc. for the LED Streetlight conversion program. Realterm has completed the GIS streetlight audit and it is currently being reviewed by Staff. It is anticipated that the Investment Grade Audit (IGA) will be sent to the Town by June 23rd, for confirmation. The installation completion date for Phase 1 is November 2nd, 2022.



Streetlight Audit Map

TOWN OF PELHAM EVENTS BUILDING ADDITION PROJECT - The building addition project consists of adding a vestibule, new corridor, storage room, community room, janitor's closet, universal washroom, and women and men's washrooms. Staff had the kickoff meeting on March 16th, with John Grguric from Grguric Architects Incorporated. This project is currently at the Prequalification stage which was posted on March 31st. The tendering phase of this project will be undertaken in May and awarded in June with construction commencing on September 6th, 2022.

In addition to the current capital projects, Engineering staff continue to thoroughly review all Planning and Committee of Adjustment applications. Reviews entail a site visit and detailed analysis of drawings and reports, to ensure Town standards are adhered to. For more complex applications, this process sometimes involves several re-submissions and repeated reviews by staff. Engineering staff also continue to manage requests for assumption of subdivisions, and for reduction of securities at various stages of the development process. In addition, Engineering Staff complete reviews on lot grading plans for building permits received through the Planning Department.

Further, Engineering Staff continue to support the Pelham Active Transportation Committee (PATC), generating reports for other departments to be sent back to the federal government, and coordinating with other Town departments for assistance.

Constituent Concerns and Issues Arising:

Although the COVID 19 restrictions have been lifted staff continue to exercise precaution and wear appropriate PPE measures when working in sensitive environments and when working in close proximity to others.

Staff at Tice have returned back to normal working hours from 7 a.m. to 3:30 p.m. Physical distancing and increased cleaning of touchpoints and workplaces continue.

Employee Updates:

The department has had four (3) full time employees join the team in the first quarter of this year.

1) **Haneen Al Jbawi – Engineering Technologist** – Haneen has completed a Bachelor of Civil Engineering Degree at Ryerson University and brings experience form the construction industry.

2) **Gimuel (Gim) Ledesma – Engineering Technologist** – Gim graduated from Mohawk College with a diploma in Architectural Technology and is currently pursuing a Bachelor of Technology in Civil Engineering Infrastructure Degree at McMaster University (part-time). Gim has experience working in the municipal setting and most recently was employed as a project coordinator in the construction field.

3) **Sonia Simoes – Public Works Administrative Assistant** – Sonia is a certified Facility Management Professional with over eleven years of administrative experience in a municipal setting. Sonia most recently worked for the City of Hamilton as a Specification Clerk.

Grants, Concerns, RFPs, Agreements:

Public Works staff have submitted a grant on behalf of the Town to improve Active Transportation within the Town. The grant focused on two main projects:

1) Hard Surfacing of the Steve Bauer Trail from Port Robinson Road to the north Pelham/Thorold town boundary on the old spur line.
2) Construction of on-road cycling facilities on Canboro Road from Oakridge Blvd to Effingham Street.

Meetings:

Public Works Officials Meetings (Virtual Attendance)
Niagara Peninsula Contract Document Specification Meetings
Municipal Energy Symposium – Association of Municipalities of Ontario

Fire & By-law Enforcement Quarterly Report
Monday, April 11, 2022

Reporting Period: Fire and By-law Enforcement Department Quarterly Report for the period: Quarter 1 (one), January – March 2022

Recommendation:

> **BE IT RESOLVED THAT the Q1/2022-0092 Fire and By-law Enforcement Department Report be received for information.**

Department Overview and Statistics:

By-law, January – March 2022

The bylaw department performed 164 random cannabis odour tests in the first quarter of the year with no violations recorded.

34 winter related parking tickets were issued in the first quarter.

No police reports filed.

Fire Prevention, January – March 2022

Fire prevention has started conducting more in person inspections with covid restrictions being lifted, which has been well received by the local businesses.

Fire prevention officers in Niagara region have returned to meeting in person.

With the nicer weather, agricultural burns have increased, as well as an increase in recreational burn pit permits - both new and renewals.

The Department continues to monitor PPE stock, inventory remains healthy.

Training

January 2022

With COVID restrictions still in place the active department remains meeting and training in the virtual environment.

February 2022

The department returned to in person training, with enhanced cleaning and safety taking place.
The training officer started a new OFC course on legislation, which is a month long course involving different legislation and regulations that pertain to the fire service.
Process started with the OFC to set up a learning contract to hold a NFPA 1002 pump ops course in pelham.

Several province wide meetings discussing the proposed mandatory certification for firefighters. The new Ontario regulation under the *Fire Protection and Prevention Act* will take effect on July 1, 2022.
The new O/Reg will create an increase in training hours and course attendance by fire fighters, this will have an overall impact on the operating budget moving forward.

Started the process of file reviews to prepare Pelham fire for the proposed Mandatory Certification.

March 2022

Continued working on the creation of lesson plans and presentations for annual core competency training. Training officers from each station met to review to the completed lesson plan on accountability.
New in depth, training will be rolled out to all fire fighters.

Emergency Management

On Tuesday, March 15, 2022 @ 12:01am, the town of Pelham along with the Niagara region & surrounding municipalities officially ended the declared states of emergency which had been in place since April 3, 2020.

The ECG (emergency control group) has ceased the weekly virtual meetings.

The emergency management committee continues to meet virtually &/or in person Mondays @ 0900.

Pelham's EM committee met virtually with GTA emergency management consultants Inc who were the successful bidders on the contract to review the towns existing emergency plan. The Town of Pelham's current emergency

management plan was approved by council in 2019. There has been a number of legislative changes indicated in the report since the approval, the emergency management committee is reviewing the old plan and will be revising the document to meet the new requirements and recommendations, document revisions should be completed in late April or early May, 2022.

Pelham fire department continues to conduct rapid covid testing for town employees who have been experiencing covid related symptoms.

Suppression

Pelham fire department continues to respond to all of incidents without interruption of operations. Fire equipment continues to be cleaned after each use. Resources are not compromised at this time and the town continues to respond with full a compliment.

Firefighter training continue at all 3 (three) stations, with maintaining social distancing and cleaning procedures of all areas and equipment.

Projects:

Not applicable.

Constituent Concerns and Issues Arising:

Residents occasionally indicate dissatisfaction with cannabis odour, however no levels high enough to constitute a bylaw violation were detected in Q1.

Employee Updates:

Fire Department Anniversaries

20 years Firefighter John Lockey

By-law Department Retirements

By-law department crossing guard Violet Steingart retired after 22 years from her post on Haist Street at AK Wigg School.

Replacing Violet's post is crossing guard Tim McAurthur, who has moved from his Haist Street & Pancake Lane post & replacing Tim is new crossing guard Steve Bujacz.

Congratulations and gratitude to all guards for their service and continued commitment to the community!

Grants, Concerns, RFPs, Agreements:

Not applicable.

Meetings:

Members of the Department participated in at least 3 meetings per week (frequently more) pertaining to Covid-19. Staff eagerly look forward to any opportunity to return to normalcy and the traditional focus of their positions.

2022 FIRE & BY-LAW ADMINISTRATION

FIRE RESPONSES				
	Total	JAN	FEB	MAR
STRUCTURE/VEHICLE FIRE	5	2	2	1
MUTUAL AID OTHER DEPT	3	0	0	3
MVC	15	7	4	4
REMOTE ALARMS	12	4	7	1
MEDICAL ASSIST	46	19	15	12
EMERG. & NON EMERG ASSIST	9	0	3	6
PUBLIC ASSISTANCE	1	0	1	
GRASS/BRUSH FIRE/COMPLAINT	6	5	0	1
RESCUES	1	1	0	
ODOUR INVESTIGATION	0	0	0	
CO INVESTIGATIONS	3	2	0	1
Monthly Totals		40	32	29
Annual Total 2022	101			
Total Responses for 2021	397			

2022 FIRE PREVENTION				
INSPECTIONS				
	Total	JAN	FEB	MAR
Inspections	27	5	9	13
Town Monthly Building Inspect.	39	13	13	13
Plan reviews	9	3	2	4
Tapp-C	1	0	0	1
Fireworks Permit	0	0	0	0
Open Air Burning Permit	47	15	5	27
Observed fire drill	0	0	0	0
Court appearance	0	0	0	0
Monthly Totals		36	29	58
Annual Total 2022	123			
Total Responses for 2021	469			
THLY COMMITTEE/ASSOCIATION MEETINGS				
	Total	JAN	FEB	MAR
OMFPOA	2	1	0	1
Arson Committee	0	0	0	0
TAPP-C	0	0	0	0

Development Coordinator Meeting	9	3	2	4						
Town staff meeting	0	0	0	0						
Meetings, various (n.o.s.)	20	5	7	8						
Monthly Totals		9	9	13						
Annual Total 2022	31									
Total Responses for 2021	94									
FIRE INVESTIGATIONS										
	Total	**JAN**	**FEB**	**MAR**						
	1	0	1	0						
Monthly Totals		0	1	0						
Annual Total 2022	1									
Total Responses for 2021	2									
PUBLIC EDUCATION										
	Total	**JAN**	**FEB**	**MAR**						
Station Visit School	0	0	0	0						
Fire Prevention Education Event	3	0	1	2						
Child / Children Visit Station	8	1	3	4						
Public Education Presentation	0	0	0	0						
General inquiries	16	5	7	4						
Facebook Public Education Posts	60	20	26	14						
Other Public Education Activities	0	0	0	0						
Monthly Totals		**26**	**37**	**24**						
Annual Total 2022	87									
Total Responses for 2021	422									
OTHER ACTIVITIES										
	Total	**JAN**	**FEB**	**MAR**						
Compliance Letter	6	1	3	2						
Fire safety plan/drill scenario reviews	5	1	1	3						
Training for firefighters	0	0	0	0						
Training Course	0	0	0	0						
Monthly Totals		**2**	**4**	**5**						
Annual Total 2022	11									
Total Responses for 2021	34									
2022 BY-LAW SERVICES REPORT										
BY-LAW COMPLAINTS RECEIVED										
	TOTAL	**JAN**	**FEB**	**MAR**						

Complaints Received		4	7	16						
Monthly Total		4	7	16						
Y-T-D Total 2022	27									
2021 Total	240									
PARKING INFRACTIONS ISSUED										
		JAN	FEB	MAR						
Tickets Issued		15	24	0						
Monthly Total		15	24	0						
Y-T-D Total 2022	39									
2021 Total	27									
PARKING WARNINGS ISSUED										
		JAN	FEB	MAR						
Warnings issued	Total	0	0	0						
Y-T-D Total 2022	0									
2021 Total	23									
ENVIRONMENTAL BY-LAW FILL APPLICATIONS RECEIVED										
		JAN	FEB	MAR						
Received	0	0	0							
Authorized	0									
Properties Exempt	0									
Denied	0									
Monthly Total		0	0	0						
Y-T-D Total 2022	0									
2021 Total	6									
POLICE REPORTS FILED										
		JAN	FEB	MAR						
	Total	0	0	0						
Mischief	0									
Vandalism	0									
Trespassing	0									
Graffiti	0									
Other	0									
Monthly Total		0	0	0						
Y-T-D Total 2022	0									
2021 Total	2									

CANNABIS ODOUR COMPLAINTS RECEIVED				
	Y-T-D	JAN	FEB	MAR
NEW Complaints	8	0	3	5
REPEAT Complaint	5		3	2
Number of Violations			0	0
Nasal Ranger detection	0		0	0
fresh air detection	1		0	1
From PELHAM	8		3	5
From WELLAND	0			
Monthly Total		0	6	7
Y-T-D Total 2022	13			
2021 Total	63			
RANDOM CANNABIS ODOR TESTING				
	Y-T-D	JAN	FEB	MAR
Tests Completed		59	45	60
Number of Violations	0		0	0
Nasal Ranger detection	2	0		2
fresh air detection	20	4	6	10
Monthly Total		59	45	60
Annual Tests Total 2022	164			
2021 Total	384			
CANNABIS OPERATIONS LIGHT POLLUTION COMPLAINTS RECEIVED				
		JAN	FEB	MAR
NEW Complaints	0	0	0	0
REPEAT Complaints	0			
From PELHAM	0			
From WELLAND	0			
Monthly Total		0	0	0
Y-T-D Total 2022	0			
2021 Total	0			
NOISE COMPLAINTS				
		JAN	FEB	MAR
NEW Complaints	3	0	1	2
REPEAT Complaints	0			

Monthly Total		0	1	2						
Y-T-D Total 2022	**3**									
2021 Total	**23**									
NON-PARKING AMP CITATIONS ISSUED										
		JAN	**FEB**	**MAR**						
AMPS ISSUED		0	0	0						
Y-T-D Total 2022	**0**									
2021 Total	**6**									

Pelham NIAGARA

Proclamation

Office of the Mayor

Mountainview LemonAID Day, 2022
June 12, 2022

WHEREAS Family and Children's Services (FACS) Niagara has been dedicated to protecting and supporting children and improving the lives of vulnerable children youth, and families across the Niagara Peninsula since 1898;

AND WHEREAS Mountainview Homes and other generous sponsors are supporting FACS Niagara Foundation in these efforts by encouraging children and families to give back to their community by registering online and setting up lemonade stands across the Town of Pelham and the Niagara Peninsula on Sunday, June 12th;

AND WHEREAS Mountainview Homes and other great community sponsors have generously provided 100 LemonAID Day Kits, so every family and child have the resources needed to successfully participate, and so that ALL the funds raised by children go directly to sending vulnerable children supported by FACS Niagara to summer camps;

AND WHEREAS by instilling the values of community, generosity and goodwill in the next generation, Mountainview Homes and other generous sponsors are helping build a brighter future for Niagara;

AND WHEREAS the Town of Pelham commends the hundreds of young citrus-squeezing children for their philanthropy and hard work, generosity, goodwill, and for making our community a much better place to live;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham hereby encourages children of the Town of Pelham to participate in the annual Mountainview LemonAID Day;

AND WHEREAS encourages all citizens of the Town of Pelham to support these children in their efforts by generously donating in person or online to the Mountainview LemonAID Day stands;

AND WHEREAS help send 450 children from Niagara Peninsula to experience summer camp in 2022;

AND THAT the Council of the Town of Pelham hereby proclaims Sunday, June 12, 2022 as Mountainview LemonAID Day in the Town of Pelham.

DATED AT the Town of Pelham this 19th day of April, 2022.

_____

Mayor Marvin Junkin
Town of Pelham

PROCLAMATION

< The Corporation of…. Town / City >

proclaims **SUNDAY June 12, 2022**

"MOUNTAINVIEW LEMONAID DAY, 2022"

WHEREAS *Family and Children's Services (FACS) Niagara* has been dedicated to protecting and supporting children and improving the lives of vulnerable children, youth, and families across the Niagara Peninsula since 1898; AND,

WHEREAS *Mountainview Homes* and other generous sponsors are supporting *FACS Niagara Foundation* in these efforts by encouraging children and families to give back to their community by registering online and setting up a lemonade stands across **< Town / City >** and the Niagara Peninsula on Sunday, June 12th; AND

WHEREAS *Mountainview Homes* and other great community sponsors have generously provided 100 LemonAID Day Kits, so every family and child have the resources needed to successfully participate, and so that ALL the funds raised by children go directly to sending vulnerable children supported by FACS Niagara to summer camps; AND

WHEREAS by instilling the values of community, generosity and goodwill in the next generation, *Mountainview Homes* and other generous sponsors are helping build a brighter future for Niagara; AND

WHEREAS **< Town / City >** commends the hundreds of young citrus-squeezing children for their philanthropy and hard work, generosity, goodwill, and for making our community a much better place to live.

THEREFORE, BE IT RESOLVED THAT the Council of the **< Town / City >** hereby encourages children of **< Town / City>** to participate in the annual *Mountainview LemonAID Day*; AND,

Encourages all citizens of **< Town / City >** to support these children in their efforts by generously donating in person or online to the *Mountainview LemonAID Day* stands, AND help send 450 children from Niagara Peninsula to experience summer camp in 2022; and

THAT the Council of < Town / City> hereby proclaims Sunday, June 12, 2022 as *Mountainview LemonAID Day* in the < Town / City >.

Dated this **< date 2022 >**

_____

Mayor **< Name >**
< Town / City >

Pelham NIAGARA

Proclamation

Office of the Mayor

Longest Day of SMILES®
June 19, 2022

WHEREAS Operation Smile Canada is a global medical charity providing free, life-changing surgeries and medical care to children born with cleft conditions around the world; and

WHEREAS Every three minutes, a child is born with a cleft condition, and lack of access to safe, effective surgery means that easily treatable conditions like cleft lip and cleft palate can become fatal. Operation Smile Canada believes every child born with a cleft condition deserves exceptional surgical care; and

WHEREAS The Longest Day of SMILES® will unite Canadians from coast to coast as they raise awareness and funds to support this important cause; and

WHEREAS On June 19th, 2022, the community of Pelham is encouraged to celebrate the Longest day of SMILES® by sharing #longestdayofsmiles on social media; and

AND THAT the Council of the Town of Pelham hereby proclaims June 19, 2022 as the Longest Day of SMILES® in the Town of Pelham.

DATED AT the Town of Pelham this 19th day of April, 2022.

_____

Mayor Marvin Junkin
Town of Pelham

ANNOUNCES JUNE 19th, 2022 AS
THE LONGEST DAY OF SMILES®

Whereas Operation Smile Canada is a global medical charity providing free, life-changing surgeries and medical care to children born with cleft conditions around the world; and

Whereas Every 3 minutes, a child is born with a cleft condition, and lack of access to safe, effective surgery means that easily treatable conditions like cleft lip and cleft palate can become fatal. Operation Smile Canada believes every child born with a cleft condition deserves exceptional surgical care; and

Whereas The Longest Day of SMILES® will unite Canadians from coast to coast to coast as they raise awareness and funds to support this important cause. To learn more visit www.longestdayofsmiles.ca ; and

Whereas On June 19th, 2022, the community of xxx is encouraged to celebrate the Longest day of SMILES® by sharing #longestdayofsmiles on social media; and

Therefore I, xxx, Mayor of xxx, do hereby proclaim June 19th, 2022, as The Longest Day of SMILES® and commend its thoughtful observance to all citizens of our municipality.

Dated on this day, ... day of ..., 20...

Representative's Name

Pelham NIAGARA

Proclamation

Office of the Mayor

National Day of Mourning
April 28, 2022

WHEREAS the National Day of Mourning has been recognized since April 28, 1991; and

WHEREAS on April 28, workers, families, employers and others come together at events held around the province to remember those who have lost their lives on the job, and to renew our commitment to creating safer workplaces; and

WHEREAS, according to the Canadian Centre for Occupational Health and Safety, in 2019 there were 925 workplace fatalities recorded, of which 882 were male workers and 43 were female workers. Among those deaths were 29 workers aged 15-24; and

WHEREAS the National Day of Mourning has since spread to about 100 countries around the world; and

AND THAT the Council of the Town of Pelham hereby proclaims April 28, 2022 as National Day of Mourning in the Town of Pelham.

DATED AT the Town of Pelham this 19th day of April, 2022.

_____

Mayor Marvin Junkin
Town of Pelham

From: Niagara Regional Labour Council * <nrlc.clc@gmail.com>
Date: April 4, 2022 at 3:30:45 PM EDT
To: Marvin Junkin <MJunkin@pelham.ca>
Cc: Niagara Regional Labour Council * <nrlc.clc@gmail.com>
Subject: April 28th-National Day of Mourning

Niagara Regional Labour Council

April 4, 2022

Mayor Marvin Junkin
20 Pelham Town Square
P.O.Box 400
Fonthill, Ontario L0S 1E0

Dear Mayor Junkin:

On April 28th, the Niagara Regional Labour Council will observe the National Day of Mourning to remember those who have suffered and died on the job. As we remember those who have died in workplace catastrophes, those who have been exposed to toxic substances and those who have been injured due to dangerous work conditions, we rededicate ourselves to fight for safe workplaces.

Therefore, as we approach April 28th, we are requesting that the City Council consider and issue a Proclamation with respect to the "National Day of Mourning".

We are also requesting that all flags be flown at HALF-MAST at City Hall on the 28th. As we remember those who have been injured and killed, we must renew our fight for the living and we must organize and mobilize for safe jobs.

Thank you in advance.

In Solidarity,

Lou Ann Binning
President
Niagara Regional Labour Council

PO Box 42, Thorold, Ontario. L2V 3Y7

Mike Jones, Chair
Pelham Advocates for Trees and Habitat
pelhampath@gmail.com

Request for Noise By-law Exemption

I am requesting an exemption from noise by-law 3130(2010), as amended by by-law 3808(2016) to permit amplified noise (use of a microphone) from 1pm to 3pm on April 23, 2022 for the 1st Annual Rally on Earthday calls for Action (AREA). This event will take place at Peace Park and will include environmentalists from around the Niagara Region. A microphone will be used for speeches to allow all participants the ability to hear.

The goal of the event is to promote the preservation of our urban forest, to educate the public of the value of trees and to help promote public discussion on the value of trees and habitat in the Niagara Region.

Mike Jones, Chair
Pelham Advocates for Trees and Habitat

Rain or Shine

1st. Annual Rally on Earthday calls for Action (AREA)

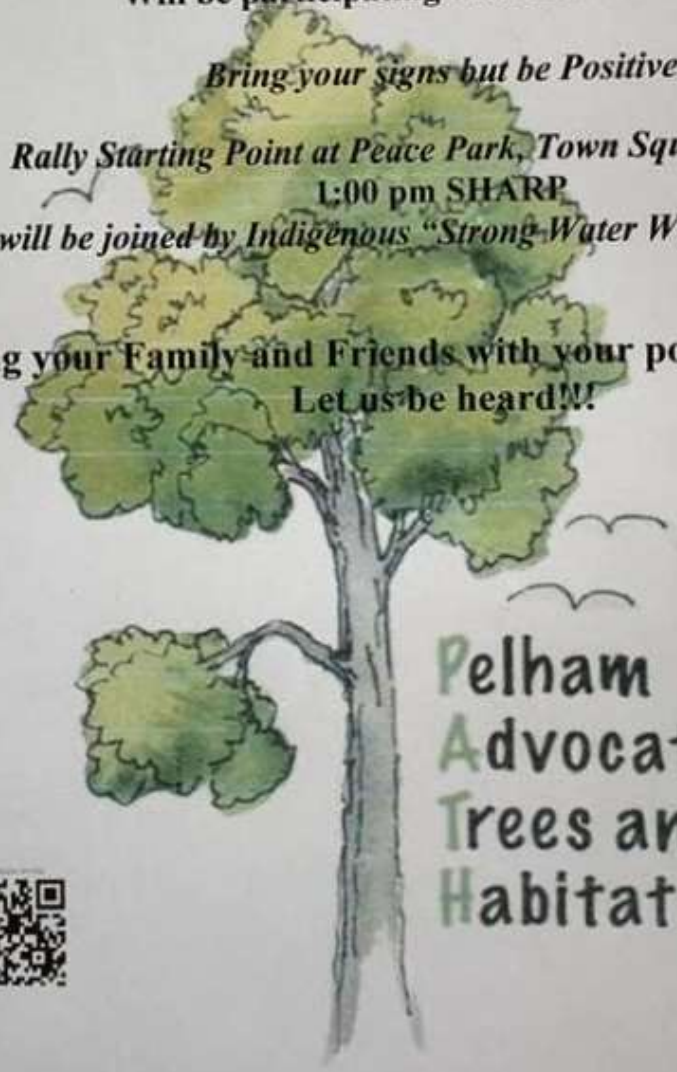
April 23rd. From 1:00 to 3:00 pm

Environmentalists from around the Niagara Region
Will be participating with their concerns.

Bring your signs but be Positive

Rally Starting Point at Peace Park, Town Square, Fonthill
1:00 pm SHARP
We will be joined by Indigenous "Strong Water Women" Drummers

Bring your Family and Friends with your pot/pan, & spoon
Let us be heard!!!



Pelham
Advocates for
Trees and
Habitat

Two procession routes to travel back to Destination.

For More Information contact: pelhampath@gmail.com

March 23, 2022

Hon. Steve Clark
Minister of Municipal Affairs and Housing
College Park, 17th Floor
777 Bay St.
Toronto, ON M7A 2J3

RE: Resolution from the City of Waterloo passed March 21st, 2022 re: Ontario Must Build it Right the First Time

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Dear Minister Clark,

Please be advised that the Council of the Corporation of the City of Waterloo at its Council meeting held on Monday, March 21st, 2022 resolved as follows:

> WHEREAS the Province of Ontario adopted greenhouse gas reduction targets of 30% by 2030, and emissions from buildings represented 22% of the province's 2017 emissions,
>
> WHEREAS all Waterloo Region municipalities, including the City of Waterloo, adopted greenhouse gas reduction targets of 80% below 2012 levels by 2050 and endorsed in principle a 50% reduction by 2030 interim target that requires the support of bold and immediate provincial and federal actions,
>
> WHEREAS greenhouse gas emissions from buildings represent 45% of all emissions in Waterloo Region, and an important strategy in the TransformWR community climate action strategy, adopted by all Councils in Waterloo Region, targets new buildings to be net-zero carbon or able to transition to net-zero carbon using region-wide building standards and building capacity and expertise of building operators, property managers, and in the design and construction sector,
>
> WHEREAS the City of Waterloo recently adopted a net-zero carbon policy for new local government buildings and endorsed a corporate greenhouse gas and energy roadmap to achieve a 50% emissions reduction by 2030 for existing local government buildings and net-zero emissions by 2050 (provided the provincial electricity grid is also net-zero emissions),
>
> WHEREAS the draft National Model Building Code proposes energy performance tiers for new buildings and a pathway to requiring net zero ready construction in new buildings, allowing the building industry, skilled trades, and suppliers to adapt on a predictable and reasonable timeline while encouraging innovation;

WHEREAS the Ministry of Municipal Affairs and Housing is consulting on changes for the next edition of the Ontario Building Code (ERO #: 019-4974) that generally aligns with the draft National Model Building Code except it does not propose adopting energy performance tiers, it does not propose timelines for increasing minimum energy performance standards step-by-step to the highest energy performance tier, and, according to Efficiency Canada and The Atmospheric Fund, it proposes adopting minimum energy performance standards that do not materially improve on the requirements in the current Ontario Building code;

WHEREAS buildings with better energy performance provide owners and occupants with lower energy bills, improved building comfort, and resilience from power disruptions that are expected to be more common in a changing climate, tackling both inequality and energy poverty;

WHEREAS municipalities are already leading the way in adopting or developing energy performance tiers as part of Green Development Standards, including Toronto and Whitby with adopted standards and Ottawa, Pickering, and others with standards in development;

WHEREAS the City of Waterloo is finalizing Green Development Standards for its west side employment lands and actively pursuing Green Development Standards in partnership with the Region of Waterloo, the Cities of Kitchener and Cambridge, and all local electricity and gas utilities through WR Community Energy;

WHEREAS while expensive retrofits of the current building stock to achieve future net zero requirements could be aligned with end-of-life replacement cycles to be more cost-efficient, new buildings that are not constructed to be net zero ready will require substantial retrofits before end-of-life replacement cycles at significantly more cost, making it more cost-efficient to build it right the first time.

THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario to include energy performance tiers and timelines for increasing minimum energy performance standards step-by-step to the highest energy performance tier in the next edition of the Ontario Building Code, consistent with the intent of the draft National Model Building Code and the necessity of bold and immediate provincial action on climate change;

THAT Council request the Province of Ontario to adopt a more ambitious energy performance tier of the draft National Model Building Code as the minimum requirement for the next edition of the Ontario Building Code than those currently proposed;

THAT Council request the Province of Ontario provide authority to municipalities to adopt a specific higher energy performance tier than the Ontario Building Code, which would provide more consistency for developers and homebuilders than the emerging patchwork of municipal Green Development Standards;

THAT Council request the Province of Ontario to facilitate capacity, education and training in the implementation of the National Model Building Code for municipal planning and building inspection staff, developers, and homebuilders to help build capacity; and

THAT this resolution be provided to the Minister of Municipal Affairs and Housing, to area MPPs, and to all Ontario Municipalities.

Please accept this letter for information purposes only.

If you have any questions or require additional information, please contact me.

Sincerely,

Julie Scott
City Clerk, City of Waterloo

CC (by email):

Catherine Fife, M.P.P (Waterloo)
Laura Mae Lindo, M.P.P (Kitchener Centre)
Belinda C. Karahalios, M.P.P (Cambridge)
Amy Fee, M.P.P (Kitchener-South Hespeler)
Mike Harris, M.P.P (Kitchener-Conestoga)

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 31, 2022

CL 6-2022, March 24, 2022
PEDC 2-2022, March 9, 2022
PDS 3-2022, March 9, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Regional Transitional Incentive Timelines
PDS 3-2022

Regional Council, at its meeting held on March 24, 2022, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 3-2022, dated March 9, 2022, respecting Regional Transitional Incentive Timelines, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the timelines and transitions for Niagara Region incentive programs outlined in this Report **BE APPROVED**; and

2. That Report PDS 3-2022 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report PDS 3-2022 is enclosed for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk
:cv

CLK-C 2022-045

cc:
M. Sergi, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant, Planning and Development Services
M. Bannerman, Program Manager, Grants and Incentives, Planning and Development Services

Subject: Regional Transitional Incentive Timelines

Report to: Regional Council

Report date: Wednesday, March 9, 2022

Recommendations

1. That the timelines and transitions for Niagara Region incentive programs outlined in this report **BE APPROVED**; and

2. That Report PDS 3-2022 **BE CIRCULATED** to the Local Municipalities.

Key Facts

- This report fulfills Council direction in PDS 31-2021 as amended that "staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates." Expiry dates, sunset clauses, and transitions for these programs are outlined below and in Appendix 1.

- The programs which did not have expiration dates otherwise mandated by Council through PDS 31-2021 include the following incentives in the Smarter Niagara Incentive Program (SNIP): Affordable Housing, Agricultural Feasibility Study Grant, Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/Secondary Plan Grant, Public Domain Grant, Residential Grant, Environmental Assessment Study Grant, Brownfield Tax Assistance Program Grant.

- Two grants listed above either have never been operative (SNIP Affordable Housing) or have already been replaced by another program (SNIP Public Domain replaced in 2016 by the Public Realm Investment Program). They are included here as both programs will be officially discontinued.

- For two programs -- the SNIP Property Rehabilitation and Revitalization Tax Increment Grant (SNIP TIG) and the Smart Growth Regional Development Charge (RDC) Reduction – Council established an expiry date of October 1, 2024. This report provides a transition for the Smart Growth RDC program currently set to expire with the RDC bylaw on August 31, 2022 to Council's new expiration date of October 1, 2024.

Financial Considerations

The financial impact of delivering these incentives consists of:

(1) Regional staffing costs to administer the programs

Staff across Planning and Development Services, Economic Development, Housing Services, and Financial Management and Planning work to administer the various incentive programs offered by Niagara Region. SNIP incentive administration is led by Planning and supported by Finance staff. Continuing SNIP incentives until proposed program expiry in 2023, in conjunction with delivering new Niagara Region Incentive Policy programs, will lead to increased administrative costs. The intent is to manage these costs within the existing operating budget.

(2) Regional budget for the programs

SNIP incentives are budgeted differently depending on the program.

- The budget for the SNIP Affordable Housing Grant, Agricultural Feasibility Study Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/ Secondary Plan Grant, Public Domain Grant, Residential Grant, and Environmental Assessment Study Grant incentives is determined annually. For 2022 this budget is $300,000. Program budget will need to be maintained in 2023 per proposed timelines outlined in this report and then is anticipated to be repurposed to support Affordable Housing incentives within the Niagara Region Incentive Policy.

- The Brownfield Tax Assistance Program Grant (BTAP) results in a freeze or cancellation of Regional taxes for a specified period. Annual budget requirements for the program vary depending on the approved projects and timing of development. The 2022 budget of $38,000 was funded through assessment growth as part of the annual budget process.

- The SNIP Agricultural Buildings and Facilities Revitalization Tax Increment Grant would be funded like other Regional tax increment grants, with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. To date there has been no uptake for this program.

- The SNIP TIG incentive is funded with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. The 2022 budget for SNIP TIGs is $2.2 million. It is anticipated this amount will increase annually based on existing and anticipated SNIP TIG grants through at least 2027. Estimated total Regional commitment for SNIP TIGs is over $40 million.

- The Smart Growth RDC reduction is funded through the annual RDC grant budget. The total budget RDC grants for 2022 is $7.8 million. Annual budget requirements vary depending on the approved projects and timing of development. Average annual Smart Growth RDC payments from 2018-2021 were $273,447, with reductions ranging from $23,000 to $531,000. It is anticipated the average annual payment 2022-2027 will increase based on project completions, Smart Growth RDC reduction program extension, and the proposed Smart Growth RDC reduction transition policy.

Analysis

Background

In its October 2021 approval of the Niagara Region Incentive Policy (PDS 31-2021) as amended, Regional Council provided two specific directions regarding incentive expiration dates:

1. a) That the current Regional Tax Increment Grant and Smart Growth Development Charge programs be maintained in municipal Community Improvement Plan (CIP) districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation;

2. That staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates.

Incentives with Mandated Expiration Dates

In item 1(a) above, Council directed that the SNIP Property Rehabilitation and Revitalization Tax Increment Grant (SNIP TIG) and the Smart Growth RDC reduction remain operative through October 1, 2024, or until new programs meeting certain criteria are approved by Council. Options for new programs with the criteria indicated by

Council were not approved in 2021. This report addresses the need to clarify implications of Council's extension of the SNIP TIG and Smart Growth RDC grants for program partners and participants. Appendix 1 outlines proposed timelines and transition policies for these two programs.

(1) **SNIP TIG** – This program will have an expiration date of October 1, 2024 for submission of complete applications, with sunset clauses as outlined in individual agreements between the local municipality and applicant for each project.

(2) **Smart Growth RDC grant** – This program will have an expiration date of October 1, 2024 for receipt of complete applications OR execution of a transition agreement with Niagara Region. Applications received prior to August 31, 2022 will be processed under the existing Smart Growth RDC program outlined in Schedule E of the Regional DC bylaw (2017-98). This report proposes Council approve the delivery and transition of this incentive under the parameters outlined here from September 1, 2022 until the expiry date of October 1, 2024 mandated by Council through PDS 31-2021. Criteria for a transition agreement for this grant include the following:

To qualify for the Smart Growth RDC reduction of a maximum of 50% of the Regional DC payable after demolition credits are applied, a project must be located within the Designated Exemption Areas indicated in Appendix 2 OR be a brownfield development located within the in the urban area of a local municipality as defined by the Regional Official Plan, AND by October 1, 2024:

- Have met with Regional staff to discuss a preliminary assessment under the Smart Growth RDC program. Assessment will be based on the Smart Growth criteria in place at the time of the assessment, which may be amended.
- Have obtained a building permit and initiated construction for the development.
- Have entered into a Smart Growth RDC transition agreement with Niagara Region.

Projects meeting these criteria will be subject to the following program parameters:

- Under the Smart Growth RDC program, applicants are required to pay all DCs at the time of building permit issuance. Any eligible reduction of RDCs is paid after confirmation that program criteria have been met.
- Projects must be completed by the date indicated in the transition agreement or within five years of execution of the transition agreement, whichever is first.
- Complete applications must be submitted within one month of project completion.

As noted above in PDS 31-2021 item 2, Council directed "That staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates." These "currently approved" programs include the following SNIP incentives: Affordable Housing, Agricultural Feasibility Study Grant, Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/ Secondary Plan Grant, Public Domain Grant, Residential Grant, Environmental Assessment Study Grant, Brownfield Tax Assistance Program Grant. Two of these 10 programs either have never been operative (SNIP Affordable Housing) or have been replaced by another program (SNIP Public Domain was replaced in 2016 by the Public Realm Improvement Program).

Recommendations for sunset and expiry options were put forward by staff during consideration of PDS 31-2021 and related report PDS 37-2021. With these deliberations as background, Appendix 1 outlines proposed expiry dates, sunset clauses, transitions and related information regarding SNIP programs with no expiration dates otherwise directed by Council.

In summary, it is recommended that:

- The SNIP incentives Affordable Housing Grant, Agricultural Feasibility Study Grant, Environmental Assessment Study Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Public Domain Grant, and Residential Grant have an expiration date of October 1, 2023 for submission of complete applications, with a sunset clause of October 1, 2024 for completion and invoicing of all projects
- The SNIP Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Brownfield Tax Assistance Program (BTAP) Grant, and Community Improvement Plan/Secondary Plan Grant have an expiration date of October 1, 2023 for submission of complete applications, with sunset clauses as outlined in agreements and approval letters for each project

These dates are proposed as they take into account: Council's mandated expiration date of October 1, 2024 for the SNIP TIG and Smart Growth RDC reduction; Council discussion of other program timing options during the incentive review process; Council direction regarding ongoing incentive program delivery; the nature and timing of projects in these programs; and the need to confirm clear, reasonable dates as quickly as possible to support project planning and funding by partners and stakeholders. Further considerations regarding these proposed dates are outlined below.

Rationale

Clear, reasonable timelines and transitions are vital for incentive providers and recipients to effectively plan and budget. Council mandated specific expiry dates for two incentive programs (the SNIP TIG and Smart Growth RDC reduction) but requested that staff provide recommendations for expiry dates and sunset clauses for the remaining SNIP programs. Previous reports identified a number of timeline options for incentive programs, and discussions around these timelines in conjunction with additional direction by Council including to “REVIEW and REPORT to Regional Council prior to October 2024 on the effectiveness, challenges and any recommended changes to the Region’s Incentive Programs, after consulting with the local area municipalities” have been taken into consideration in putting forward the proposed dates in this report.

These proposals:

- provide clear and reasonable timelines for developers and local municipalities to apply for and complete projects, to enhance project planning and financing
- provide sunset clauses in alignment with most local municipal programs and with average completion rates for most program projects
- provide timely information for local municipalities working to update their CIPs and incentive programs
- align with Council direction to provide expiry dates and sunset clauses for these programs, and to target incentive spending by redirecting program funding into priority areas
- provide time for staff to collate data and fulfill Council direction to review, engage with local municipalities and report on incentives by October 2024 while continuing to deliver existing and new Regional incentive programs

Though there are advantages and disadvantages to earlier or later dates, many of them have been discussed previously and have not been accepted by Council. The proposals here are recommended as providing the most reasonable dates with the greatest number of overall advantages while still providing opportunity for continued program delivery and preparation for additional program review.

Next Steps

If approved by Council, this report will be circulated to local municipalities, and Regional staff will also communicate timelines and transition policies through meetings with local municipal staff partners and on the Regional website.

Alternatives Reviewed

Several alternatives regarding expiry dates and sunset clauses for incentive programs were considered by Council during incentive review deliberations in 2021. The options put forward here take into account Council's comments and actions during those deliberations and provide the strongest alternative per Council direction to put forward expiry and sunset clause dates and for staff to continue administering parallel sets of incentives while preparing to consult with local municipalities, review, and report to Council on the effectiveness and recommendations for Regional incentives.

Relationship to Council Strategic Priorities

The recommendations in this report support the following Council strategic priorities:

Priority 1: Supporting Businesses and Economic Growth

- Objective 1.1: Economic Growth and Development

Priority 4: Sustainable and Engaging Government

- Objective 4.1: High quality, efficient and coordinated core services
- Objective 4.2: Enhanced Communication
- Objective 4.3: Fiscally Sustainable

Other Pertinent Reports

- Regional Development Charges By-law 2017-98
- PDS 31-2021 Niagara Region Incentives Policy
- PDS 37-2021 Regional Incentives Information and Alternatives

Prepared by:
Marian Bannerman, PhD
Program Manager, Grants and Incentives
Planning and Development Services

Recommended by:
Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with the Regional Incentive Review team (CAO Ron Tripp; Community Services: Donna Woiceshyn, Director, Niagara Housing Services, CEO of Niagara Regional Housing; Corporate Services: Todd Harrison, CPA, CMA, Commissioner of Corporate Services,/Treasurer; Helen Chamberlain, CPA, CA, Director, Financial Management and Planning/Deputy Treasurer; Margaret Murphy, CPA, CMA, Associate Director, Budget Planning & Strategy; Lyndsey Ferrell, Program Financial Specialist; Economic Development: Valerie Kuhns, Associate Director; Ken Scholtens, Manager, Business Development and Expedited Services; Planning and Development Services: Michelle Sergi, MCIP, RPP, Commissioner of Planning and Development Services; Diana Morreale, Acting Director, Community and Long-Term Planning; Marian Bannerman, Program Manager, Grants and Incentives).

Appendices

Appendix 1 Regional Incentive Dates
Appendix 2 Designated Exemption Areas for Smart Growth RDC Reduction Eligibility

Appendix 1: Regional Transitional Incentive Dates

A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	Replaced by Small Building Rental grant program

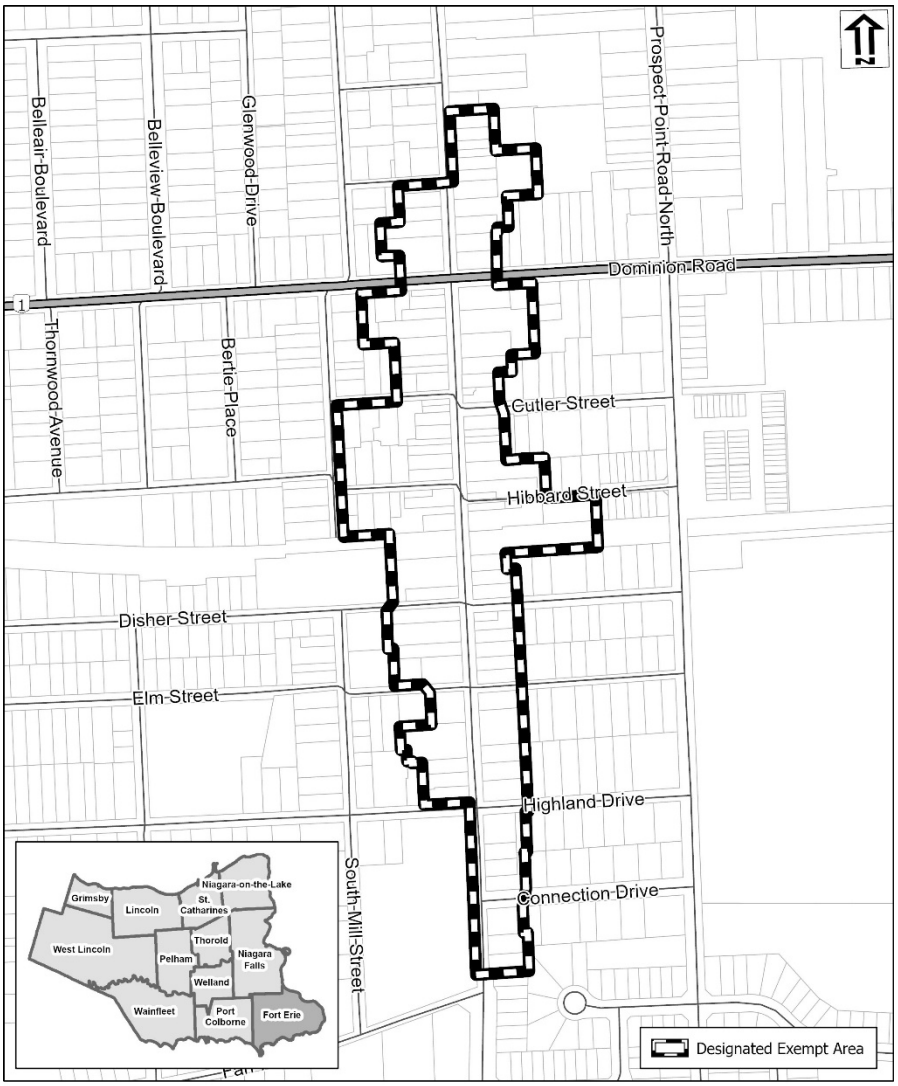
B. **Council-Mandated Incentive Dates**

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024 Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024 Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024 For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report

Appendix 2: Designated Exemption Areas for Smart Growth RDC Reduction

A maximum 50% reduction in Regional Development Charges (RDCs), after any demolition credits are applied, not to exceed total RDCs payable, may apply to eligible projects provided the Smart Growth Design Criteria endorsed by Council of the Region and/or any level of LEED certification are achieved, in the following Designated Exemption Areas or to brownfield developments within Urban Areas of local municipalities as defined under the Regional Official Plan from September 1, 2022, provided that transition policy requirements outlined in PDS 3-2022 are met by October 1, 2024.

Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (1)



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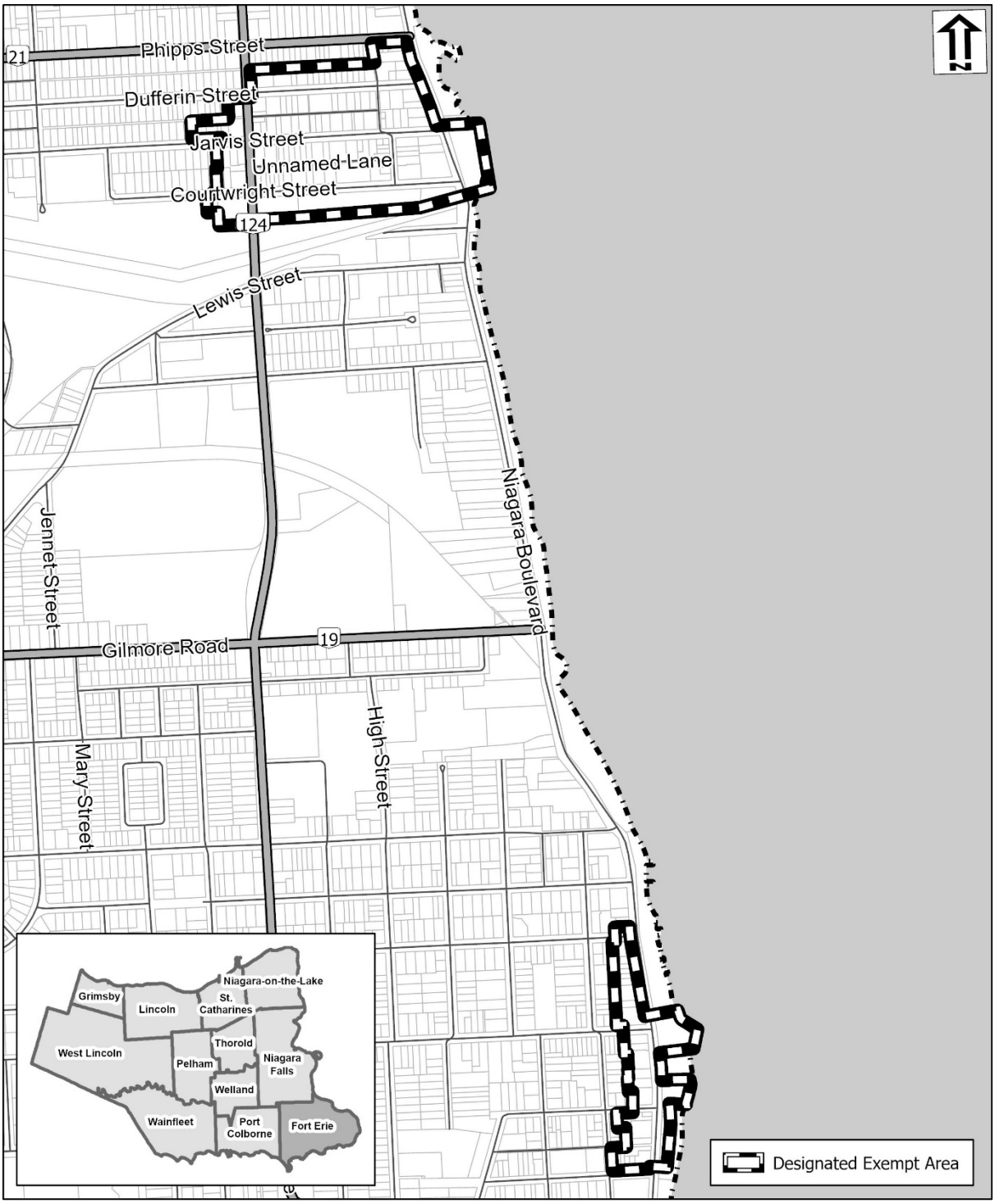
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (2)



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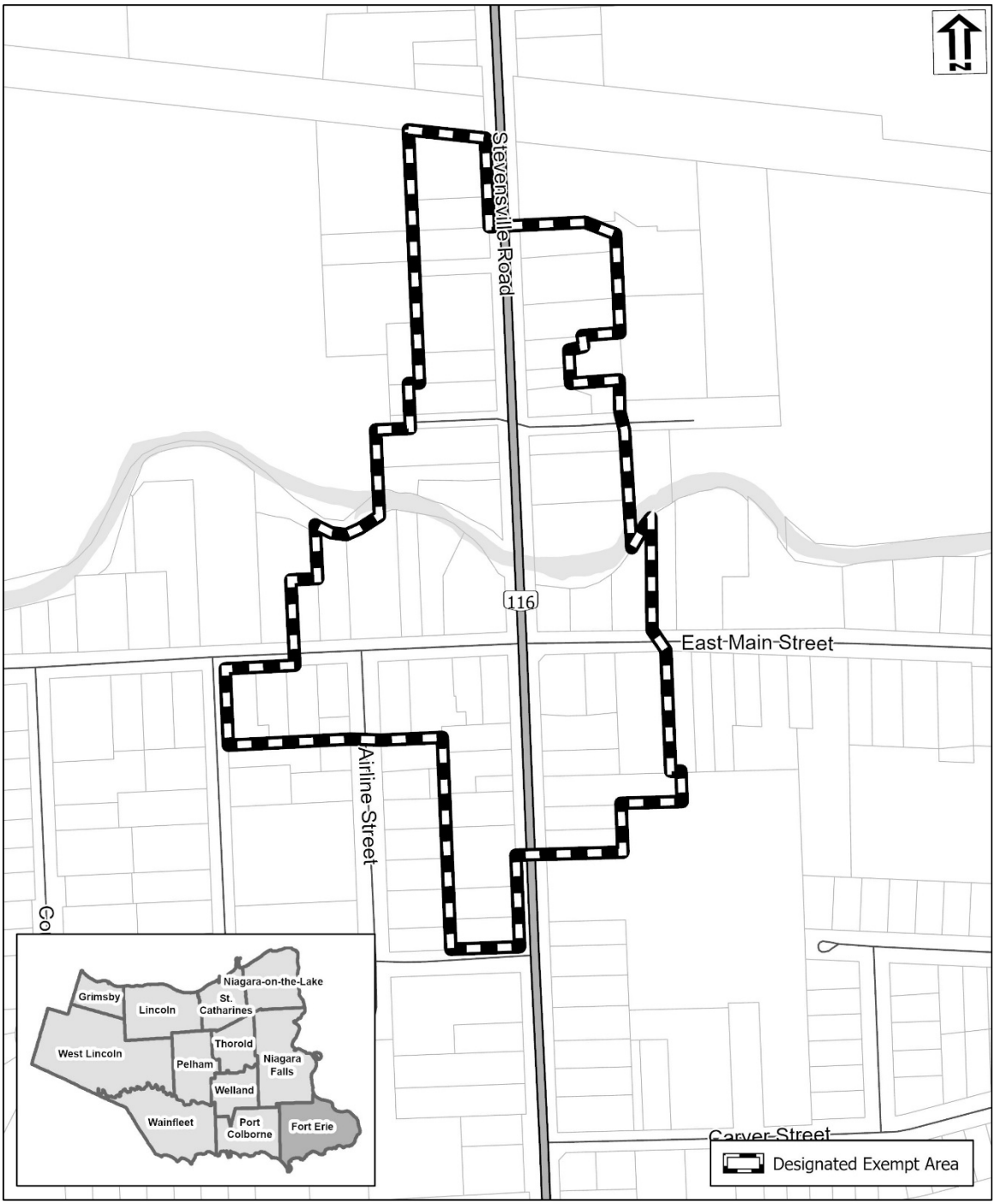
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (3)



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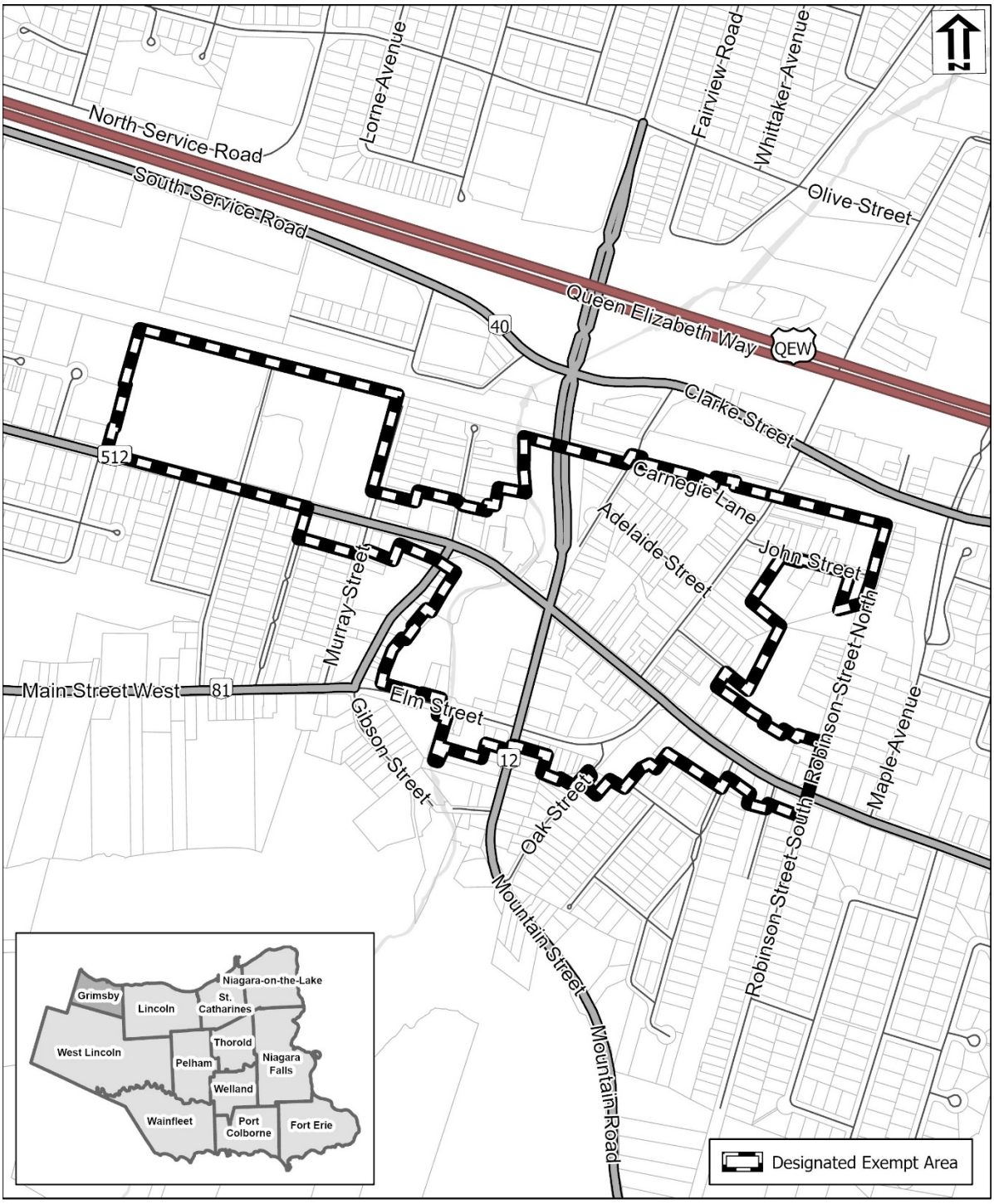
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Grimsby



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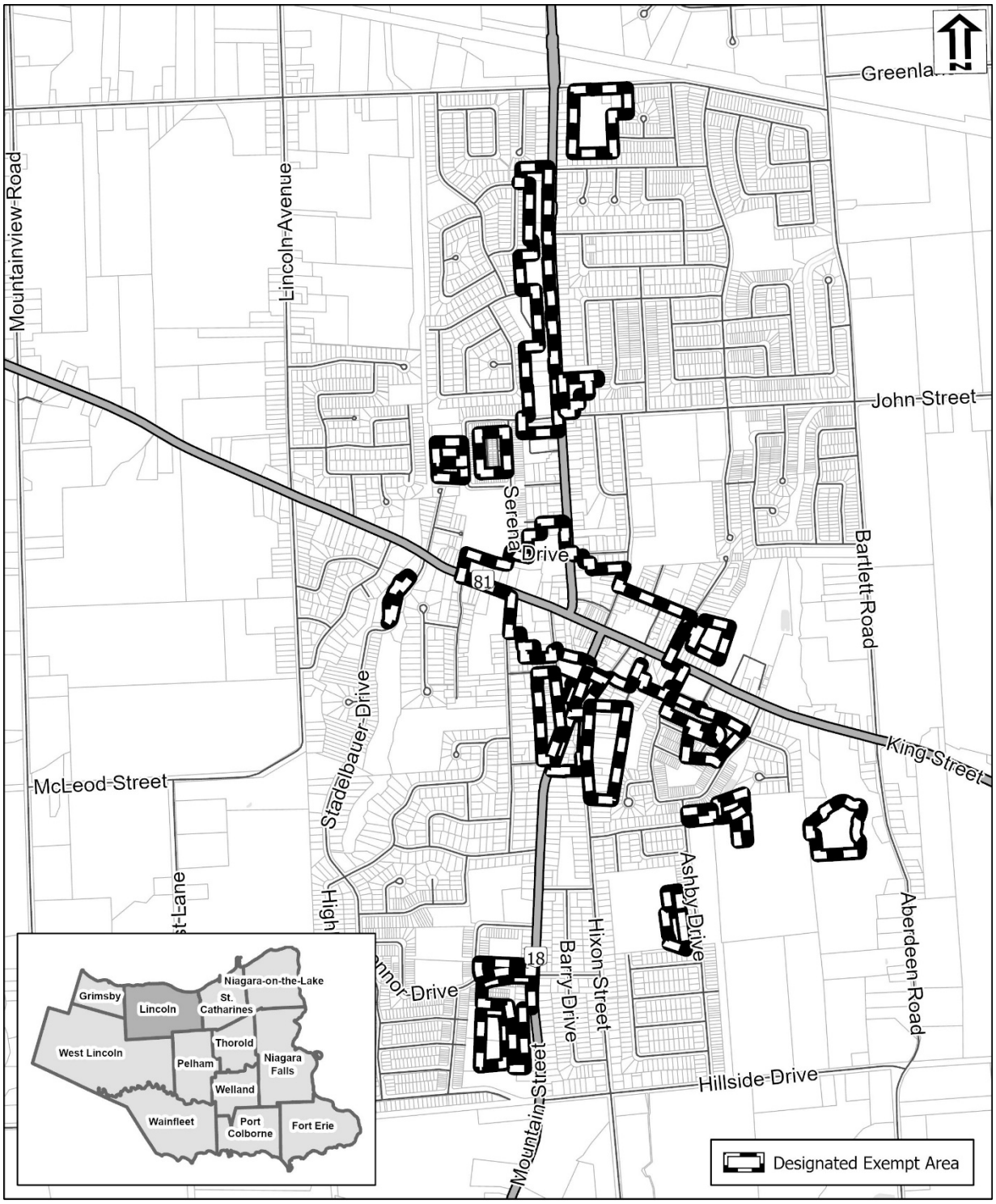
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (1)



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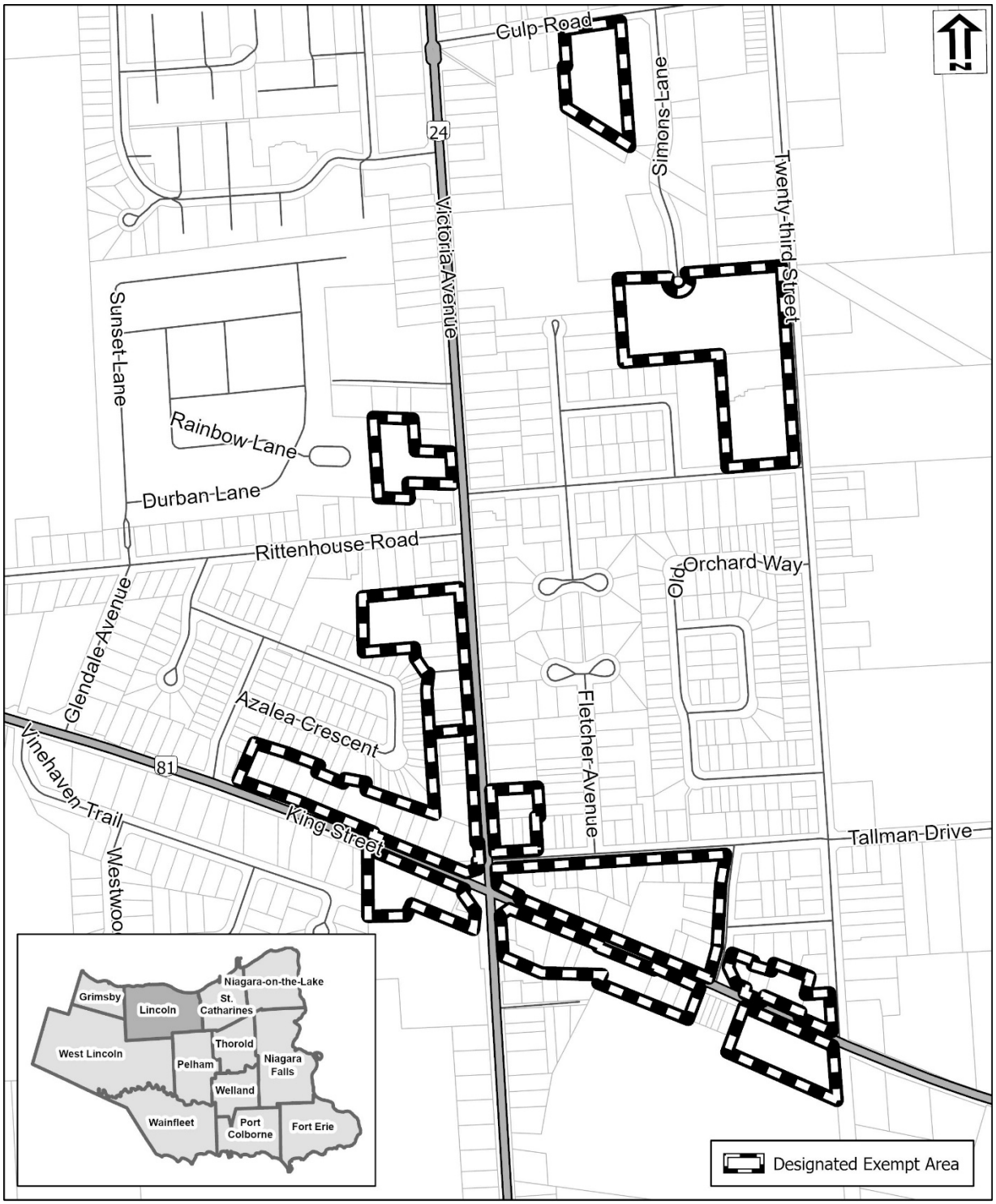
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (2)



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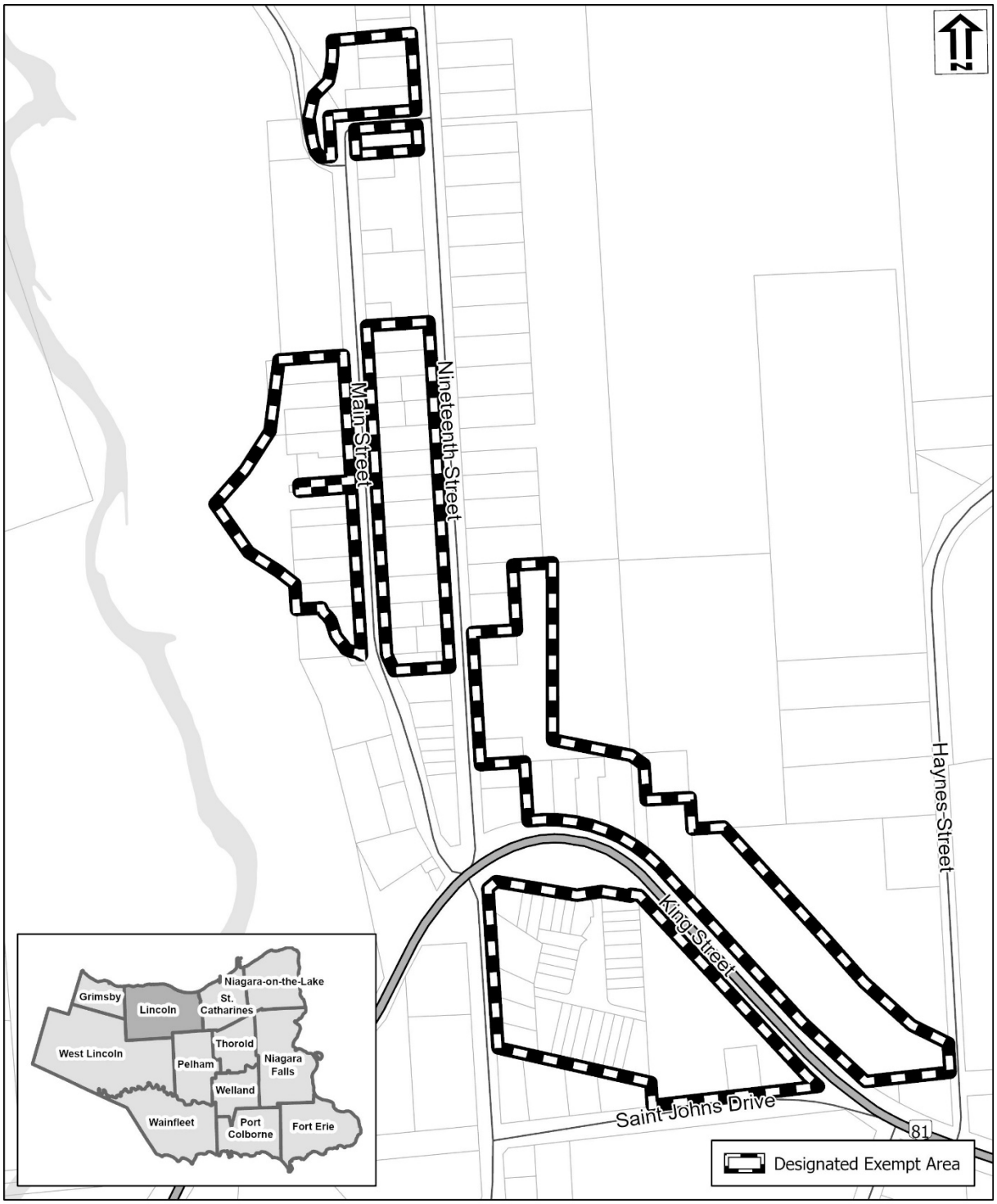
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (3)



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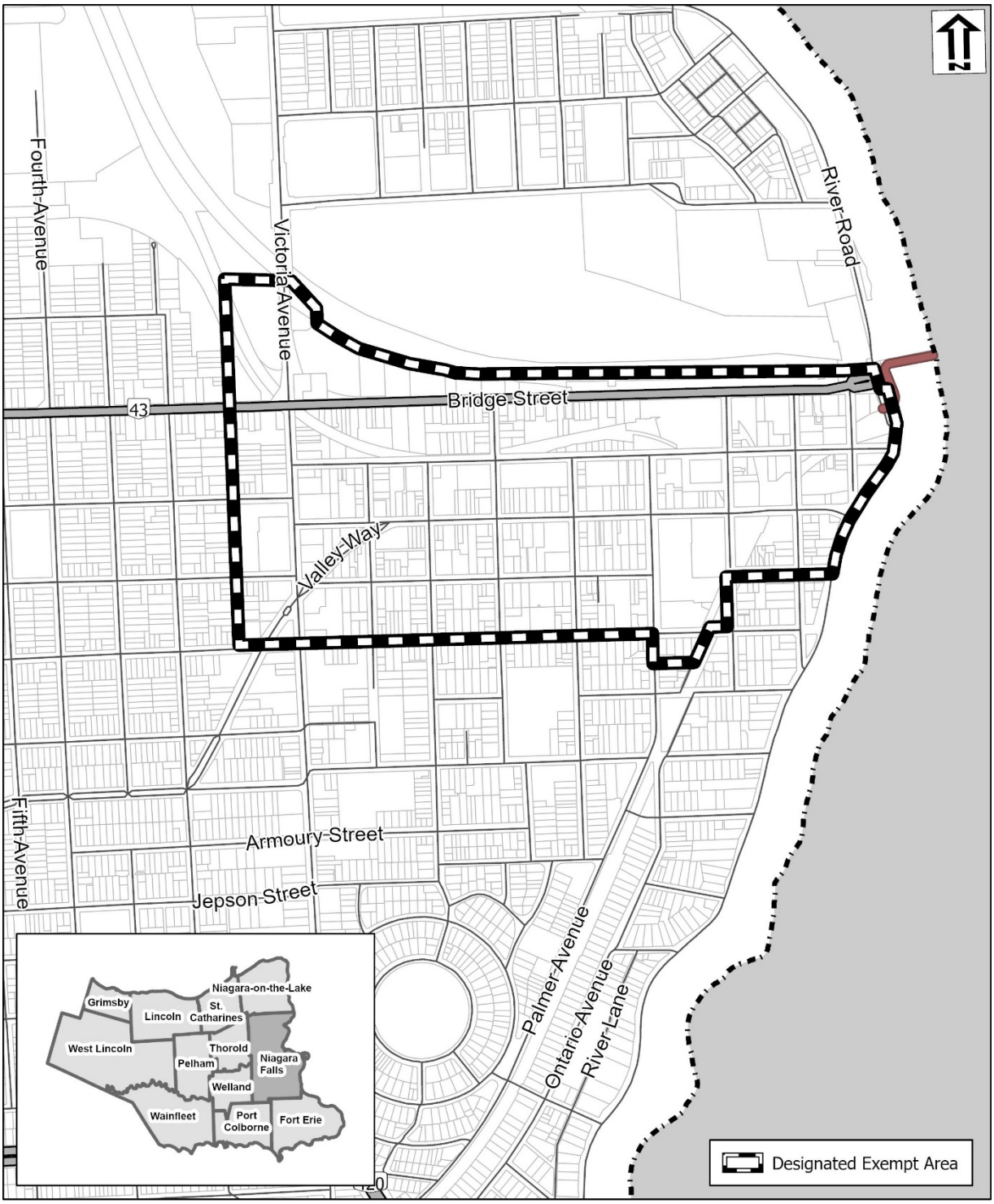
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Niagara Falls (1)



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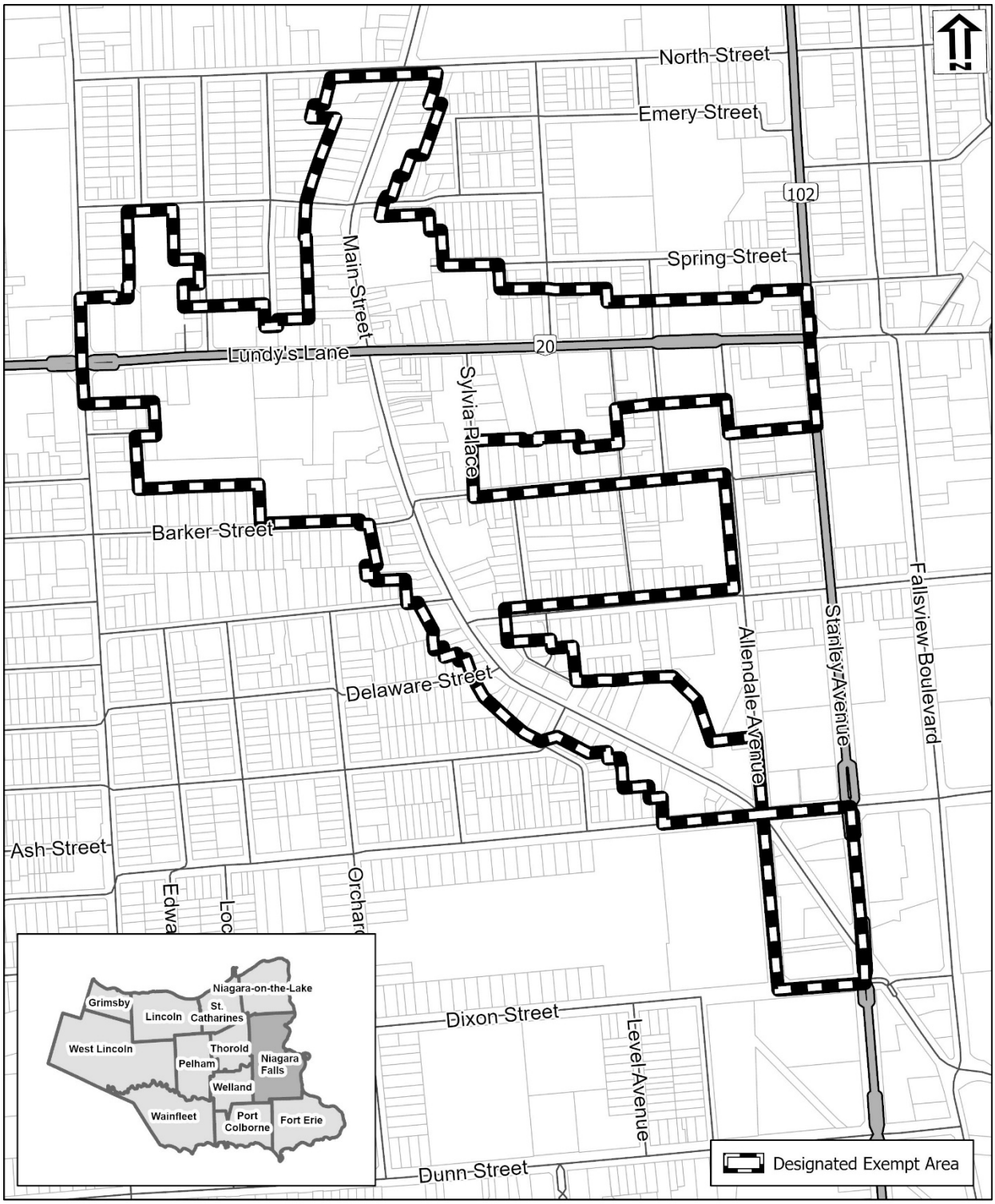
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Niagara Falls (2)



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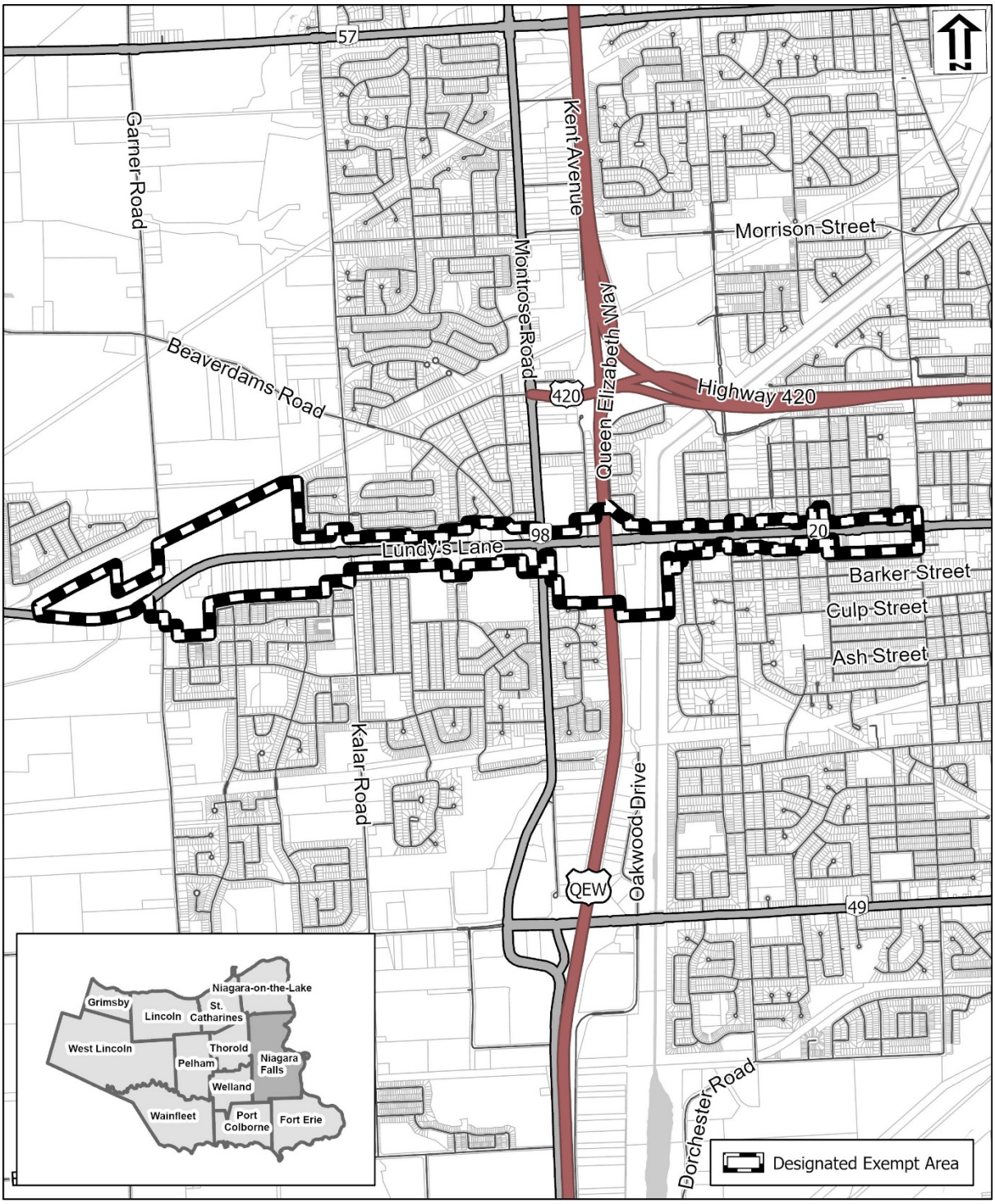

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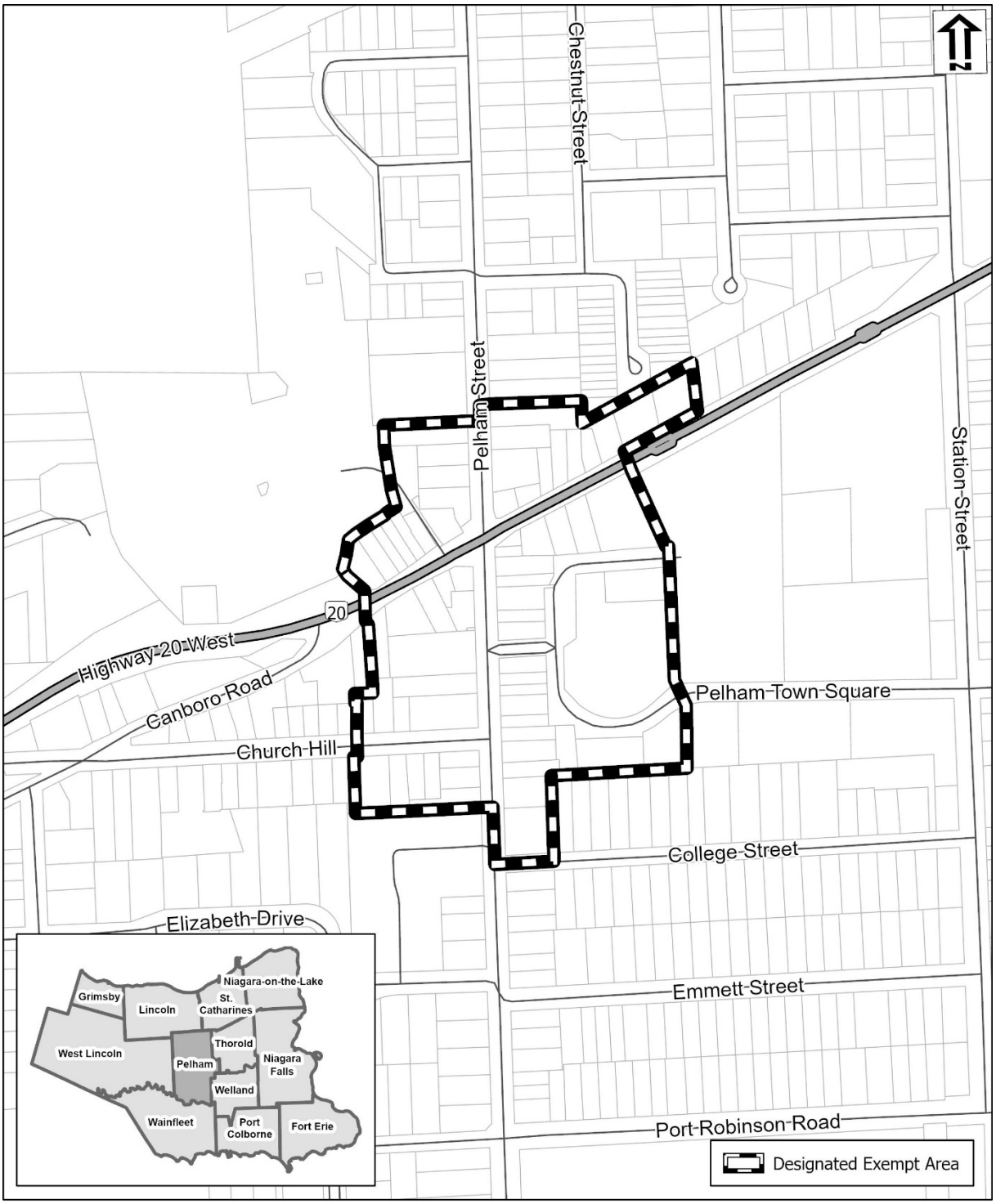
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Pelham (1)



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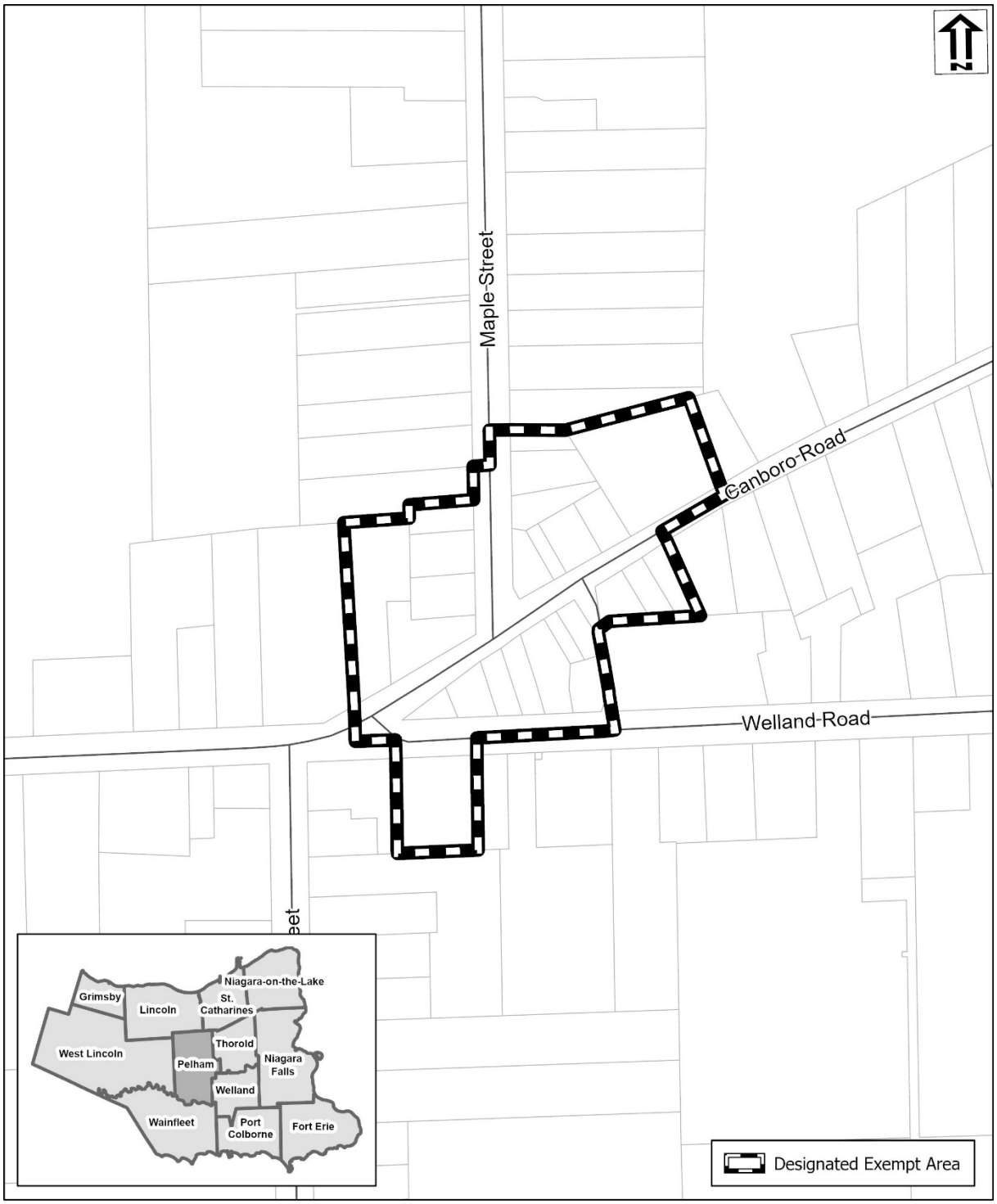
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Pelham (2)



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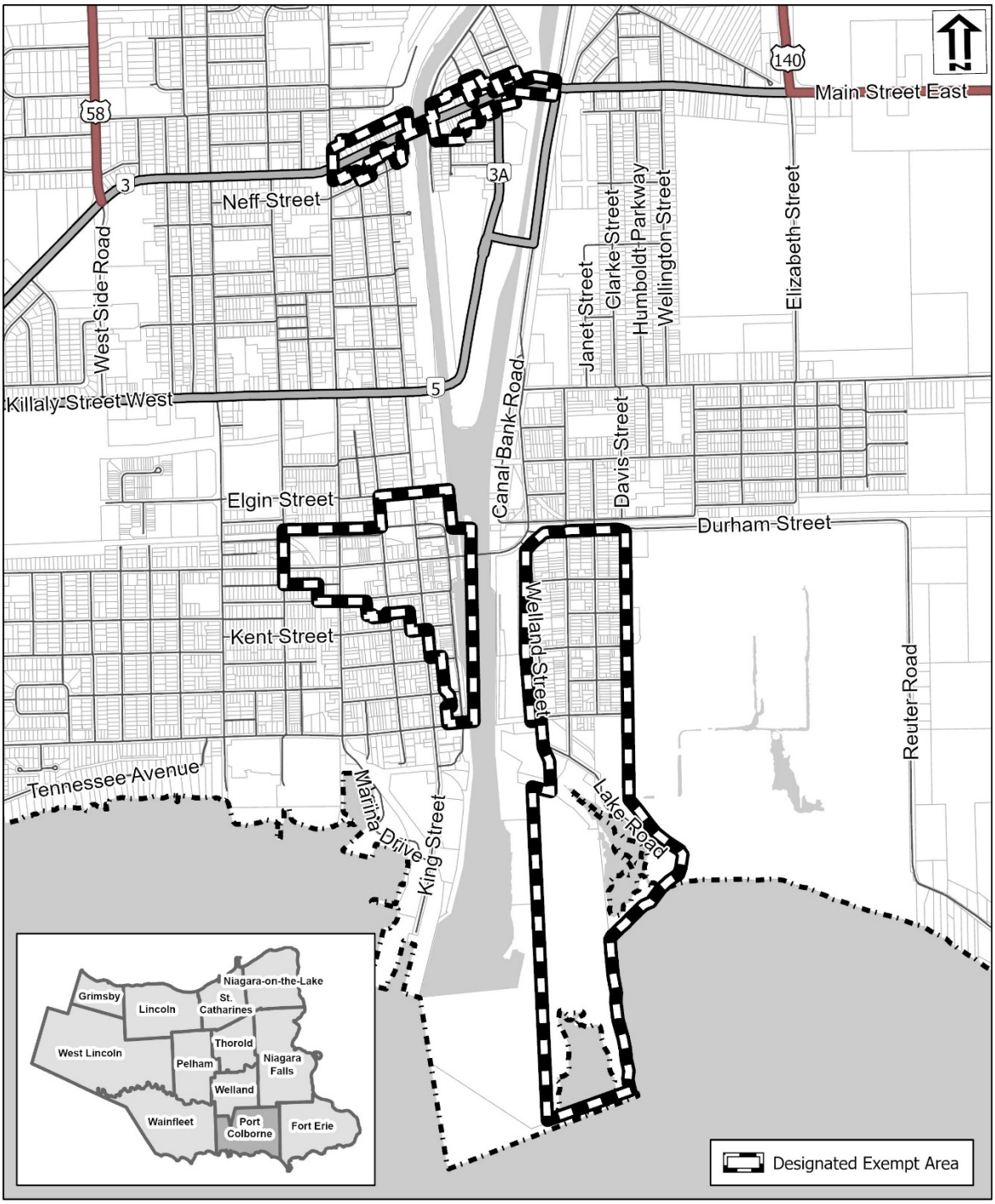
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Port Colborne



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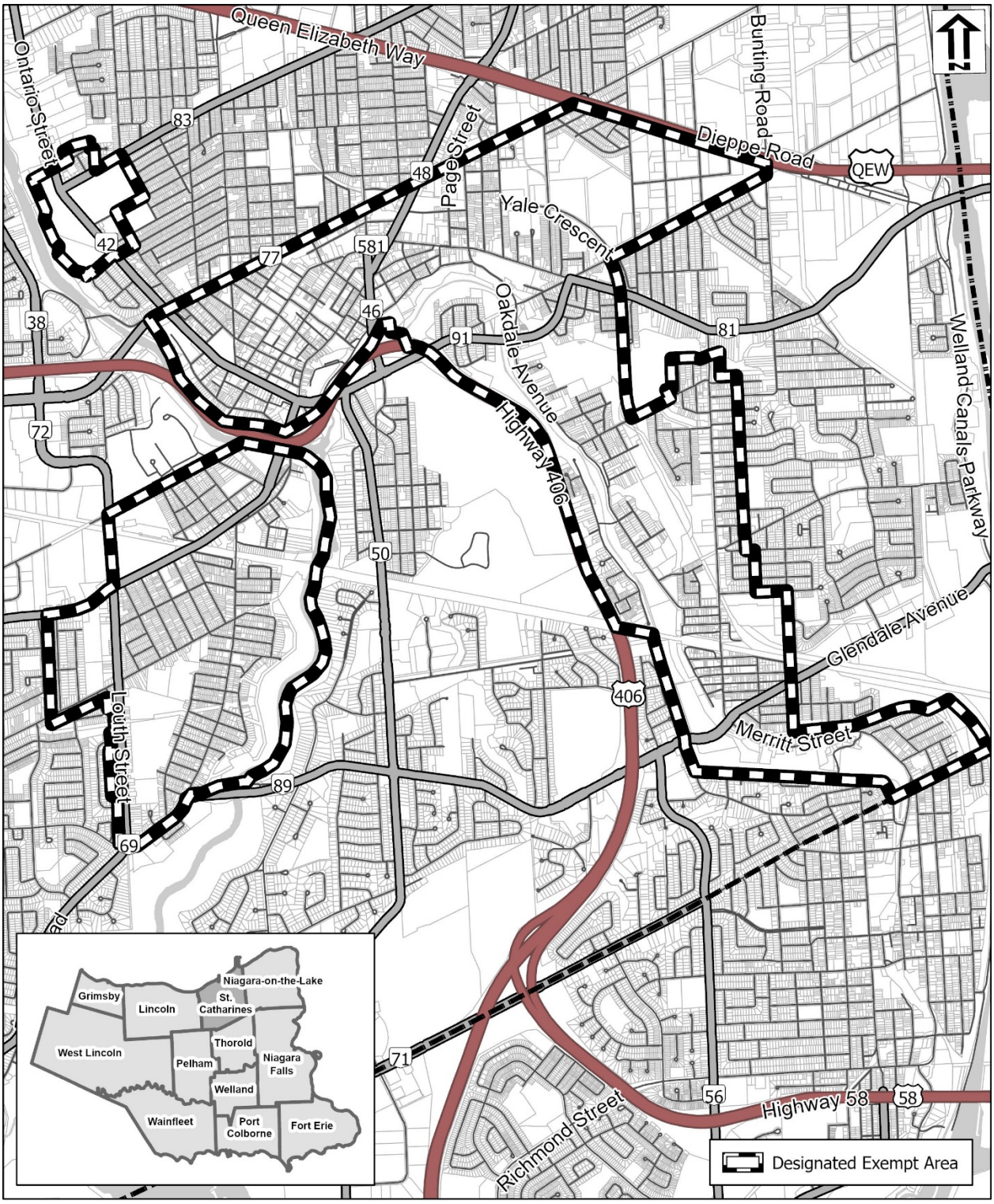
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of St. Catharines



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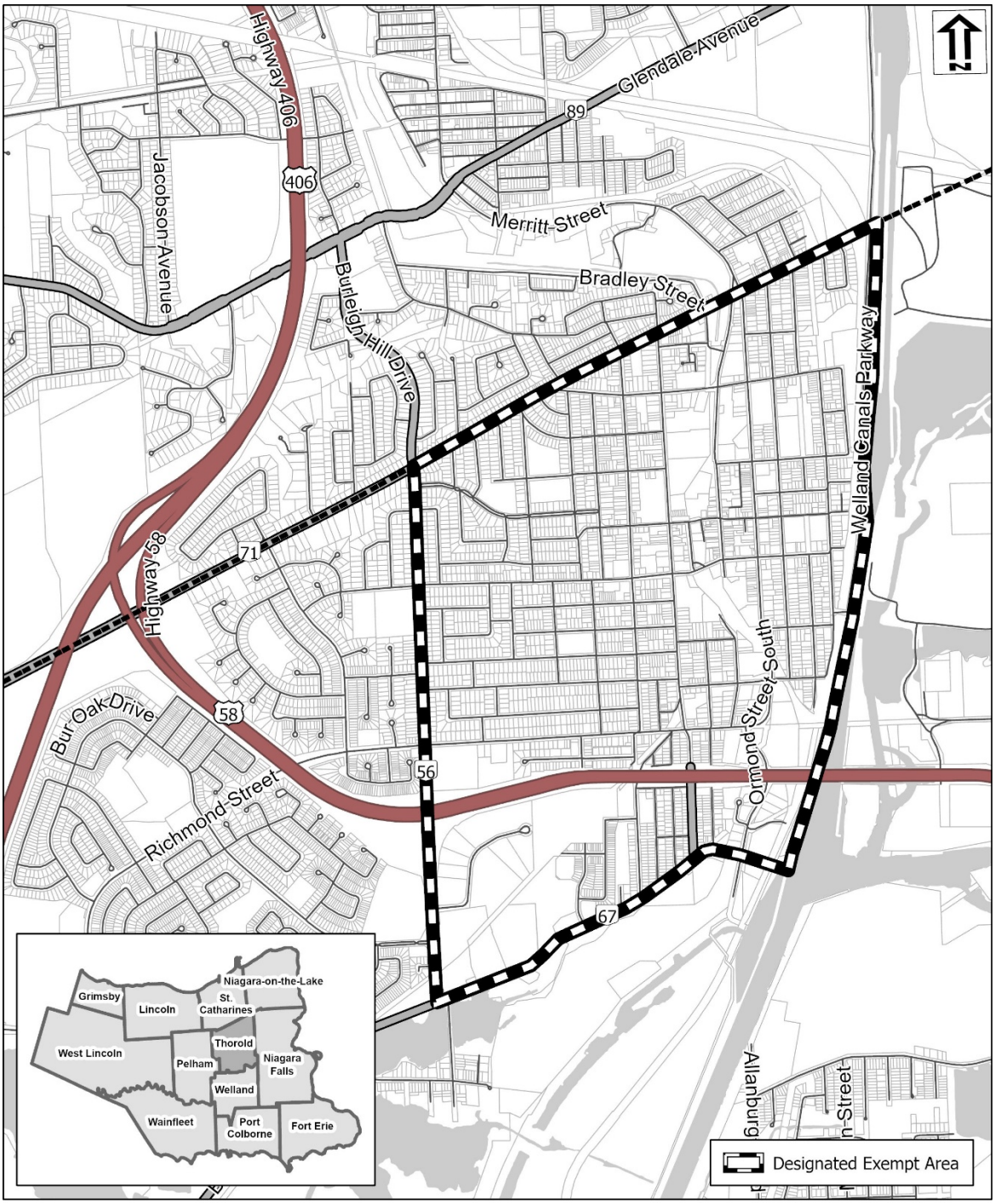
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Thorold



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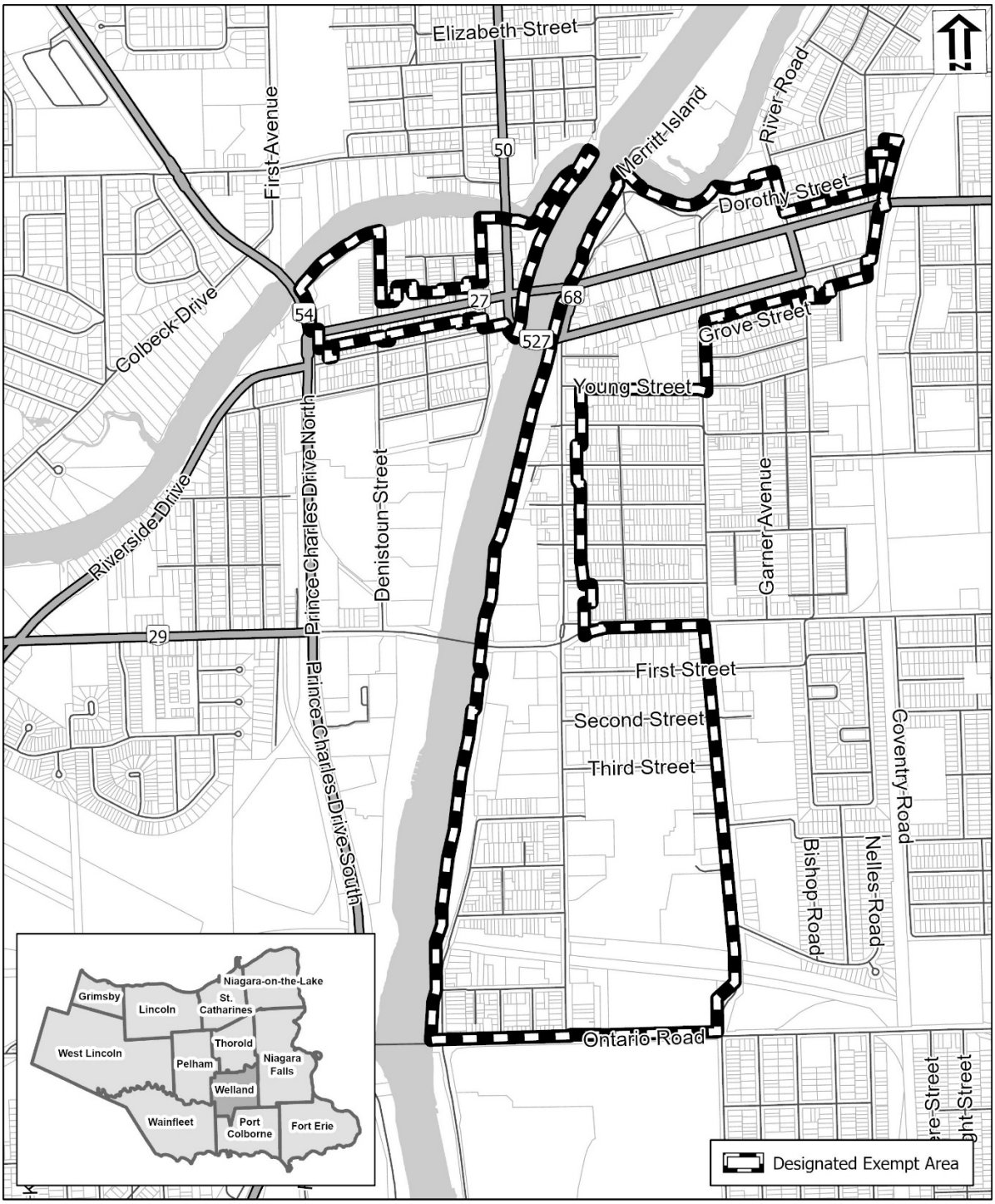
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Welland



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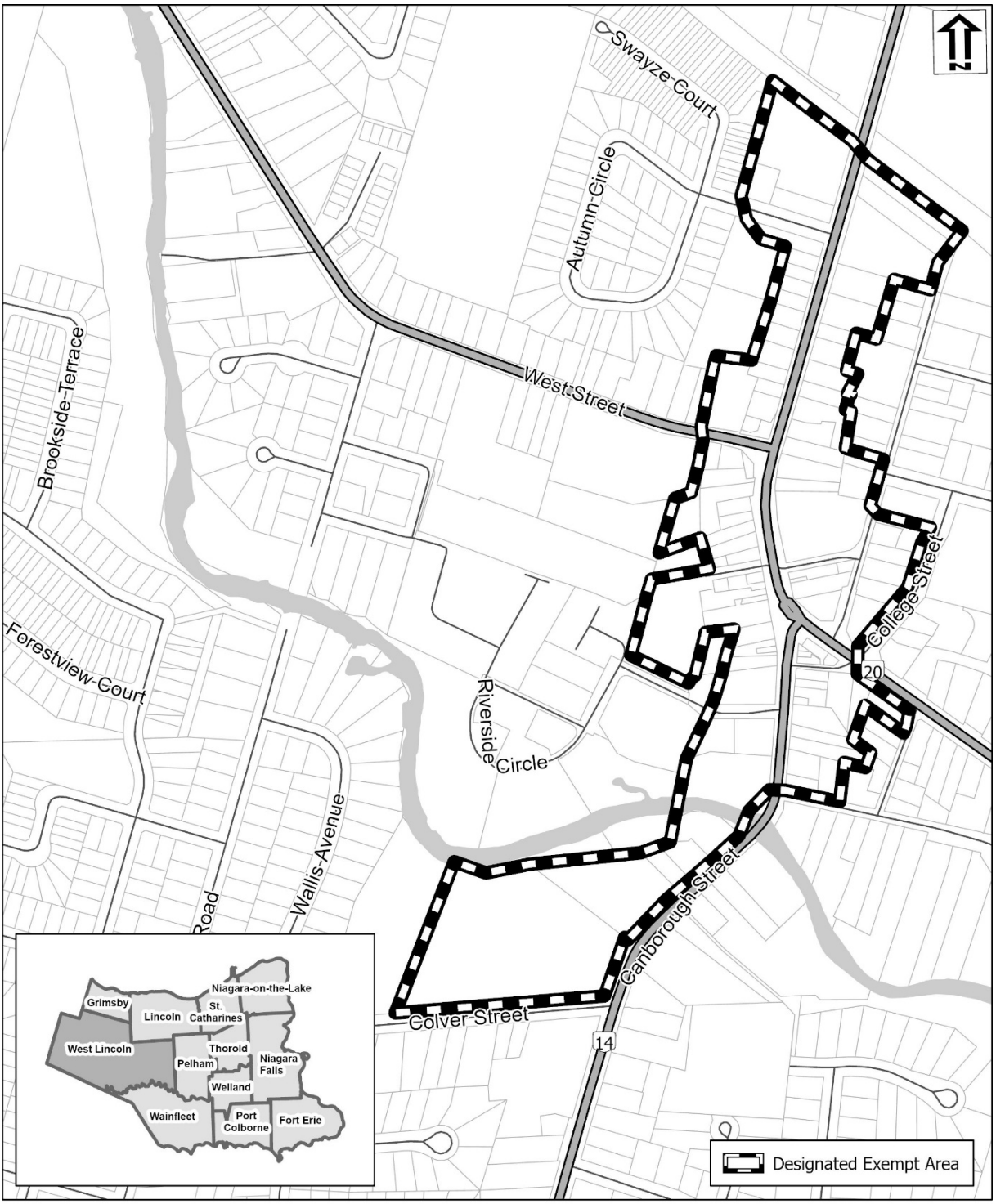
Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Township of West Lincoln



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Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 31, 2022

CL 6-2022, March 24, 2022
PEDC 2-2022, March 9, 2022
PDS 6-2022, March 9, 2022

DISTRIBUTION LIST

SENT ELECTRONICALLY

Niagara Official Plan: Preferred Urban Settlement Area Recommendations
PDS 6-2022

Regional Council, at its meeting held on March 24, 2022, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 6-2022, dated March 9, 2022, respecting Niagara Official Plan: Preferred Urban Settlement Area Recommendations, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **ENDORSE** Urban Settlement Area Boundary recommendations, contained in Report PDS 6-2022; and

2. That Report PDS 6-2022 **BE CIRCULATED** to Local Area Municipalities, the NPCA and the Ministry of Municipal Affairs and Housing.

A copy of Report PDS 6-2022 is enclosed for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk
:cv

CLK-C 2022-047

Distribution List

Local Area Municipalities
Grant Bivol, Clerk, Niagara Peninsula Conservation Authority
Erika Ivanic, Senior Planner, Ministry of Municipal Affairs and Housing
Heather Watt, Manager, Ministry of Municipal Affairs and Housing

cc:

M. Sergi, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant, Planning and Development Services
G. Bowie, Senior Planner, Long Range Planning, Planning and Development Services

making our mark
NIAGARA OFFICIAL PLAN

Notice of Open House and Public Meeting

PROPOSED NIAGARA OFFICIAL PLAN

Niagara Region has prepared a new proposed Niagara Official Plan, and will hold an open house and public meeting, pursuant to subsection 17.5 and 17.6 of the Planning Act R.S.O. 1990, as amended.

OPEN HOUSE

Thursday, April 7, 2022 at 5:30 p.m.

It will be held virtually. The purpose of the open house is to present the new proposed Niagara Official Plan and give an opportunity to ask questions.

PUBLIC MEETING

Thursday, April 28, 2022 at 6:30 p.m.

It will be held virtually as part of a Special Regional Council Meeting. The purpose of the public meeting is to present the new proposed Niagara Official Plan and give an opportunity for the public to provide input.

PURPOSE OF THE NIAGARA OFFICIAL PLAN

The proposed Niagara Official Plan will shape the physical, economic and social development of the region over the next 30 years. It sets out objectives and policies that will, among other matters:

- Identify how and where growth will happen
- Help protect Niagara's natural environment and address our changing climate
- Ensure Niagara has an adequate and diverse supply of housing
- Plan for our future infrastructure needs and ensure they're properly funded
- Create the right conditions to attract and retain jobs in Niagara

As the proposed Niagara Official Plan will apply to the entire Niagara Region planning area, a location map has not been provided. Consultation has taken place on background work and draft policy. A final proposed Niagara Official Plan will be available for review and comment at **niagararegion.ca/official-plan** from the date of this notice.

HOW TO REGISTER TO ATTEND AND PROVIDE INPUT

Register to attend the April 7 open house at **niagararegion.ca/official-plan**. To provide input orally at the April 28 public meeting, please pre-register with the Regional Clerk at clerk@niagararegion.ca before 9 a.m. on Friday, April 22, 2022. For more information, visit **niagararegion.ca/government/council/speakingatcouncil.**

Due to efforts to contain the spread of COVID-19 and protect all individuals, Council Chamber at Regional Headquarters will not be open to the public to attend meetings until further notice. To view a live-stream meeting proceeding, without the ability to provide oral submissions, please visit **niagararegion.ca/government/council**.

To provide written input, please either mail your comments to the Office of the Regional Clerk, Niagara Region, 1815 Sir Isaac Brock Way, Ontario, L2V 4T7 or email clerk@niagararegion.ca by 9 a.m. on Friday April 22, 2022. If you are not able to attend, or would like more information, including information on appeal rights, you can provide input or ask questions to **makingourmark@niagararegion.ca**. If you wish to be notified of the decision of the Council of the Regional Municipality of Niagara on the proposed official plan, you must make a written request to the Clerk c/o Regional Clerk, Niagara Region, 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, Ontario, L2V 4T7, or email **clerk@niagararegion.ca**. Such requests must include the name and address to which such notice should be sent.

If you require any accommodations for a disability in order to participate in meetings or events, please let us know in advance so that arrangements can be made in a timely manner. Special accessibility accommodations and materials in alternate formats can be arranged by contacting Niagara Region's **Accessibility Advisory Coordinator** at 905-685-4225 ext. 3252 or **accessibility@niagararegion.ca.**

Any personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P. 13 and may be used in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. Niagara Region collects this information for the purposes of making informed decisions on the relevant issues and to notify interested parties of Council's decisions. It may also be used to serve notice of an Ontario Land Tribunal hearing. Information collected, used and disclosed is in accordance the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA**). Questions about this collection and disclosure should be directed to the Access & Privacy Office at 905-980-6000 ext 3779 or **FOI@niagararegion.ca**.

Notice first issued in the newspaper on March 31, 2022

From: Making Our Mark <makingourmark@niagararegion.ca>
Sent: Friday, April 1, 2022 3:55 PM

Good afternoon,

Public notice regarding upcoming Statutory Open House and Public Meetings for the new proposed Niagara Official Plan has been issued. The Niagara Official Plan sets out how the region will grow and develop, what resources will be protected and the policy tools for success.

Extensive consultation has occurred at various points over the last three years, and a final Plan is now available for review at https://www.niagararegion.ca/official-plan/proposed-plan.aspx.

The new Plan covers the entirety of Niagara Region and has been prepared under section 26 of the *Planning Act* to comprehensively apply provincial policy, including the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), Greenbelt Plan (2017) and Niagara Escarpment Plan (2017). Background studies and supporting material are available on the Region's website at https://www.niagararegion.ca/official-plan/default.aspx.

Tracked change versions of the policies are also available through the Region's file sharing program MoveIT. You will receive a separate email from "Niagara Region MoveIT" with your log-in credentials, as well as a separate email from lindsey.morin@niagararegion.ca indicating a "New Package Is Waiting". Please contact us if you wish to access the tracked change policies and are having trouble with the MoveIT platform.

Please review the final Plan in terms of the policies and programs of your agency and provide comments by **April 28, 2022.** The target adoption date for the new Niagara Official Plan is June 2022 so the Plan can be forwarded to the Province, being the approval authority, to meet the July 1, 2022 deadline. If you have any questions, please let us know.

Best Regards,
Dave Heyworth, MCIP, RPP
Official Plan-Policy Consultant
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3476 Toll-free: 1-800-263-7215
www.niagararegion.ca

Administration
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Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 31, 2022

CL 6-2022, March 24, 2022
By-law No. 2022-17

DISTRIBUTION LIST

SENT ELECTRONICALLY

Reduced Load Restrictions By-law

Regional Council, at its meeting held on March 24, 2022, passed the following By-law:

By-law No. 2022-17 being a by-law to amend By-law 89-2000 to provide the regulation of traffic on Regional Highways (Reduced Load Restrictions).

A copy of By-law No. 2022-17 is enclosed for your reference.

By copy of this letter, we are forwarding two (2) certified copies of the said by-law to Police Chief B. MacCulloch and one (1) to our Road Safety and Permits Program Manager, Petar Vujic.

Yours truly,

Ann-Marie Norio
Regional Clerk
:cv

CLK-C 2022-051

Distribution List

Ralph Walton, Clerk, Town of Niagara-on-the-Lake
Joanne Goulet, Deputy Clerk, City of Thorold
Bill Matson, City Clerk, City of Niagara Falls
Carol Schofield, Town Clerk, Town of Fort Erie
Joanne Scime, Town Clerk, Township of West Lincoln
Tara Stephens, City Clerk, City of Welland
Holly Willford, Town Clerk, Town of Pelham

cc: B. MacCulloch, Police Chief
P. Vujic, Road Safety and Permits Program Manager
N. Coffer, Executive Assistant to the Commissioner, Public Works
N. Price, Legal Services

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-17

A BY-LAW TO AMEND BY-LAW 89-2000 TO PROVIDE FOR THE REGULATION OF TRAFFIC ON REGIONAL HIGHWAYS (REDUCED LOAD RESTRICTION)

WHEREAS on the 20th day of April, 1989 the Council of The Regional Municipality of Niagara did pass By-Law No. 89-2000, which is a by-law to provide for regulation of traffic on Regional Highways;

WHEREAS it is necessary from time to time to amend said By-law;

WHEREAS on the 23rd day of July, 2020, Council of The Regional Municipality of Niagara passed By-Law 2020-47 being a by-law to delegate authority to the Director of Transportation Services to request preparation of an amending by-law to make routine and administrative changes to the schedules of Traffic and Parking By-law 89-2000 in accordance with Delegation of Authority Respecting Traffic and Parking By-law 89-2000 Matters Policy; and,

WHEREAS a memorandum dated March 11, 2022, has been received from the Director of Transportation Services in accordance with said Policy requesting the Clerk to prepare and present to Council an amending by-law to amend By-law 89-2000 for purposes of amending reduced load restrictions on Regional Highways.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Schedule "Y" of the said By-law No. 89-2000 be and the same is hereby amended by **deleting** the following:

Schedule "Y"

Reduced Load Restriction

HIGHWAY	FROM	TO
Regional Road 86 (Stewart Road)	Regional Road 87 (Lakeshore Road)	Regional Road 83 (Carlton Road)

HIGHWAY	FROM	TO
Regional Road 87 (Lakeshore Road)	East and West Line	Regional Road 87 (King Street)

HIGHWAY	FROM	TO
Regional Road 529 (Effingham Street)	Regional Road 29 (Webber Road)	Regional Road 529 (river Road)

2. That Schedule "Y" of the said By-law No. 89-2000 be and the same is hereby amended by **adding** the following:

Schedule "Y"

Reduced Load Restriction

HIGHWAY	FROM	TO
Regional Road 21 (Bowen Road)	Ridgemount Road	Sunset Drive

HIGHWAY	FROM	TO
Regional Road 21 (Bowen Road)	Petit Road	Regional Road 21 (Thompson Road)

HIGHWAY	FROM	TO
Regional Road 63 (Chippawa Creek Road)	Regional Road 70 (Thorold Townline Road)	Garner Road

HIGHWAY	FROM	TO
Regional Road 70 (Thorold Townline Road)	Brown Road	McLeod Road

HIGHWAY	FROM	TO
Regional Road 87 (Lakeshore Road)	East and West Line	1500 meters west of Four Mile Creek Road

HIGHWAY	FROM	TO
Regional Road 87 (Lakeshore Road)	Four Mile Creek Road	Regional Road 87 (King Street)

HIGHWAY	FROM	TO
Regional Road 88 (Seaway Haulage Road)	Regional Road 83 (Carlton Street)	Read Road

3. That Schedule "Z" of the said By-law No. 89-2000 be and the same is hereby amended by **deleting** the following:

Schedule "Z"

Reduced Load Restriction

HIGHWAY	FROM	TO
Regional Road 14 (Smithville Road)	Regional Road 65 (Bismark Road)	South West Limit of the Regional Municipality

HIGHWAY	FROM	TO
Regional Road 27 (Riverside Drive)	Regional Road 29 (Lincoln Street)	Regional Road 64 (Prince Charles Drive)

4. That Schedule "Z" of the said By-law No. 89-2000 be and the same is hereby amended by **adding** the following:

Schedule "Z"

Reduced Load Restriction

HIGHWAY	FROM	TO
Regional Road 14 (Smithville Road)	Regional Road 65 (Bismark Road)	Concession 5 Road

HIGHWAY	FROM	TO
Regional Road 14 (Smithville Road)	Concession 2 Road	South West Limit of the Regional Municipality

5. That this by-law shall come into force and effect on the day upon which it is passed and signs are installed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: March 24, 2022

Ministry of Municipal Affairs and Housing

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

Ministère des Affaires Municipales et du Logement

Bureau du sous-ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100

Ontario

March 31, 2022

Good Afternoon,

On March 30, 2022, the government released its More Homes for Everyone Plan, that proposes targeted policies and initiatives for the immediate term to address market speculation, protect homebuyers and increase housing supply.

Details about the range of measures in the government's plan can be found in the news release here: Ontario is Making It Easier to Buy a Home | Ontario Newsroom.

The More Homes for Everyone Plan is informed by a three-part consultation with industry, municipalities and the public. This includes the Rural Housing Roundtable and the first ever Ontario-Municipal Housing Summit, letters to all 444 municipalities asking for their feedback, and follow-up meetings with the leaders of municipal organizations. On behalf of the ministry, thank you for being part of our consultations and sharing your valuable input.

The government also introduced Bill 109 - the *More Homes for Everyone Act, 2022*, and is seeking feedback on the changes proposed under the legislation and on other initiatives, through a series of housing related public consultations. This includes seeking input on how to support gentle density for multi-generational and missing middle housing, as well as addressing housing needs in rural and northern communities. These and other related consultations can be found through the Environmental Registry of Ontario and the Ontario Regulatory Registry.

The government committed to prioritizing implementation of the Housing Affordability Task Force's recommendations over the next four years, with a housing supply action plan every year, starting in 2022-23. To facilitate this, the government plans to establish a Housing Supply Working Group, that would engage with municipal and federal governments, partner ministries, industry, and associations to monitor progress and support improvements to its annual housing supply action plans.

Ontario looks forward to continued collaboration with municipalities to address the housing crisis and hear your ideas and advice on the More Homes for Everyone Plan.

Sincerely,

K. Manson-Smith

Kate Manson-Smith

Deputy Minister

c. Joshua Paul, Assistant Deputy Minister – Housing Division
Sean Fraser, Assistant Deputy Minister – Planning and Growth Division
Caspar Hall, Assistant Deputy Minister – Local Government Division

MCC User Group Roundtable Committee

01-2022
Official Minutes

Date:	27 January 2022
Time:	5:00pm
Location:	Via Zoom
Attendance:	Halee Braun (Recreation and Wellness Programmer) Karen Blake (Administrative Assistant, Recreation, Culture & Wellness) Byron Sinclair (Pelham Minor Hockey Association) Bryan Secord (Facility Supervisor) Kevin Yochim (Southern Tier Admirals) Vickie vanRavenswaay (Director of Recreation, Culture & Wellness) Brian Bleich (Pelham Basketball Association) Jessica Sackett (Niagara Centre Skating Club) Doug Freeland (Service Club Representative) Spencer Tanguay (Pelham Raiders Lacrosse) Shayla Morrisey (Facilities Rental Associate)
Regrets:	Tim Toffolo (Chair, Jr. B Pelham Panthers) Councillor Marianne Stewart

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, Acting Chair Doug Freeland called the meeting to order at approximately 5:02pm.

2. Adoption of Agenda

Moved by Kevin Yochim
Seconded by Jessica Sackett

THAT the agenda for the January 27, 2022 regular meeting of the MCC User Group Roundtable Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the November 4, 2021 MCC User Group Roundtable Committee meeting.

Moved by Byron Sinclair
Seconded by Brian Bleich

THAT the minutes of the November 4, 2021 MCC User Group Roundtable Committee meeting be approved.

Carried

5. Business Arising from Minutes

Kevin noted that the AAA tournament originally scheduled for mid-march has been postponed until March 25th-27th. Kevin will phone Halee tomorrow to discuss ice allocations.

6. MCC Reopening

Staff updated the Committee about the reopening plans for the Meridian Community Centre including potential new changes being announced tomorrow. These new changes include allowing food and drink into the building and no contract tracing. Staff noted that roster lists will still have to be submitted and that Customer Service staff will be checking QR codes, ID and completing passive screening. Staff noted that maximum capacity for the building is at 50%. Public skate will be limited to 60 attendees on the ice. All other guidelines have remained the same as before the last lockdown.

7. Extension of Seasons

The Committee discussed extending their seasons past their original end date. Minor Hockey, AAA Hockey, house league Basketball and Figure Skating are not extending their seasons. Ontario Basketball Association (OBA) will be extending their season until June. The Committee discussed refunding their respective participants for the lost time.

Staff updated the Committee on the JR B's wishes for the extension of the season as Tim was unable to attend the meeting. These wishes included

running their Rookie Camp, extending their regular season until April 3rd and playoff games potentially going until the end of May.

Staff noted that the Committee needs to decide which ice pad to take out. The Committee discussed the effect of keeping the ice in Accipiter arena including the impact on the Homeshow and Art Festival, Lacrosse start dates, other special events scheduled on the Accipiter Insurance pad. The Committee, then, discussed the impact that taking out the Accipiter ice would have on the JR B's including financial impact, monitoring entry and viewing areas, walk from the dressing room, feasibility, and the videotaping of their games.

The Committee decided that from the information discussed, the ice on the Accipiter rink will be taken out after the JR B's last regular season game on April 3rd. Staff will start the removal process right after their game so the floor will be ready for when the Kinsmen Homeshow moves in on April 7th.

Motion by: Spencer Tanguay
Seconded by: Brian Bleich

THAT the Committee directs Town Staff to take out the ice after the last JR B regular season game on April 3rd, 2022 and that all JR B playoff games are to be played on the Duliban Insurance rink so that other spring programming can take place on the Accipiter Radar arena pad.

Carried.

8. Spring/Summer 2022 Facility Applications and Special Events

Staff ensured that all User Groups received the new online application for the Spring/Summer 2022 Facility Applications that are due back by February 18th. Staff are hoping to start booking by early March. If any Committee members have questions regarding the applications, they can be directed to Halee or Karen.

9. Round Table Discussion

The Roundtable discussion encompassed the following:

- The MCC Parking Lot which is full each weekend through out the season.
- Figure Skating cancelled their Gala.

- AAA Hockey does not play during March Break.
- JR B's officially cancelled the 2022 Showcase Tournament

10. New Business

Staff reintroduced Shayla who is the Facility Rentals Associate and is back from maternity leave.

11. Next Meeting

At the Call of the Chair

12. Adjournment

Moved by Brian Bleich
Seconded by Kevin Yochim

THAT this Regular Meeting of the MCC User Group Committee on January 27, 2022 be adjourned at 5:50pm.

Carried

Doug Freeland, Acting-Chair

Karen Blake, Administrative Assistant

Date:	20 January 2022
Time:	5:00PM
Location:	Via Zoom
Attendance:	Frank Adamson, Vice Chair Bea Clark Councillor John Wink, Chair Amanda Deschenes, Special Events and Festivals Programmer Vickie vanRavenswaay, Director of Recreation, Culture and Wellness Karen Blake, Administrative Assistant Leah Letford, Communication Specialist Remo Battista Bill Gibson
Regrets:	Julie Milligan

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, the Chair, Councillor John Wink, called the meeting to order at approximately 5:02pm.

1.1. Land Recognition Statement

The Chair read the land recognition statement.

2. Adoption of Agenda

Moved by Bea Clark
Seconded by Frank Adamson

THAT the agenda for the January 20, 2022 regular meeting of the Summerfest Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes
The Committee approved the minutes from the December 8, 2021 Summerfest Committee meeting.

Moved by Remo Battista
Seconded by Bea Clark

THAT the minutes of the December 8 2021 Pelham Summerfest Committee be approved.

Carried

5. Business Arising from Minutes
None.

6. Car Show

Bill Gibson updated the Committee on the Sunday Car Show including signage, promotional items, cost, registration and logistics. The Committee will discuss trophies at a later date. Bill will connect with the Communications Specialist regarding the promotional brochure and poster.

7. Marketing & Communication

The Communications Specialist updated the Committee that she has Summerfest social media content ready and asked the Committee when they would like to start promotion. The Committee discussed the launch date and agreed on beginning of February for the start of the social media campaign. The Committee discussed alternative promotional options to reach an older demographics and placing disclaimers on all Communications regarding public health regulations.

8. Sponsorship

The Communications Specialist also updated the Committee on the change to an online application form for sponsorships as well as the name changes to the sponsorship levels. The Committee discussed and suggested to put a link to the Pelham Summerfest website and mention Summerfest's FEO TOP100 Event awards on the application. The Committee also discussed businesses to reach out to for sponsorships, as

well as exclusivity. Remo will coordinate with Frank to discuss potential overlap in sponsors with the Arches campaign and will reach out to sponsors shortly.

9. Entertainment

9.1. Indigenous Components

Staff updated the Committee that they are currently seeking quotes and interest from Indigenous artists. Staff would like to feature indigenous artists at least twice during the event. The Committee agreed and discussed opportunities for indigenous components within the KidsZone area.

9.2. Preliminary Line-up

Staff shared a preliminary line-up of entertainers who are interested and available to perform. The Committee discussed the entertainment lineup, and adding a couple new artists in the line-up that have yet to play at Summerfest. Staff will reach out to other bands to change up the line-up from previous years. The Committee discussed the Torch Relay's timeframes, including COVID clauses in all agreements, and having a set entertainment line-up for the subsequent meeting.

10. Logistics

10.1. Layout – Stage Location

The Committee discussed potential placements of the stage location including stage delivery and tear down, entertainment loading and unloading location, electricity, bar location, and congestion. Discussion surrounding congestion will continue in a subsequent meeting when a tentative site-plan can be shown.

The Committee decided to work towards having the main stage in front of the Municipal Offices. The Committee was concerned that entertainers in Peace Park may be competing with the main stage entertainment as well as the congestion that might occur in front of the stage on Pelham Town Square. Staff will reach out to the owner of the building that was previously TD bank and ask to be able to use their parking lot space.

The Committee also discussed having to create an exciting element on Pelham Street to attract attendees to walk through the vendors. The Committee discussed having roaming entertainers, big inflatable

attractions as well as the addition of screens and speakers on Pelham St. This discussion will be continued at the subsequent meeting.

10.2. AV Technician Options

Staff updated the Committee that they have multiple quotes from audio visual companies and the companies have started asking for logistics. These quotes only included Friday and Saturday nights. Staff will ask the companies for Sunday as well and bring this back to the Committee.

10.3. Sunday Breakfast

Frank updated the Committee that a local maple syrup farm will supply the breakfast foods at cost and will report back to the Committee once he has final numbers. The Committee discussed who provided the sausages in Summerfest 2019. Staff will look into this and discuss at the subsequent meeting.

11. Canada Games Torch Relay

Staff updated the Committee that they are working with the Rotary Club and Canada 2022 Games on the Torch Relay route.

11.1. List of Requirements

Staff discussed what is required from the Town for the Torch Relay including road closures, residential communication, emergency services, and a timeslot on the entertainment stage. Staff noted there will be an open call for torch bearers and Staff will be on the Committee that selects the torch bearers for the Pelham leg.

12. Arches Update

Frank updated the Committee that the presentation at Council was successful. The manufacturer has been notified and should be on-site by June. The manufacturer is asking for 30% down. Staff and Frank will meet with the Town Treasurer to discuss the financial plan.

12.1. Letter of Approval

The Committee discussed the letter of approval from Council. Staff will meet with the Town Treasurer to discuss the resolution from Council and Main Street Grant application.

13. Reconnect Grant

Staff updated the Committee on an application that is being submitted for the Reconnect Grant that is focused on re-establishing events. The Committee discussed the eligibility, matching requirements and concerns over reliance on grants. Staff will apply and let the Committee know when they hear back about the application.

14. New Business

The Committee discussed when the informal quotation request should go out. This discuss will be deferred until the subsequent meeting.

15. Next Meeting

- February 3, 2022 via Zoom 5pm-7pm
- February 17, 2022 via Zoom 5pm-7pm

16. Adjournment

Moved by Frank Adamson
Seconded by Bea Clark

THAT this Regular Meeting of the Summerfest Committee be adjourned at 7:01pm.

Carried

John Wink (Mar 24, 2022 12:41 EDT)

Councillor John Wink, Chair

Karen Blake

Karen Blake, Administrative Assistant

Date:	3 February 2022
Time:	5:00PM
Location:	Via Zoom
Attendance:	Frank Adamson, Vice Chair Bea Clark Councillor John Wink, Chair Amanda Deschenes, Special Events and Festivals Programmer Vickie vanRavenswaay, Director of Recreation, Culture and Wellness Karen Blake, Administrative Assistant Leah Letford, Communication Specialist Remo Battista
Regrets:	Julie Milligan

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, the Chair, Councillor John Wink, called the meeting to order at approximately 5:12pm.

1.1. Land Recognition Statement

The land recognition statement was read.

2. Adoption of Agenda

Moved by Bea Clark
Seconded by Remo Battista

THAT the agenda for the February 3, 2022 regular meeting of the Summerfest Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the January 20, 2022 Summerfest Committee meeting.

Moved by Frank Adamson
Seconded by Bea Clark

THAT the minutes of the January 20, 2022 Pelham Summerfest Committee be approved.

Carried

5. Business Arising from Minutes

None.

6. Marketing & Communication

The Communications Specialist updated the Committee that the social media campaigned launched today and runs for the next three weeks with a highlight on following public health regulations. She has been working on sourcing the official colours of the logo to be able to stay consistent on all Summerfest marketing and branding. Staff are also currently working on updating the Summerfest website and on a draft press release surrounding the Committee planning for Summerfest 2022.

The Communications Specialist met with Bill Gibson regarding the Car Show promotion which will be made to look like more of a cohesive part of Summerfest rather than a stand-alone event. Staff are working on the brochure, registration form and poster. Drafts of these components will be sent to Bill first and then sent to the Committee before printing.

The Committee discussed that rack cards would need to be available for the Homeshow weekend.

7. Sponsorship

The Communications Specialist noted that Bill Gibson had some contacts for sponsors specifically for the Car Show. Bill will share these with Remo. Remo then updated the Committee that he hopes to start contacting sponsors this week.

8. Budget

Staff updated the Committee on the budget which included costs that would be covered by the Reconnect Grant, if awarded. Staff shared their screen and broke down the budget to contracted services, promotion and advertising, materials & supplies, entertainments, and infrastructure. The Committee discussed the budget, adding an additional line for the Active Zone, entertainment costs, what the Reconnect Grant would cover, and what would change if the grant was not awarded.

9. Entertainment

9.1. Entertainment Line-up

The Committee discussed the proposed entertainment line-up and stated that they like to highlight local talent. The Committee noted that if local entertainment could not be found, the Committee could reach out to entertainment outside the region. The Committee discussed elevating Summerfest 2022 talent with some new and fresh bands and gave Staff a few names to look into. Staff will gather some choices for new entertainment and send samples of their music to the Committee prior to the subsequent meeting.

9.2. Pelham St. Elements

Staff updated the Committee on a couple ideas for interactive and large elements to place on Pelham Street to avoid bottle necking around the stage area. The Committee liked elements that attendees can walk under, felt like summer and draw the eye. The Committee encouraged Staff to request a quote on the mushrooms/flowers, the silver man and a custom-made photo frame.

10. Logistics

10.1. Site Plan

Staff presented the Committee with the 2019 site-maps of the festival areas. The Committee discussed changes that would have to be made including extending the licensed area on Friday and Saturday to the front of the municipal building, and putting up barriers Saturday night at the Fonthill library and plaza for the car show on Sunday.

10.2. Congestion on Pelham Town Square

The Committee discussed how to alleviate congestion on Pelham Town Square including having the screens and speakers on Pelham St, moving the seating and tables off of Pelham Town Square, and maintaining an accessible walkway to and from the Kids Zone. The Committee also discussed public health guidelines for outside festivals and how this may change by July.

10.3. AV Technicians

Staff noted that they have received quotes from a couple AV Technicians. Staff will contact the Bandshell Committee to see who they are using this season and contact our previous AV technician to see if they would be interested in working on Sunday. Staff will discuss what each quote includes and bring a recommendation to the subsequent meeting.

10.4. Sunday Breakfast

Staff updated that the sausages in 2019 were purchased from a local butcher shop. Frank will reach out there to inquire for this year.

10.5. Informal Quotation Requests for Craft Beer and Wine

Staff updated the Committee that the 2019 informal quotation requests were sent out in April. The 2022 requests will be sent out around the same time this year.

11. Canada Games Torch Relay

Staff updated the Committee that the relay will start late Saturday morning. The Committee discussed the timeline for the relay and entertainment. Staff will provide a route map for the subsequent meeting.

12. Arches Update

Frank updated the Committee on the timeline of the manufacturing and installation of the arches, fundraising efforts, sale of concrete pavers, and meeting with Town staff in regards to the building permit. Rotary was discussing having a booth at Summerfest for sale of t-shirts, pavers and

general promotion. Vickie will set up a meeting with Frank and the Town Treasurer to discuss the financial plan.

13. Reconnect Grant

Staff updated the Committee that the Reconnect Grant was submitted this week.

14. New Business

The Committee has asked for all documents that will be discussed during Committee meetings to be sent to them prior to.

15. Next Meeting

- February 17, 2022 via Zoom 5pm-7pm

16. Adjournment

Moved by Bea Clark
Seconded by Frank Adamson

THAT this Regular Meeting of the Summerfest Committee be adjourned at 6:45pm.

Carried

John Wink (Mar 28, 2022 09:31 EDT)

Councillor John Wink, Chair

Karen Blake

Karen Blake, Administrative Assistant

Date:	20 January 2022
Time:	1:30pm
Location:	Via Zoom
Attendance:	Sharon Cook (Chair) Councillor Marianne Stewart Susan Buckingham Karen Blake (Administrative Assistant) Elena Simone-Simonetti (Vice-Chair) Brittany MacLean (Active Living Programmer) Erin Stitt (Lookout Ridge) Dave Nicholson Gwen MacDougall (Library) Garth Hamilton
Regrets:	Ann Villalta

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Sharon Cook called the meeting to order at approximately 1:30pm.

1.1 Land Recognition Statement

The Chair read the following land recognition statement:
"We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people."

2. Adoption of Agenda

Moved by Dave Nicholson
Seconded by Gwen MacDougall

THAT the agenda for the January 20, 2022 regular meeting of the Pelham Seniors Advisory Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the December 15, 2021 Pelham Seniors Advisory Committee meeting and the January 14, 2022 Pelham Seniors Advisory Committee – Special meeting.

Moved by Susan Buckingham
Seconded by Gwen MacDougall

THAT the minutes of the December 15, 2021 Pelham Seniors Advisory Committee meeting be approved, as amended.

Carried

Moved by Elena Simone-Simonetti
Seconded by Susan Buckingham

THAT the minutes of the January 14, 2022 Pelham Seniors Advisory Committee – Special Meeting be approved, as amended.

Carried

5. Correspondence

None.

6. Business Arising from Minutes

6.1. Calendar of Virtual Speakers (pelham.ca/55) – Staff Report

Staff updated the Committee on the Calendar of Virtual Speakers including the number of registrations to the virtual programming (Art your Service and virtual speakers), analytics to the 55+ Programming Webpage and social media content.

6.2. Letter of Support – Niagara Age Friendly Council

The Chair updated the Committee that a letter of support was sent in support of the Niagara Age Friendly Council since last meeting.

6.3. Seniors Active Living Centre Grant Application – Update

Staff updated the Committee there has not been official word regarding the application for the Seniors Active Living Centre grant. Staff will update the Committee when official word is heard. Staff reminded the Committee that the grant would be used for new flagpoles and accessible seating among other initiatives. The Committee began discussing the Buddy Bench and the potential joint effort with the Active Transportation Committee. This discussion will be added to the subsequent meeting's agenda.

6.4. Year End Review

A Committee member updated the Committee on the status of the goals and priorities that were discussed at the year end review. Elena will send the proposed changes out to the Committee, and the Committee will send any additional changes or suggestions back to her. Elena will send working copies of the Committee's goals and accomplishments prior to the subsequent meeting to discuss further.

Moved by Susan Buckingham
Seconded by Erin Stitt

THAT the Committee receive verbal reports regarding Calendar of Virtual Speakers, Letter of Support, Seniors Active Living Centre Grant Application and Year End Review for information.

Carried

7. New Business

7.1. Committee Mandate Extension for 3 month due to Municipal Election

Staff updated the Committee on the correspondence from the Clerk regarding the proposed extension of the Committee's term. The Clerk noted that a request could be made to Council but similar requests were not granted. The Committee discussed benefits to extending their term

including keeping the Committee's momentum going, procedural guidelines, following the same principles as Council does, and delegating at a Council meeting. The Committee agreed that a delegation at Council meeting would be beneficial. Staff will assist with the application to delegate at Council.

Moved by: Dave Nicholson
Seconded by: Susan Buckingham

THAT the Committee request that Council allows the Pelham Seniors Advisory Committee's term be extended until a new Pelham Seniors Advisory Committee is appointed by the subsequent Council in 2023.

Moved by: Dave Nicholson
Seconded by: Susan Buckingham

THAT the motion be amended to include:

- **AND THAT the Committee request to be a delegate before Council in May 2022 to formally request an extension of its term.**

Carried.

Moved by: Dave Nicholson
Seconded by: Susan Buckingham

THAT the Committee request that Council allows the Pelham Seniors Advisory Committee's term be extended until a new Pelham Seniors Advisory Committee is appointed by the subsequent Council in 2023;

AND THAT the Committee request to be a delegate before Council in May 2022 to formally request an extension of its term.

Carried.

7.2. Elder Abuse Chat (Crime Stoppers)

The Chair updated the Committee that she was asked to join a focus group regarding Elder Abuse later on this month. Another Committee

member has also been invited to join. They will report back at a subsequent meeting.

7.3. Letter of Support for New Horizons

Staff updated the Committee that a letter of support was signed by the Chair for the New Horizons grant in support of the 2022 SAY IT! On Stage project.

8. Next Meeting

THAT the Committee approve the following dates for future 2022 meetings:

- February 17, 2022 at 1:30pm
- March 17, 2022 at 1:30pm
- April 21, 2022 at 1:30pm

Carried

9. Adjournment

Moved by Elena Simone-Simonetti
Seconded by Dave Nicholson

THAT this Regular Meeting of the Pelham Seniors Advisory Committee be adjourned at 2:15pm.

Carried

Sharon Cook, Chair

Karen Blake, Administrative Assistant

Date:	17 February 2022
Time:	1:30pm
Location:	Via Zoom
Attendance:	Sharon Cook (Chair) Councillor Marianne Stewart Susan Buckingham Karen Blake (Administrative Assistant) Elena Simone-Simonetti (Vice-Chair) Brittany MacLean (Active Living Programmer) Erin Stitt (Lookout Ridge) Dave Nicholson Barb Wiens David Cribbs
Regrets:	Ann Villalta Gwen MacDougall (Library) Garth Hamilton

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Sharon Cook called the meeting to order at approximately 1:34pm.

1.1 Land Recognition Statement

The Chair read the following land recognition statement:
"We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people."

2. Adoption of Agenda

Moved by Susan Buckingham
Seconded by Elena Simone-Simonetti

THAT the agenda for the February 17, 2022 regular meeting of the Pelham Seniors Advisory Committee be adopted, as amended.

Carried

3. Declaration of Pecuniary Interest and General Nature
There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the January 20, 2022 Pelham Seniors Advisory Committee meeting.

Moved by Elena Simone-Simonetti
Seconded by Dave Nicholson

THAT the minutes of the January 20, 2022 Pelham Seniors Advisory Committee meeting be approved.

Carried

5. Correspondence
None.

6. Business Arising from Minutes

6.1. PSAC's Role in Development Applications related to Seniors Housing and Care Facilities

The Chair noted that the Committee had been previously included on discussions regarding care facilities and seniors housing and noted the expertise on the Committee including personal and professional experience. The CAO noted the motion that was approved at Council regarding the Committee's involvement in the development process and the staff directive to bring a report to Council on how the Committee could be involved. The CAO noted that there could be a few ways forward. Discussion surrounded where the Committee could and want be involved, what is of interest to the Committee, circulating applications, timelines on applications, site-plan level versus subdivision plan, and authorities under the planning act. Staff noted that the Zoning Bylaw and Official Plan are being amended and the Committee could have

some input on them via public meetings. Staff asked the Committee where they believe their voice needs to be heard. The Committee members noted that they would like to be included in the consultation process and Staff encouraged the Committee to take some time to think of the things that they would like included in the Zoning By-law. A Town planner will be invited to a subsequent meeting to discuss the planning process and how the Committee may add value.

6.2. Proposed Three Month Committee Term Extension due to Municipal Election

The CAO noted that the proposed extension to the Committee term is not viable and that the Committee will not meet from August 2022 until after the next Council is inaugurated. The CAO noted that the Committee may make the request of Council but will not have the support of Staff. The CAO noted that the Staff's view on the extension is not specific to the Pelham Seniors Advisory Committee but for all Committees of Council. The Committee expressed its concerns the extended break including the lag in function, and preparing and holding the fall seniors fair. The CAO suggested that the Committee look at their Terms of Reference to see where their focus should be in the coming months and also create a transfer memo for the subsequent Committee on the key areas on which the Committee has been focused on to assist with the transition time.

6.3. Digital Access Follow up – Letter to MPP

The Chair thanked Council for passing along the Committee's concerns regarding digital access to other municipalities, the region and the MPP but wanted explanation on why a follow-up letter could not be sent by the Committee. The CAO explained that Advisory Committees are set up to give guidance to Council but Council gets to make the final decisions and actions. As that is the logic of the system, the letter would need to be endorsed by Council or it does not get sent. The Committee discussed the opportunity to address the digital divide and push the issue through the Niagara Council on Aging. Councillor Stewart noted that she had the opportunity to talk with MPP Oosterhoff regarding this issue a few weeks prior to the meeting and gave him a printed copy of the motion and a brief letter regarding the concerns and impacts and he seemed receptive.

As Erin Stitt left after this conversation, quorum was lost.

6.4. Seniors Active Living Centre Special Grant Application – Update

Staff updated the Committee that the Seniors Active Living Centre Special Grant application was successful and reminded the Committee on what the application included. Staff are starting to look at purchasing the products including the flagpoles, buddy bench and accessible picnic table with shades. Staff noted that the Committee can start looking at location and displays. The Committee discussed installation date, choosing the correct locations, and free standing permanent signage. Staff will present drafts for signage including wording before finalization.

6.5. Year End Review – Update

Elena sent the Committee a follow-up email regarding changes to the Committee's goals and priorities and had not heard any responses. A Committee member noted that she had a few additions and will send her comments later. The Committee noted that they would like to review their Goals and Priorities document at a subsequent meeting and would like to incorporate accomplishments in the past year to the annual Year End Review. Staff will be able to fill in the details on dates of accomplishments.

6.6. NOAA (Niagara Older Adults Alliance) Update

Susan updated the Committee on the NOAA and a study that was conducted. Susan noted that the Pelham Seniors Advisory Committee was ahead of most other Seniors Advisory Committees on the projects and programs they were able to hold over the course of the last two years. The NOAA is looking to address the digital divide and a member is a researcher looking at this topic at Brock. The Committee discussed having the Brock researcher come to Pelham Seniors Advisory Committee's March meeting to discuss digital equity. Susan also noted that Thorold's 2023 senior's calendar is being produced for April and that Brock University has developed an app that will match seniors with snow buddies and hoping to expand it to include other assistances.

6.7. NFNC (Age-Friendly Niagara Council) Update and Promotional Material

A Committee member updated the Committee on the Age-Friendly Niagara Council including a presentation on integrated transportation and promotional brochures for the information phone number and website PSAC can decide on distribution dates and locations. The Committee discussed having Mary Wiley give a presentation on aging and inviting her to speak during the Pelham Seniors Advisory Committee's April meeting.

6.8. Welcome Back events

Staff updated the Committee on a welcome back event that staff are working on now that the Community Centre is open to the public again. This event is tentatively on June 1st to kick off Seniors month, Recreation month and unveil the new flagpoles, buddy bench and accessible seating. Staff noted that the funding for the seniors fair this year is only for digital fairs.

7. New Business

7.1. Ontario Age Friendly Communities Outreach Program Webinar on Ageism and Mistreatment of Seniors

A couple Committee Members updated the Committee on a webinar that they attended regarding ageism and the mistreatment of seniors. They felt the webinar address the issues but gave no solutions. They noted there is a seniors information hotline number that was shared and the Committee discussed if the number could be placed on the buddy bench signage and other seniors related publications (ie. seniors calendars, etc.)

7.2. Elder Abuse Webinar (Crime Stoppers) – February 23rd

A couple Committee members noted that they will be attending the Elder Abuse webinar and will report back at the subsequent meeting. Staff noted that if any Committee members know of any future webinars to let Brittany know so she can add them to the monthly Seniors Calendars.

7.3. Declaration of Age-Friendly Community by Mayor and Council

A Committee member asked if Council could declare Pelham to be an age-friendly community. Councillor Stewart will put forward a motion at Council.

7.4. Regional Event – Moving forward with planning partners

The Chair reminded the Committee about the regional event that was being planned prior to the pandemic for Spring of 2020 including an activity circuit, lunch-break and speaker. The event was bring organized by a regional group and included Brock and Niagara College students. The Committee discussed opportunities for this event for 2022 and decided that due to the current infection rate that the Committee were not prepared to host the event until at least Fall 2022 or Spring 2023. Sharon will inform the regional group on these decisions.

7.5. Lookout Ridge Volunteer Opportunities

Staff updated the Committee that Lookout Ridge is looking for volunteers for their recreational programming and invited the Committee to pass along this information to those who may be interested.

7.6. Scam Seminar

The Chair updated the Committee that Brock Godfrey who hosted a scam seminar in Fall of 2019 was willing to come back to Pelham for a follow-up seminar. Discussion surrounded dates, the opportunity to stream to overflow rooms to accommodate more attendees and scheduling. Staff will look into streaming his seminar to other community rooms at the Meridian Community Centre as well as have an online option.

7.7. Hydro Use/Telephone Scams

The Chair informed the Committee that that there are many current scans including ones about hydro use. The Committee discussed government involvement and changing hydro rates.

8. Next Meeting

THAT the Committee approve the following dates for future 2022 meetings:

- March 17, 2022 at 1:30pm
- April 21, 2022 at 1:30pm

Carried

9. Adjournment

The Regular Meeting of the Pelham Seniors Advisory Committee was adjourned at 3:28pm.

Sharon Cook, Chair

Karen Blake, Administrative Assistant

Date:	19 January 2022
Time:	2:30PM
Location:	Via Zoom
Attendance:	Els Swart Colleen Kenyon Barb Rybiak Stephanie Yole, Culture and Community Enhancement Programmer Vickie vanRavenswaay, Director of Recreation, Culture and Wellness Karen Blake, Administrative Assistant Tammy van den Brink, Chair Councillor Bob Hildebrandt Mary Powley
Regrets:	Darren Kaey

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Tammy van den Brink called the meeting to order at approximately 2:30pm and read the land acknowledgement statement.

2. Approval of Agenda

Moved by Colleen Kenyon
Seconded by Tammy van den Brink

THAT the agenda for the January 19, 2022 regular meeting of the Pelham Arts Advisory Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the November 17, 2021 Pelham Arts Advisory Committee meeting.

Moved by Barb Rybiak
Seconded by Els Swart

THAT the minutes of the November 17, 2021 Pelham Arts Advisory Committee be approved.

Carried

5. Business Arising from Minutes

None.

6. ReDress Project Display

The Committee discussed the ReDress Project Display including its impact, its interaction with the elements, location and the presentation with the Niagara Region Native Centre. The Committee discussed having the display once a year around the 13 Days of Activism in November. A Committee member explained that the display travels around the region and may look at alternative locations within Pelham. The Committee discussed having it photographed in future years to be able to keep a version of the exhibit all year long. When the Canadian Federation of University Women start planning for the 13 Days of Activism in 2022, Colleen will add the item to the Pelham Arts Advisory Committee agenda.

7. Athlete Art Display

Staff updated the Committee that this project is on hold for the moment. However, Staff noted that the Mayor's Youth Advisory Committee (MYAC) was also looking into a display for the Art Walls similar to the athlete art display idea. The Committee discussed and agreed that the Committee would support MYAC in their efforts to put on this display. Staff will connect with MYAC and update the Pelham Arts Advisory Committee during the subsequent meeting.

Moved by Colleen Kenyon
Seconded by Barb Rybiak

THAT the Committee support the Mayor's Youth Advisory Committee in pursuing their ideas, similar to Athlete Art Display, for the Art Walls at the Meridian Community Centre.

Carried

8. Art Walls – Artist Display

Staff updated the Committee on the Art Wall displays exhibited during December including the local artist who displayed her work in the MCC Atrium and the EL Crossley display on the second floor. The Committee discussed the EL Crossley open house and how it was very well received from attendees. Staff mentioned that the artists were excited to see their artwork displayed and be able to have their parents and the public view it. Staff also noted that the Pelham Art Festival had a display in two glass cabinets in the MCC Atrium in December as a part of their Christmas Holiday Fest.

The Committee then discussed having presentations and displays, like the EL Crossley open house, photographed or videotaped to be able to showcase art on the Town's website and/or social media. This collection could be compiled throughout the year to create a "year in review" clip. Staff will connect with the Communications Specialist to discuss opportunities. The Committee was also interested in including local students in this project. Discussion surrounded legalities about the content used. The Committee agreed that the content could be vetted by the Communications Specialist before use.

Moved by Barb Rybiak
Seconded by Colleen Kenyon

THAT the Committee directs staff to investigate promotional opportunities to showcase the Arts in Pelham through a multi-media approach AND to look into opportunities for local students to be involved in the creation of this project.

Carried

The Committee then discussed an application for the art walls submitted by a Niagara Region artist. A Committee member spoke to the artist's collaboration with the Pelham Advocates for Trees and Habitat (formerly

known as the Pelham Tree Conservation Society) and that the artists work showcases trees in all seasons. The display may also include an audio element as well. The Committee discussed the application including the month of the display. Another Committee member offered to reach out to a contact of hers to see if they would provide free saplings to give away during the month of this display.

Moved by: Barb Rybiak
Seconded by: Mary Powley

THAT the Committee approve Krista McMillan's application for the Art Walls – Atrium for the month of April 2022.

Carried

9. Holiday Workshops for December

Staff updated the Committee on the Youth Painting Workshop in December. The workshop was sold out and very well received. Staff noted that there was another workshop to be held in December. However, there were no registrants. Staff noted that once the Community Centre is open again, several workshops will be offered. Staff will look into workshops around Family Day and Valentines Day including linocuts and floral displays with virtual and in-person options.

10. SAY IT! On Stage

Colleen updated the Committee on the SAY IT! On Stage program and that the 2021 project is still in post production. The plan for the 2022 project will be a live production called "Stories Found" and will draw on real life stories from seniors in the Community. The Committee discussed the 2021 Art Committee budget and the purchase of 10 lapel microphones for future productions and other programs/events within the Meridian Community Centre. There was discussion surrounding some purchases, including risers, for future budgets and/or grants.

11. Holiday Card

11.1. Final Product

Staff reminded the Committee that they sent the final Holiday Card to them via email.

11.2. Display

Staff updated the Committee that the holiday card submission display in the MCC was well-received and displayed the submissions well. The displays utilized mats and the Art Festival's peg boards. Steph will send photos to the Committee via email of the display.

12. Unfinished Business

The Committee discussed the following items that will be added to a subsequent meeting's agenda:

- Artists Directory
- National Indigenous People's Day Ideas: Tammy will send out a link to a social media group that she is a part of regarding Inuit Art.

13. New Business

The Committee discussed budgets for 2022, Town master plans, working with the Beautification Committee in regards to a Gateway project, outdoor sculptures, current grant applications, and Creative Cities memberships. Karen will organize memberships for the Committee members who expressed interest. The Committee discussed creating a calendar of events for the Community focusing on the arts. Committee members are to bring ideas for the arts within Pelham for 2022 to the subsequent meeting.

14. Next Meeting

Moved by	Tammy van den Brink
Seconded by	Mary Powley

THAT the Committee approve the following date for future 2022 meeting:

- February 16, 2022

Carried

15. Adjournment

THAT this Regular Meeting of the Pelham Arts Advisory Committee be adjourned at 4:00pm.

Carried

Tammy Van Den Brink (Mar 24, 2022 12:35 EDT)

Tammy van den Brink, Chair

Karen Blake

Karen Blake, Administrative Assistant

Date:	16 February 2022
Time:	2:30PM
Location:	Via Zoom
Attendance:	Els Swart Colleen Kenyon Barb Rybiak Stephanie Yole, Culture and Community Enhancement Programmer Vickie vanRavenswaay, Director of Recreation, Culture and Wellness Karen Blake, Administrative Assistant Tammy van den Brink, Chair Councillor Bob Hildebrandt Mary Powley Darren Kaey
Regrets:	

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Tammy van den Brink called the meeting to order at approximately 2:33pm and read the land acknowledgement statement.

2. Approval of Agenda

Moved by Colleen Kenyon
Seconded by Barb Rybiak

THAT the agenda for the February 16, 2022 regular meeting of the Pelham Arts Advisory Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the January 19, 2022 Pelham Arts Advisory Committee meeting.

Moved by Barb Rybiak
Seconded by Colleen Kenyon

THAT the minutes of the January 19, 2022 Pelham Arts Advisory Committee be approved.

Carried

5. Business Arising from Minutes

The Chair noted that her acquaintance is willing to donate 100 saplings for the reception for the artist displaying on the Art Walls in April. A Committee member updated the Committee that Adam Shoaltz will also be attending the reception. The Committee then discussed promotion for opening nights, inviting media and the opportunity to hold a reception for each artist who displays their art at the Meridian Community Centre. Staff noted that openings have been done for artists in the past.

Motion by: Colleen Keynon
Seconded by: Barb Rybiak

THAT the Committee gives each artist that utilizes the Art Walls the opportunity to hold an opening reception and to support the artist by promoting the reception.

Carried.

6. 2022 Operating Budget – Vickie

Vickie updated the Committee on the 2022 operating budget including $5,000 allocated to the Pelham Arts Committee and $6,000 allocated for two murals to be placed within Town.

Vickie vanRavenswaay had to leave after this initial discussion.

6.1. Murals - $6000

Staff asked the Committee would be involved in this initiative. The Committee discussed the murals including what was planned during the initial budgeting stage. Staff will ask the Director of Recreation, Culture and Wellness and will defer this discussion, including potential locations, until the subsequent meeting.

6.2. Main Street Grant Application – Steph

Steph updated the Committee on the Main Street Grant that focuses on revitalizing and strengthening downtown Fonthill. Staff updated the Committee on what was included in the grant application including the arches, two interactive art pieces, and decorating 15 utility boxes. Staff should hear back by the end of March whether the application has been successful. The Committee discussed utility boxes in other municipalities and opportunities for Pelham. Mary noted that she knew the manufacturer that did the wraps for Niagara Falls.

6.3. Art Committee Budget - $5000

The Committee noted that they were happy to have received $5,000 for 2022 and clarified with staff what the budget could be spent on.

Moved by Colleen Kenyon
Seconded by Tammy van den Brink

THAT the Committee received the verbal presentation on the 2022 Operating Budget for information.

Carried

7. Ideas for the Arts for 2022

The Committee discussed several options for 2022 including acknowledging culturally significant dates (ie. Black History Month) and a Spring contest ending on Canada Day. This contest would focus on "artifying" your home which could include decorating and/or painting anything that would be visual to the public (ie. garbage cans, rocks, stepping stones, fences, gardens, etc). The Committee discussed using the Art Committee's funds to cover prize money and that the contest also coincides with Council's declaration of the year of the garden.

Motion by: **Mary Powley**
Seconded by: **Colleen Kenyon**

THAT the Committee hold an "art-ify" your home contest that runs until mid-June with promotion starting March 2022;

AND THAT the Committee uses $500 from the Art Committee's 2022 budget be used for prizes for this contest.

Carried.

The Committee also discussed a few other options for cultural workshops for the Meridian Community Centre and discussed other organizations holding workshops that the Committee could promote. Staff noted that the Town usually only promotes programming that uses Town facilities or if they are a Pelham service club. Staff will confirm with the Communications Specialist.

7.1. Indigenous People's Day Ideas – Steph & Colleen

Staff updated the Committee on the plans for Indigenous Peoples Day including ten days of programming starting on June 21st and continuing until Canada Day. Staff noted a couple programming ideas including workshops, drum circles, and indigenous artwork on the art walls. The Committee discussed a few additional options for programming including reaching out to the Niagara Children's chorus. Tammy will email Steph the contact.

The Committee discussed creating a calendar that include important times and culturally significant dates (ie. Black History Month) to try to allow for inclusivity and awareness within the cultural and artistic programming the Town provides.

8. Artists Directory – Steph

Staff noted that the Committee needs to establish what information they would like to gather from the artists directory, how it would be displayed and if it would be public information. The Committee discussed and asked what other municipalities were doing and the possibility of having a private and public version. Staff will look into other municipalities and

create a template that the Committee can comment on in a subsequent meeting. Darren will send Steph a contact from Welland.

8.1. Required Information for Application

The Committee discussed information that they would like included in application. Staff will create a template based on other municipalities and will bring back to the subsequent Committee meeting.

8.2. Directory Use & Maintenance

Staff asked the Committee what their hopes are for the directory's use and its maintenance. The Committee discussed and noted that the Directory could be used for any call for artists that the Town would have and also be used by the public to find art, music, photography, etc. teachers. Staff will send out the template and gather feedback at the subsequent meeting.

Moved by: **Tammy van den Brink**
Seconded by: **Barb Rybiak**

THAT the Committee directs staff to create a template for the application for the Pelham Artists Directory to be reviewed in the subsequent meeting.

Carried.

9. Unfinished Business

None.

10. New Business

Motion by: Mary Powley
Seconded by: Tammy van den Brink

THAT an agenda item regarding the murals be added to the subsequent Pelham Art Committee meeting's agenda.

Carried.

Committee members were asked to come prepared for the next meeting with ideas of how to spend the Arts Committee allotted 2022 budget.

11. Next Meeting

Moved by Tammy van den Brink
Seconded by Barb Rybiak

THAT the Committee approve the following date for future 2022 meeting:

- March 16, 2022

Carried

12. Adjournment

Moved by Mary Powley
Seconded by Darren Kaey

THAT this Regular Meeting of the Pelham Arts Advisory Committee be adjourned at 4:10pm.

Carried

Tammy Van Den Brink (Mar 24, 2022 12:35 EDT)

Tammy van den Brink, Chair

Karen Blake

Karen Blake, Administrative Assistant

Date:	Wednesday, February 2, 2022
Time:	5:00 pm
Location:	Zoom Conference

Attendance:	Tim Nohara, Chair Carla Baxter Louis Damm Bill Heska Jim Jeffs Jim Steele Bob Hildebrandt, Councillor - Town of Pelham David Cribbs, CAO - Town of Pelham Barbara Wiens, Director, Community Planning & Development, Town of Pelham Shannon Larocque, Senior Planner, Community Planning & Development, Town of Pelham Jodi Legros, Administrative Assistant, Community Planning & Development, Town of Pelham (Secretary)
Regrets:	John Langendoen

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair, T. Nohara called the meeting to order at approximately 5:04 pm.

2. Approval of Agenda

Moved by C. Baxter
Seconded by J. Steele

THAT the agenda for the February 2, 2022 regular meeting of the Cannabis Control Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

4. Approval of Minutes

The Committee approved the minutes from the November 24, 2021 Cannabis Control Committee meeting.

Moved by B. Heska
Seconded by J. Jeffs

THAT the minutes of the November 24, 2021 Cannabis Control Committee be approved.

Carried

5. Ontario Land Tribunal Official Plan/Zoning By-law Amendment update

Committee members and staff discussed the outcome of the Ontario Land Tribunal hearing which took place for 3 days commencing on January 24, 2022. The Town and Woodstock Biomed's cases were presented to the Tribunal. The hearing is scheduled to continue July 25, 2022 for 5 days. There is discussion regarding potential settlement with CannTrust and Redecan. Should a settlement be reached, it would be presented to the Ontario Land Tribunal who will make the final decision regarding settlement and the appeal of Woodstock Biomed.

6. Odorous Industries Nuisance By-law action update

The Town awaits a court date and does not expect to receive a date for 2022. This matter is not included in the Ontario Land Tribunal case and remains for the courts however the Town would consider discussing this by-law should there be possibility of the parties reaching agreement when negotiating the Ontario Land Tribunal case.

7. Committee 2022 Goals

Staff advised committees do not function during an election period. Noting the 2022 election dates, staff indicated that the Committee would hold its last meeting in late August 2022 and the 2022 elected council members would determine advisory committees for the next term.

The Committee highlighted work items it would consider for the remainder of 2022 to be discussed further at the next meeting, including:

a) obtaining a successful OLT ruling on the OPA/ZBA and determining the implications from the Ontario Land Tribunal decision on its other instruments;
b) progressing the Odorous Industries Nuisance Bylaw including next steps for cooperation relating to odour measuring, & the contingency odour mitigation plans;
c) considering the light by-law and possibly abandoning same; and
d) reporting to Council and the public.

8. New Business

None

9. Next Meeting and Scheduling of Additional Meetings

Committee members agreed to meet monthly for the next six months.

Next Meeting: March 2, 2022 at 5pm via Zoom.

THAT the Committee approve the following meeting dates: March 2, April 6, May 11, June 15, July 27 and August 17, 2022.

Carried

10. Adjournment

Moved by L. Damm
Seconded by C. Baxter

THAT this Regular Meeting of the Cannabis Control Committee be adjourned at 6:09 pm.

Carried

Tim J. Nohara

Edited by: Tim Nohara, Chair

Jodi Legros

Prepared by: Jodi Legros
Administrative Assistant
Community Planning & Development
Town of Pelham

Chief Administrative Officer
Tuesday, April 19, 2022

Subject: Nomination of Pelham Elected Official to Regional Transit Commission

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0100 – Nomination of Pelham Elected Official to Regional Transit Commission;**
>
> **AND FURTHER BE IT RESOLVED that Council recommend _____ to represent the Town of Pelham, on the transitional Niagara Transit Commission Board, for an appointment ending January 31, 2023.**

Background:

After the triple majority was achieved over the period of time between December, 2021 and January, 2022, the creation of a truly integrated transit system for all of Niagara became realized. The new transit system will fully replace all existing systems on January 1, 2023. A transitional board will oversee the complex process of amalgamating the various existing systems and achieving high quality service.

The candidate recommended by Pelham Town Council will be put forth to Regional Council, along with their equivalents from the other local municipalities, on May 5, 2022. As a legal technicality, Regional Council must make the appointment, accordingly at this time Pelham is merely "recommending" its candidate. The appointment thereafter will merely be a formality.

Analysis:

This opportunity must be filled by one of the Town of Pelham's elected officials: any member of Town Council, or Diana Huson, Regional Representative. Councillor Huson has indicated that she is not seeking the position, which leaves each member of Pelham Town Council as potential candidates.

As with any other vote, majority support of those in attendance is required to confirm a candidate.

The Commission's Board will have to make a very large number of critically important decisions, particularly during the balance of 2022. Issues that will have to be addressed include hiring a General Manager, dealing with the asset transfer from local municipalities to the Commission, labour and employment issues as staff are molded into one team (and standardization of terms of employment). The Region has suggested that candidates with strong backgrounds in strategic planning, finance, business operations or transit operations would be good candidates.

Because loss of seat on the transitional board is automatic if a candidate ceases to be an elected official, it is suggested that only members of Town Council who plan to run for re-election allow their names to be put forward. While this of course is no guarantee of re-election, it is at least a theoretical possibility. If the candidate is defeated in October's general election, a replacement candidate will need to be recommended by Pelham Council. In any event, the term of office for this transitional board is only until January 31, 2023.

Regional Council will appoint a new board to commence on February 1, 2023. That Board will sit until the next municipal elections in 2026.

Financial Considerations:

There are no financial considerations associated with this report. The position is unpaid. At time of writing it is unknown if the Transit Commission will be paying mileage (such has been recommended by Regional staff) or if the meetings will be physical, hybrid or online. Presumably meeting format and/or location(s) will be dictated by public health conditions.

Alternatives Reviewed:

There are no options available. If Council declines to identify a representative, the Town will simply not have a voice on the transition board.

Strategic Plan Relationship: Communication and Engagement

This is an excellent opportunity to ensure that Pelham residents continue to derive value for their transit (tax) dollars. Furthermore, all members of Council are familiar with rural and small community issues, which will be an important perspective for the new commission. The multi-year duration of the appointment should allow for the appointed individual to achieve a high level of engagement.

Consultation:

The Town Clerk and the Director of Recreation, Culture and Wellness were both consulted in the drafting of this report.

Other Pertinent Reports/Attachments:

Niagara Region formal communication, dated March 25, 2022.

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
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www.niagararegion.ca

March 25, 2022

CL 5-2022, March 24, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Re: Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

Regional Council, at its meeting held on March 24, 2022, passed the following motion:

That Report PW 15-2022, dated March 24, 2022, respecting Moving Transit Forward - Initial Transition Activities and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED:**

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and

2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Report PW 15-2022, specifically page 7, provides additional information regarding the number of nominees that can be put forward for your municipality, term, orientation as well as preferred experience that should be considered when your Council is selecting a nominee(s).

A copy of Report PW 15-2022 is attached for your reference. If you require additional information, please feel free to contact me.

Yours truly,

Ann-Marie Norio
Regional Clerk
CLK-C 2022-052

Subject: Moving Transit Forward – Initial Transition Activities and Next Steps

Report to: Regional Council

Report date: Thursday, March 24, 2022

Recommendations

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and

2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Key Facts

- The purpose of this report is to provide an update regarding the work underway to implement the consolidation of region-wide transit, following the successful achievement of triple-majority approval in February 2022 (see Clerks Memorandum CWCD 2022-41); and initiate the process of securing nominations for the transitional Niagara Transit Commission Board from the local area municipalities (LAMs).

- A report will be brought forward at a Special Regional Council meeting on May 5, 2022 to seek Council approval to formally establish the Niagara Transit Commission as a Municipal Services Board (MSB) of the Region.

- In keeping with the Transit Governance Strategy outlined as part of the triple-majority process (PW 55-2021), LAMs will be asked to provide their recommended nominations for the transitional Niagara Transit Commission Board, for appointment by Regional Council to coincide with the establishment of the MSB.

- Given that the Linking Niagara Transit Committee (LNTC) has successfully completed its mandate to guide the development of and obtain approval for a recommended governance strategy for consolidation, and with the appointment of the new Commission Board imminent, it is appropriate for the LNTC to be dissolved forthwith.

Financial Considerations

There are no direct financial implications arising from the recommendations of this report.

The operating budget for transition activities associated with this report, including encumbrances and grant funding, is approximately $3.1M. This is comprised of an operating consulting services budget of $2.23M, additional $0.5M in encumbered consulting budget from 2021, $0.2M in dedicated internal staffing budget, and $0.15M available to support the project from a successful application to the Province of Ontario's Audit and Accountability Fund. The transition to the new Commission will include a dedicated staff complement of 2 FTE's (Program Financial Specialist and GO Implementation Office Transportation Lead) plus additional Steering Committee and Working Group internal staff support.

Analysis

Achievement of Triple-Majority

In order for Niagara to realize the enormous benefits of a single transit system and move forward with the creation of a new Transit Commission, triple-majority approval was required to transfer the necessary legislative authority for the operation of transit to the Region under the *Municipal Act*.

This process formally commenced on November 25, 2021, when Niagara Region Council approved report PW 55-2021, adopting By-law No. 2021-96 providing "The Regional Municipality of Niagara…the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region." Following Regional Council approval, each of Niagara's twelve municipalities were asked to similarly support moving forward into consolidation.

With a strong majority of municipal Councils supporting consolidation, with a number of unanimous votes, the required criteria for triple-majority approval was achieved (see Council Weekly Correspondence Distribution CWCD 2022-41 February 18, 2022) and By-law 2021-96 came into effect on February 2, 2022.

The consolidation proposal put forward as part of the triple-majority process included a series of core financial, service, and governance strategies that had been developed and recommended by the CAO Governance Steering Committee (GSC) and

unanimously endorsed by LNTC. These recommendations reflected years of collaborative work, were based on two rounds of direct consultation with municipalities, and reflective of input from interested parties and the public.

City of Welland Resolution

At its meeting of December 9, 2021, Welland City Council adopted a resolution "THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems…" contingent on satisfactory responses to certain concerns they identified with the core strategies. This City's resolution further requested that other LAMs present an amended resolution to their Councils supporting the City of Welland's position. This resolution did not receive support from any other municipalities during the consideration of By-law No. 2021-96 enacting the triple majority. Positive progress is being made on the asset transfer agreement, with cooperation from all municipalities. Based on this outcome, a memo outlining this position and subsequent path forward sent to the City of Welland is attached as Appendix 1.

It is therefore on the basis of the strategies outlined in PW 55-2021 that the creation of the new Niagara Transit Commission and implementation of the consolidation of transit is underway, reflecting the strong support these proposals received through the triple-majority process.

Transit Commission Steering Committee (TCSC)

Governance Structure

To guide this transition, the Region has established the Transit Commission Steering Committee (TCSC).

The mandate of the TCSC is to support the creation of the new transit Commission, including its legal establishment, appointment of the transitional Board and senior leadership, and the transfer of personnel and assets, necessary for the Commission to assume operational responsibility for transit in Niagara on January 1, 2023.

The TCSC is Chaired by the Commissioner of Public Works and is comprised of extensive senior Regional staff (Commissioner and Director levels) from a diverse and strategic cross-section of the entire organization to support the successful establishment of the new Commission. The local area municipalities are also key

partners in this transition work. Active participation from LAM transit GMs and their senior staff, as well as LAM CAOs and legal counsel involved in the transfer of assets are assisting in guiding key deliverables outlined in the Transition Plan.

Resourcing

Significant internal Regional resources will be required to deliver the extensive scope of work for the transition to the Commission, including subject matter experts in areas such as finance, human resources, legal, information technology, and communications. The TCSC will be responsible for ensuring that sufficient corporate resources are allocated to the project and identifying the specific resources required to support the Transition Plan, including ensuring representation from other lines of business that will be impacted.

Successful transition will also require direct engagement with LAMs, in particular those who operate the independent transit systems that will form the basis for the new Commission. Areas of focus will include but not be limited to: negotiation of asset transfer agreements, human resources/labour relations, and the harmonization of operational policies and procedures.

Additional external resources have also been secured to support specific needs related to legal requirements and transit operations. External legal expertise has been secured with Dentons LLP who are supporting many aspects of the establishment of the Commission, along with leading and/or supporting and number of employee and labour relations considerations. Additionally, Eric Gillespie, retired former GM of both Grand River Transit in Waterloo Region and the St. Catharines Transit Commission, has been retained to lead the harmonization and implementation of transit operations, in close partnership with the LAM transit GMs.

These external resources are funded through the transition project budget as referenced in the Financial Considerations section and approved in the 2022 budget.

Progress to Date

With less than ten months to full transition and to ensure a successful hand off to the new Commission on January 1, 2023, accelerated and necessary work in support of the new Commission is well underway.

Leveraging provincial funding secured through the Audit and Accountability– Phase 3 program, KPMG has been retained to examine and develop a recommended shared services relationship between the Region and Commission. This assignment will look at best practices and comparator transit Commissions/municipalities (i.e. London, Ottawa, Edmonton, Durham) to examine reporting relationships, undertake financial analysis, and arrive at a preferred model. This KPMG work significantly advances the early work Regional staff undertook as presented in PW 9-2021 and will also take into account the tenets of the independent Commission model recommended in the *Niagara Transit Governance Study*. The results of KPMG's work will be incorporated in the next report to Council outlining the recommended model for shared services to support the new Transit Commission. This will also provide insight into the extent of future and/or additional staff resources which may be required either by the new Commission or by the Region as part of the 2023 budget submission related to new FTEs to support transit.

As noted throughout this report, *Niagara Transit Commission* has been identified as an interim name as the MSB is established, in advance of the completion of a forthcoming branding strategy that will recommend a public-facing name for the transit service. That future brand will be subject to approval of the Commission Board and Regional Council.

Given the ambitious timeframe and to ensure an effective and seamless integration, staff are predicating some of the Commission's underpinning systems (e.g. for financial reporting and human capital management) on platforms already in use by the Region and/or commonly used or preferred by many municipalities in Niagara to ensure ease of implementation, consistency and familiarity for the Commission (e.g. Peoplesoft).

As a result of extensive transitional activities in 2022, in addition to the assumption of operational control by the new Commission in January 2023, staff are proceeding on the basis that appointing the Public Advisory Committee post-municipal election would present a more strategic fit for the Board to successfully focus on transition activities, and to better align with the forthcoming municipal election cycle.

To ensure a broad cross-section of lessons learned, successful implementation practices, and insight into the relationship between transit commissions and their municipal/regional corporations, outreach beyond just the City of St. Catharines to other transit Commissions has also occurred with counterparts in Ottawa, London, Edmonton, and Durham to gather as much information as possible to compare and contrast best practices and successful policies and procedures.

Given the accelerated pace at which the transition is moving to ensure a successful operational hand off to the new Commission on Jan. 1, 2023, it has been necessary for Staff to leverage single-source assignments in compliance with the Procurement By-law, to enable appropriate, strategic and rapid onboarding of appropriate resources. For example, in the case of the shared services review being undertaken by KPMG, deadlines within the program delivery criteria required an accelerated path to ensure compliance with the reporting requirements, as well as to ensure integration of the outcomes in relation to other transition activities (i.e. establishment of the MSB). A competitive process was not possible given the pace at which information and resourcing is required to deliver the Commission transition by Jan. 1, 2023.

Establishment of Municipal Services Board (MSB)

Creating the Niagara Transit Commission will require the establishment of a new MSB of the Region, in accordance with Sections 196 to 198 of the *Municipal Act*, 2001, Council will be asked to consider and adopt a by-law that will create the new Board and formalize aspects of the relationship between the Commission and the Region at a special Council meeting being held on May 5, 2022. Key considerations will include:

- Formalizing the transitional Board and Advisory Committee structure;
- Establishment of the corporate and administrative services relationship between the Commission and Region;
- Setting requirements for procedural matters regarding meetings and a Code of Conduct/Integrity Commissioner in accordance with the Municipal Act, 2001 requirements for local boards;
- Outlining the Commission's requirements with respect to the Region's budget approval process;
- Establishing the requirement for specific policies such as disposition of land, hiring of employees, and procurement of goods and services as is mandatory under s. 270(2) of the *Municipal Act*; and
- Establishing the roles, responsibilities, and authority to be delegated to the Commission Board, the General Manager, and Auditor.

Appointment of Transitional Board Members

In anticipation of the establishment of the Commission as a MSB by Regional Council at its Special meeting being held on May 5, 2022, this report recommends that each LAM be asked to forward their nomination(s) for their elected official(s) for the transitional Niagara Transit Commission Board to the Regional Clerk, no later than April 29, 2022.

The LAM appointment recommendations will subsequently be brought forward to Regional Council for approval in parallel with the report establishing the new MSB. This will allow for the establishment of the MSB and appointment of the initial transitional Board members to occur simultaneously at the meeting on May 5, 2022.

In keeping with the Governance Strategy developed through the triple-majority process:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipally should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
    - (3) St. Catharines
    - (2) Niagara Falls
    - (1) All Other Municipalities

The transitional Niagara Transit Commission Board will have significant responsibility for the administration of the Commission, including the hiring of a General Manager, oversight of the transfer of personnel and assets from the current municipal transit providers, and the harmonization of service and policies. In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas related to these objectives, such as business, finance, strategic planning, or transit operations. As all transitional Board positions will be elected officials, it is recommended that while eligible for expense reimbursement such as mileage, Members serve without remuneration.

All transitional Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

The term of the initial transitional Commission Board Members appointed by Regional Council in Q2 will end on January 31, 2023. This date has been recommended on the basis of ensuring continuity through the full transition and overlapping with the assumption of operations by the Commission on January 1, 2023.

Given the requirement that Board Members be elected officials, in the event that any of the Members appointed in Q2 lose their seat as a result of the 2022 Municipal Election their appointment will automatically be rescinded at that time. Board Members who are re-elected through the 2022 Municipal Election will complete the remainder of the term to January 31, 2023.

A subsequent round of nominations will occur through December 2022 and January 2023 for Regional Council to appoint new Board Members for a term starting February 1, 2023 and that will continue until the future permanent Board structure is put in place coinciding with the next Municipal election in 2026.

It is anticipated that the Public Advisory Committee for the Niagara Transit Commission would also be established following the 2022 Municipal Election.

As outlined in the Governance Strategy in PW 55-2021, the mandate of the Transitional Board structure will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026). This will be informed by an external third-party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size and representation complement. Regional Council will ultimately need to approve the recommended permanent Board structure.

Municipal Transfer Agreement

The MTA will govern how current municipal transit personnel, contracts and assets will transfer to the Region and/or Commission to support the assumption of operations on January 1, 2023.

Staff have initiated the negotiation of the MTA in accordance with the terms outlined in Report PW 55-2021; specifically the principles outlined in Appendix 3. This subset of work is consistent with the principles agreed to by the CAO GSC, unanimously endorsed by the LNTC, and which received triple majority approval. At this point, there is consensus among the LAMS to proceed on the basis of a single agreement that all parties will sign; with any specific or unique needs of municipalities to be addressed under defined schedules to the agreement.

Subject to the successful conclusion of negotiations, staff are working towards seeking Regional Council approval for the finalized MTA as part of the forthcoming report seeking establishment of the MSB; or at the very least, staff will seek Council's authority to conclude the process based on defined delegated authority at that time.

A comprehensive Human Resources Implementation Plan has been prepared which includes all matters associated with the transfer of municipal transit Union and Non-Union personnel. Discussions with the Amalgamated Transit Union (ATU) Locals (who represent all unionized transit employees in Niagara Falls, St. Catharines, and Welland)

are a key part of the Transition Plan; and as such, are planned to commence in the March/April timeframe.

Conclusion of Linking Niagara Transit Committee

The LNTC was established in 2017 following the unanimous municipal triple-majority approval to proceed with the creation of a new governance model for a consolidated transit system. Its primary mandate was to develop and advance a recommended consolidated governance model for Niagara, as well as in the interim, harmonize the operations and policies of the existing transit systems.

A significant number of interim milestones and successes have been achieved by the LNTC and are summarized in Appendix 2. With the development of a recommended governance strategy and the successful attainment of triple-majority approval for consolidation based on LNTC's unanimous recommendation, LNTC's mandate has now been successfully achieved.

It is therefore recommended that the LNTC be dissolved forthwith, with sincere thanks to its members and leadership of its Chair and Vice-Chair, as primary responsibility for transit decisions in Niagara will shift to the transitional Niagara Transit Commission Board once established and appointed.

Next Steps

The next significant milestone in the transition to the new Commission will be the report that Regional Council will consider on May 5, 2022 that will make recommendations for Council's consideration respecting:

- Enactment of a by-law to establish the Commission as a MSB of the Region, including confirming Regional policies to be adopted.
- Establish remuneration policies for the Board;
- Establish corporate and administrative services relationship between the Commission and Region.
- Bring forward the LAMs' transitional Board member nominations for appointment by Regional Council; and
- Seek Regional Council approval of the MTA, subject to successful completion of the negotiations and/or seek delegated authority to complete.

With the Commission Board established, focus in the next phase of transition activities will include the hiring of a General Manager and senior leadership team, development and approval of Commission policies, facilitating the transfer of assets and personnel to the Commission on the basis of the MTAs, and a branding strategy – all in support of assumption of service by the Commission on January 1, 2023.

Alternatives Reviewed

Consideration was given to not appointing Board members to coincide with the establishment of the Municipal Services Board, however this was not recommended given the need for an accelerated pace of transition and having the Board in place at the earliest opportunity to advance future operational decisions.

The alternative of not dissolving the Linking Niagara Transit Committee was also considered, but not recommended as the mandate of LNTC as defined in its Terms of Reference has been achieved and given that the Commission Board will now provide strategic direction to the transition.

Relationship to Council Strategic Priorities

The consolidation of transit services across Niagara into a new Transit Commission directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

PW 55-2021	Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission
LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region’s Transit Service Delivery and Governance Strategy

Prepared by:
Matt Robinson
Director, GO Implementation Office
Public Works

Prepared by:
Donna Gibbs
Director, Legal and Court Services
Corporate Services

Recommended by:
Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Franco Meffe, Director, Human Resources; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Ann-Marie Norio, Regional Clerk; Scott Fraser, Transportation Lead, GO Implementation Office, and external legal counsel Mary Ellen Bench, Dentons LLP.

Appendices

Appendix 1 City of Welland Response – Triple-Majority Achieved

Appendix 2 Linking Niagara Transit Committee - Achievements

Niagara Region

Office of the CAO
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

Subject: City of Welland Response – Transit Triple-Majority Achieved

Date: March 7, 2022

To: Steve Zorbas, CAO – City of Welland

From: Ron Tripp, P.Eng., CAO

The purpose of this memorandum is to provide Welland City Council with an update regarding the conclusion of the triple-majority process and the next steps as the transition to the new transit Commission begins.

Achievement of Triple-Majority

On November 25, 2021, Niagara Region Council approved report PW 55-2021 which, through the adoption of By-law No. 96-2021, initiated the triple-majority process for the creation of a new transit Commission by providing "The Regional Municipality of Niagara…the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

Following Regional Council approval, Niagara's twelve municipalities were required to consider the bylaw by January 31, 2022. We confirm that as a result, the required criteria for triple-majority as identified under the *Municipal Act* has now been achieved (see Attachment 1 – CWCD 2022-4).

City of Welland - Report TRANS-2021-19

We do understand that at its meeting of December 9, 2021, Welland City Council adopted a resolution *"THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems…"* provided that certain concerns were addressed.

Given that the resolution did not receive support from any of the other local area municipalities, the transit governance proposal in its current form, which achieved triple-majority approval, shall be used to govern the path forward.

Transition

Having achieved triple-majority, the transition to the new Commission has now begun. The Region will seek to establish the Commission on the basis of the core financial, service, and Board composition strategies presented in PW 55-2021, reflecting the strong support for these proposals received through the triple-majority process.

In the coming months, Regional Council will legally establish the new Commission, the Linking Niagara Transit Committee will be dissolved, and the formalization of required asset agreements will occur. Initial milestones for the City of Welland will include:

- The negotiation and execution of MTAs, on the basis of the principles outlined in Appendix 3 of PW 55-2021. Discussions between Regional and City of Welland senior staff and respective Legal Counsel commenced in February 2022. Welland's CAO Steve Zorbas is participating in these discussions, along with external legal counsel for the City of Welland.
- In April 2022, the City of Welland will be asked to nominate its recommendation for an elected representative to the Commission Board; and
- The initiation of collective bargaining discussions between the Region and the three existing Amalgamated Transit Unions, will be conducted in coordination with City of Welland staff. Welland Transit's Manager Edward Zahra is a member of the Operations Group tasked with ensuring a successful transition to the new Commission of all transit operations effective January 1, 2023.

Region Staff look forward to working collaboratively with Welland staff to ensure a smooth transition occurs whereby operational responsibility for transit will transfer to the new Commission on January 1, 2023 as required by By-law 96-2021.

Respectfully submitted and signed by,

Ron Tripp, P. Eng
Chief Administrative Officer

Appendices

Appendix 1	Niagara Region Memorandum CWCD 2022-41 - Triple Majority Achieved for By-law 2021-96 being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara

Copy to: Bruce Zvaniga, Commissioner of Public Works (Interim)
Matt Robinson, Director, GO Implementation Office

Administration
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

MEMORANDUM

CWCD 2022-41

Subject: Triple Majority Achieved for By-law 2021-96 being a By-law to establish, operate and maintain a consolidated passenger transportation system for The Regional Municipality of Niagara

Date: February 18, 2022

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

Regional Council, at its meeting held on November 25, 2021, passed By-law No. 2021-96, being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara.

In accordance with section 115(5) of the *Municipal Act, 2001* a by-law passed under subsection 115(1) of the *Act,* shall not come into force unless,

(a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;

(b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and

(c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper- tier municipality.

This memorandum confirms that all of the above provisions have been met, and the effective date of By-law No. 2021-96 was February 2, 2022.

For your reference a summary of the local area municipal responses and By-law No. 2021-96 are attached.

With the transfer of exclusive authority to the Region to establish, operate and maintain a single consolidated transit system now complete; Staff will be moving forward with necessary steps to implement the direction of Regional Council in accordance with Report PW 55-2021, dated November 25, 2021. More specifically Staff will proceed to advance the creation of a Regional Transit Commission and negotiate municipal asset

transfer agreements with the City of Niagara Falls, City of St. Catharines and the City of Welland.

Council will note that the City of Welland in their letter dated December 10, 2021, (attached), expressed support for the future state of Regional Transit subject to certain issues outlined therein being addressed, including but not limited to, seeking compensation for the transfer of assets; whereas Report PW 55-2021 (specifically Appendix 3) provides that assets will be transferred at no cost. Given the support of ten local area municipalities demonstrated by the achievement of triple majority approval **on the basis of the terms outlined in Report PW 55-2021**; Staff intend to proceed with the negotiation of the municipal asset transfer agreements in accordance with the terms outlined in Report PW 55-2021, including the principles outlined in Appendix 3.

Respectfully submitted and signed by

_____

Ann-Marie Norio
Regional Clerk

St. Catharines

December 9, 2021

Ann-Marie Norio
Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio

Sent via email: ann-marie.norio@niagararegion.ca

Re: Niagara Transit Governance
Our File 35.23.11, 10.4.19

Please be advised that the Council of the City of St. Catharines, at its meeting held on December 8, 2021 passed the following motion:

> That the Council of the City of St. Catharines consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and
>
> That staff begin to negotiate municipal asset transfer agreements for the Corporation of the City of St. Catharines with representatives of the future Regional Transit Commission on the basis of the principles in Report PW 55-2021 - Appendix 3 Municipal Transfer Agreements – Summary Sheet (attached as Appendix 1 to this report) and in a form satisfactory to the City Solicitor; and
>
> That staff provide subsequent reports to Council regarding and impacts to the 2023 Capital and Operating Budgets in the creation of a Regional Transit Commission, as described in this report and the attached appendices.

If you have any questions, please contact the Office of the City Clerk at extension 1524.

Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:mb

City of Welland
Office of the Chief Administrative Officer
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 10, 2021 **File No. 21-19**

SENT VIA EMAIL

Attention: Regional Clerk & Clerks of Local Area Municipalities

Dear Clerks:

Re: ACTION REQUIRED - December 9, 2021 – CITY OF WELLAND SPECIAL COUNCIL MEETING

At its meeting of December 9, 2021, Welland City Council passed the following motion:

"THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.
b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,
c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,

d) ***That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.***

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

> ***"That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:***
>
> a. ***City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
> b. ***The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
> c. ***Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***
> d. ***That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further***
>
> ***That a copy of this resolution be sent to the Niagara Region and local municipalities."***

Yours truly,

Tara Stephens
City Clerk

TS:bl

From: Heather Ruzylo <hruzylo@niagarafalls.ca>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>
Subject: City of Niagara Falls Council: Support for: - Regional Report PW 55-2021 re Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Ann-Marie:

Please be guided by the following motion that was passed by the Niagara Falls Council at its meeting on December 7, 2021:

MOTION:
ORDERED on the motion of Councillor Victor Pietrangelo, Seconded by Councillor Wayne Thomson that the Council of the City of Niagara Falls consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.
Carried Unanimously (Councillor Ioannoni not present for the vote).

Kind regards,
Heather

Heather Ruzylo | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | hruzylo@niagarafalls.ca

Community Services

Legislative Services

December 14, 2021
File #120203
Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: Moving Transit Forward in Niagara:
Creation of a Consolidated Transit Commission

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 13, 2021 passed the following resolution regarding "Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission":

> **That:** The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk
c.c. K. Walsh, Director, Infrastructure Services kwalsh@forterie.ca
M. Robinson, Director, GO Implementation Office, Niagara Region Matt.Robinson@niagararegion.ca
S. Frasser, Transportation Lead, GO Implementation Office, Niagara Region scott.fraser@niagararegion.ca

Office of the Clerk
Holly Willford
hwillford@pelham.ca
905-892-2607 x 315

January 18, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold Ontario
L2V 4T7

Via email: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Niagara Region - Transit

At their special meeting of January 17, 2022 Council of the Town of Pelham received the Niagara Region's presentation with respect to the future of transit, and endorsed the following:

> **BE IT RESOLVED THAT Council receive the Niagara Region Transit presentation from Mr. Matt Robinson, Scott Fraser and Heather Talbot, for information.**

Council also received your report, and endorsed the following:

> **BE IT RESOLVED THAT Council receive the Niagara Region Report CL 22-2021 and PW 55-2021, dated November 25, 2021, for information.**

For your information, Staff Report 2022-0007 Future of Integrated Transit Report was also considered by Council and the following motion approved:

> **BE IT RESOLVED THAT Council receive Report #2022-0007 Future of Integrated Transit Report, for information purposes;**
>
> **AND THAT Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to**

Office of the Clerk
Holly Willford
hwillford@pelham.ca
905-892-2607 x 315

establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

On behalf of Council, thank you for your presentation and report. The Town of Pelham looks forward to the new transit system.

Yours very truly,

Holly Willford, BA
Town Clerk

HW/jm

cc: Matt Robinson, Director, GO Implementation Office
Scott Fraser, Transportation Lead, GO Implementation Office
Heather Talbot, Financial and Special Projects Consultant, GO Implementation Office
David Cribbs, Chief Administrative Officer
Vickie vanRavenswaay, Director, Recreation, Culture and Wellness

Town of Lincoln

4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1

905-563-8205

January 25, 2022

SENT VIA EMAIL: annmarie.norio@niagararegion.ca

Region of Niagara
Ann-Marie Norio, Clerk
1815 Sir Isaac Brock way
Thorold, ON L2V 4T7

RE: Town of Lincoln Council Resolution - Transit Consolidation: Moving Transit Forward in Niagara

Please be advised that Council of the Corporation of the Town of Lincoln at its Special Council Meeting held on January 24, 2022, passed the following motion in support of the Niagara Region's Transit Consolidation

Resolution Number: SC-2022-05
Moved by: Councillor Lynn Timmers; Seconded by: Councillor Adam Russell

That Council receive and file Report AD-01-22 regarding Transit Consolidation: Moving Transit Forward in Niagara; and

That Town of Lincoln Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated transit system for the Niagara Region.

CARRIED

A copy of Report AD-01-22 is attached for your reference.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

JK/dp

Township of Wainfleet

"Wainfleet - find your country side!"

January 27, 2022

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Niagara Regional Transit

Please be advised that, at its meeting of January 25, 2022, the Council of the Corporation of the Township of Wainfleet considered the following motion:

> **"THAT** the Council of the Township of Wainfleet consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

DEFEATED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca

Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

SENT ELECTRONICALLY

January 31, 2022

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Transit Governance

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 20, 2021, approved the following resolution:

> *"Council consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being the by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."*

A copy of the staff report is attached for information. If you have any questions or require further information, please contact our office at 905-468-3266.

Yours sincerely,

Colleen Hutt
Acting Town Clerk

The Corporation of the Town of Grimsby
Administration
Office of the Town Clerk
160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3
Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010
Email: skim@grimsby.ca

February 2, 2022 SENT VIA E-MAIL

Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio,

RE: Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on December 13, 2021 passed the following resolution:

> ***C-21-292***
>
> *Resolved that Report CAO 21-21 dated December 13, 2021, be received; and*
>
> *That the Council of the Town of Grimsby consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.*

If you require additional information, please do not hesitate to reach out.

Regards,

Sarah Kim
Town Clerk

PORT COLBORNE
Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 · www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

> That Chief Administrative Office Report 2021-317 be received; and
>
> That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,

Amber LaPointe
City Clerk

ec: Niagara Local Municipalities

Thorold

Where Ships Climb The Mountain...

February 3, 2022

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: Niagara Transit Governance Recommendations

Please be advised Thorold City Council, at its December 21, 2021 meeting, adopted the following motion:

1. That the information presented by Niagara Region staff be received, and,

2. That the Council of the City of Thorold consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

CARRIED

Yours truly,

Joanne Goulet
Deputy City Clerk

ec: M. Dilwaria, Chief Administrative Officer

West Lincoln
Your Future Naturally

318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

CLERK'S DEPARTMENT

February 10th, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission - Niagara Region Report PW 55-2021

This correspondence is to confirm that on January 31, 2022, West Lincoln Township Council adopted the following resolution regarding the Township's consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara regarding the creation of a consolidated passenger transportation system for the Niagara Region:

> That the Council of the Township of West Lincoln consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If any further information is required, please contact the undersigned at 905-957-3346, Ext 6720.

Yours truly,

Jessica Dyson
Deputy Clerk

cc: Matt Robinson, Niagara Region, Director GO Implementation
Leah Tracey, Project Coordinator, GO Implementation Office

X:\cl-Clerks\Council-2022\Letters\Niagara Region – Go Implementation – Consolidated Transit Commission

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;

2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:

    a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;

    b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.

3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;

4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;

6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

Linking Niagara Transit Committee – Achievements

The following is a brief summary of the significant milestones achieved by the Linking Niagara Transit Committee during its term, including those from the Inter-Municipal Transit Working Group, operating under its direction:

- Established a single digital mobile platform – Transit App – providing real-time bus tracking for all Niagara Region Transit (NRT), Niagara Falls Transit, St. Catharines Transit and Welland Transit fleets.
- Standardized on-bus customer service policies and consolidated all after-hours customer service call handling to a single external provider across all four major systems.
- Completed the Specialized Transit in Niagara Study which examined ridership, demand projections, a scan of jurisdictional comparators and industry best practices.
- Implemented a Universal Support Person Pass common to all Niagara transit systems to enable those with mobility limitations to travel with an approved support person with valid identification.
- Secured Annual U-Pass agreements with Niagara College and Brock University Student Unions.
- Procured, in partnership with our municipal operators, 14 new buses to meet the NRT fleet requirements for recent service enhancements, ensuring the utilization of the reduced operating rate.
- Confirmed the recommended single fare technology (Masabi) that will provide a seamless customer experience across Niagara and that will enable the launch of region-wide mobile ticketing.
- Joint application for Provincial and Federal grant programs, i.e. ICIP, to facilitate the upgrade to a common fare payment technology. While still underway, this program has been refocused to align with the consolidation of transit into a single operating entity.
- Developed, launched, and expanded the Niagara Region Transit On-Demand pilot project, providing a new and dynamic approach to the delivery of transit in West Niagara.
- Successfully coordinated the response to COVID-19 across Niagara's major transit providers, implementing shared safety and operational responses throughout the pandemic.

- Completed the Niagara Transit Governance Study, providing the initial recommended governance model for the consolidation of transit.
- Conducted significant consultation with municipalities, interested parties, and the public to refine and further develop the recommended governance, financial and service strategies.
- Unanimous approval of the final transit consolidation strategies, recommending the initiation of the triple-majority process.

Public Works Department
Tuesday, April 19, 2022

Subject: Budget Increase to Park Lane Watermain Replacement Project WTR 06-21

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0096 – Update to Park Lane Watermain Replacement Project Budget for information;**
>
> **AND THAT Council APPROVE the budget increase of $79,386 to the capital project WTR 06-21 Watermain Extension to Service Splash Pad for MSSP;**
>
> **AND THAT Council direct this to be funded from the Canada Community Building Fund (formally known as Federal Gas Tax).**

Background: In 2021, Council approved the capital project for completing a water main extension to service the splash pad at Marlene Stewart Streit Park (MSSP). The approved budget for this project was $200,000.

The purpose of this project was to replace the existing watermain along Park Lane from Regional Road 20 to MSSP for the Fonthill Splash Pad, which is scheduled to be constructed in 2022. This project also included the installation of 2 sanitary manholes, water connection to the Town's facility on Park Lane and installation of one new fire hydrant.

Analysis:

As part of the 2021 capital budget Council approved the Park Lane Watermain Replacement Project in the amount of $200,000. Staff awarded this project to Catalina Excavating Inc. in November of 2021 in accordance with the Town's procurement policy S402-00. Catalina Excavating submitted a price of $178,134 plus net HST for a total of $181,269.

The project consisted of replacing the existing 200mm dia. watermain from Highway 20 to MSSP. This included installing a new hydrant and three (3) service lines located near the pool. A 50mm dia. service connection was installed to the Town Facility as well. Additionally, two (2) sanitary manholes, connected by 200mm dia. sanitary sewer were also installed.

During the project there were unforeseen challenges that resulted in delays and changes to the anticipated plan for completion. This resulted in extra costs incurred by the Town. Many of the challenges are summarized below:

- At the commencement of this project it was determined that using a directional bore method to place the watermain in MSSP would pose less risk to remaining infrastructure than using an open cut method. The original plan and proposed route would cause more damage to the existing sidewalk and portion of the skate park. The direction drill method travelling underneath the parking lot resulted in much less restoration and impact to existing infrastructure than originally anticipated.

- There were multiple locations where the contractor came into contact with unallocated service laterals and other structures, such as abandoned septic tanks. These caused multiple delays in work for repair and removal of structures.

- During excavation there were 3 occasions where locates were significantly inaccurate which caused delays when locating critical infrastructure for this project. The contractor also encountered unforeseen underground conditions that required additional equipment and manpower to excavate.

- At the time of commencement of this project it was the understanding of Town staff and the Contractor that this project was required to adhere to the newly implemented Excess Soils Regulation. Because of this regulation, the contractor stockpiled all excess soil on site to be tested later. In order to prevent any siltation and sediment flow silt fence was installed around the stockpile.

  At this time, the excess soil is still to be removed from the site. After the construction was completed, the Town retained a geotechnical contractor to complete a study of the soil, as per the new Regulation. There have been discussions between Town staff and Catalina Excavating to remove the excess soils. This will require additional mobilization and operator costs incurred by the Town. However, because soil removal was stipulated in the tender, Catalina will be responsible for the hauling costs for the removal.

Financial Considerations:

Council approved a budget of $200,000 for the Park Lane Watermain Project under capital account WTR 06-21. The successful proponent submitted a price of $178,134 plus net HST for a total of $181,269. As a result of the unforeseen challenges, delays and extra work orders listed above, there is a current budget shortfall of $51,286 based on the work completed to date as at March 1, 2022. The Payment Certificate #1 has a total cost of $251,286.

The contractor has additional work to complete on the project including the removal and disposal of the surplus soils currently stockpiled on-site. This work is estimated at $23,500. In addition, the Town has incurred costs of $4,600 for the testing of the surplus soil based on current legislation. As a result, staff estimate that further additional costs in the amount of $28,100 will be incurred. The total project cost is now estimated at $279,386.

The budget shortfall of $79,386 will be paid from the Canada Community Benefit Fund (CCBF) (formally known as the Federal Gas Tax). There was a budget savings on project RD 01-21: Sixteen Road Bridge in 2021 which was budgeted at $600,000 of which $542,646 was to be funded by CCBF and the rest by the Roads Reserve. The final cost was $493,064, which was fully funded by CCBF, improving the forecast balance for the Roads reserve by $57,354 and leaving an additional $49,582 in CCBF funds carrying forward. In 2021, the Federal Government topped up the CCBF funding with an additional $521,661, which was applied to a project in 2022 and a portion carried forward to capital projects in 2023. Of the funds applied to the forecast for 2023, $29,804 can be applied to this project without negatively impacting the Roads Reserve because of the savings on the Sixteen Road Bridge. Therefore $79,386 in CCBF funds carried forward can be applied to the budget increase to Project WTR 06-21 Watermain Extension to Service Splash Pad at MSSP, without any negative impact to the capital forecast.

Alternatives Reviewed:

Town staff met with the Contractor to discuss, in detail, the additional work required to complete the project. It was determined that the extra work was required in order to safely complete the project and to protect the Town's infrastructure. As a result, staff did not explore further options or alternatives.

Strategic Plan Relationship: Strong Organization

The Town's infrastructure benefits from properly designed and engineered projects and ensures that the projects are delivered in accordance with approved budgets

and schedules. Timely replacement of our aging infrastructure is critical to ensuring the Town maintains a safe and efficient water and wastewater distribution system.

Consultation:

Financial Considerations was prepared by the Director Corporate Services & Treasurer.

Other Pertinent Reports/Attachments:

Not Applicable

Prepared and Recommended by:

Taylor Boyle, C. Tech., rcsi
Engineering Technologist

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Community Planning & Development Department
Planning Application Report
April 19, 2022

Subject: Recommendation for Applications for Draft Plan of Condominium & Zoning By-law Amendment – 701 Quaker Road (Bauer Landing)

Recommendation:

> **BE IT RESOLVED THAT Council receives Report #2022-95 for information as it pertains to File Nos. 26CD19-04-2021 & AM-08-2021;**
>
> **AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration.**
>
> **AND THAT Council approves the Draft Plan of Condominium, attached as Appendix A, subject to the conditions in Appendix B.**

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for Zoning By-law Amendment and Draft Plan of Condominium for the Bauer Landing development.

Location:

The property is municipally known as 701 Quaker Road, and described legally as Part of Lot 237, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara. It is located on the south side of Quaker Road east of Pelham Street and west of Clare Avenue (Figure 1). The surrounding land use is primarily single detached dwellings with some townhouses located to the north on Brayden Way. Country Corner Market is located to the northeast and some agricultural use is occurring to the southwest.

Community Planning & Development Department
Planning Application Report
April 19, 2022

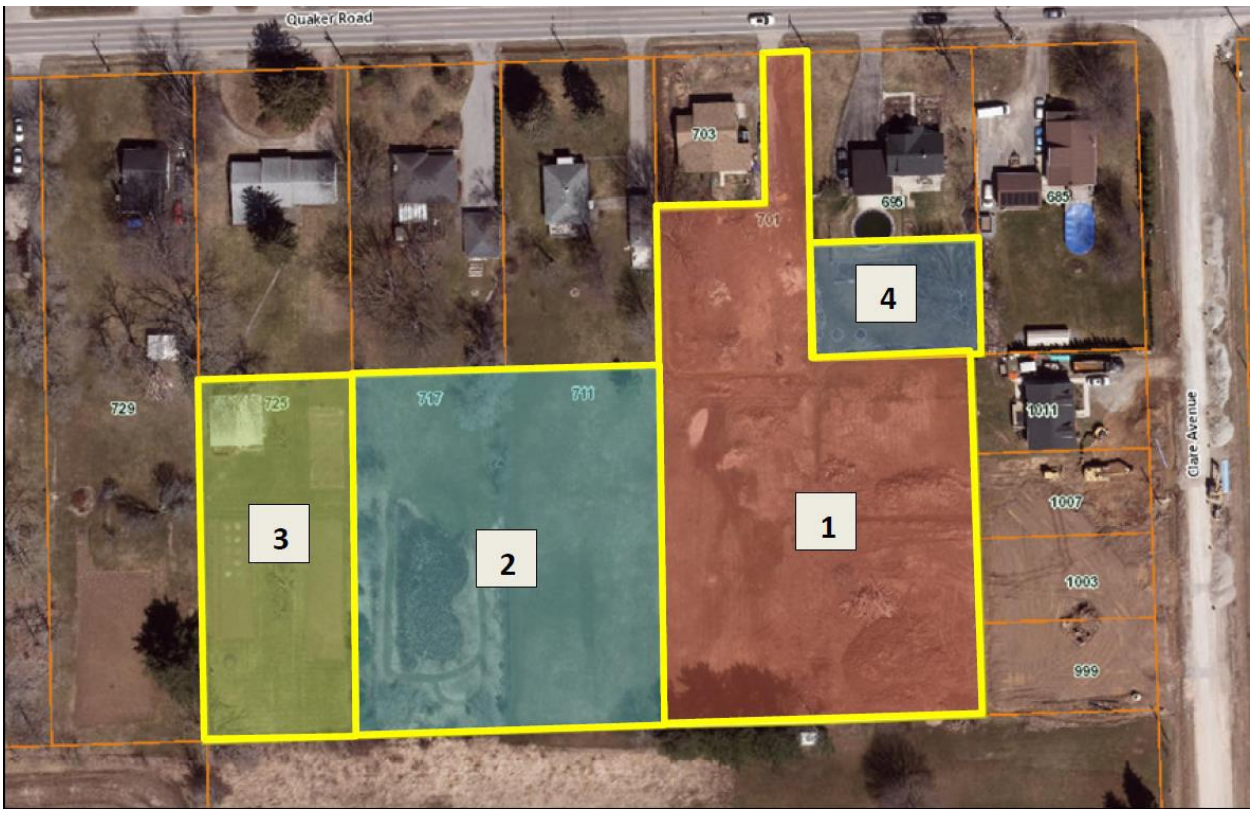
Figure 1: Property Location

Project Description and Purpose:

The property contains 1.303 hectares of developable area. The requested zoning by-law amendment will facilitate the site plan depicting 27 block townhouse dwellings.

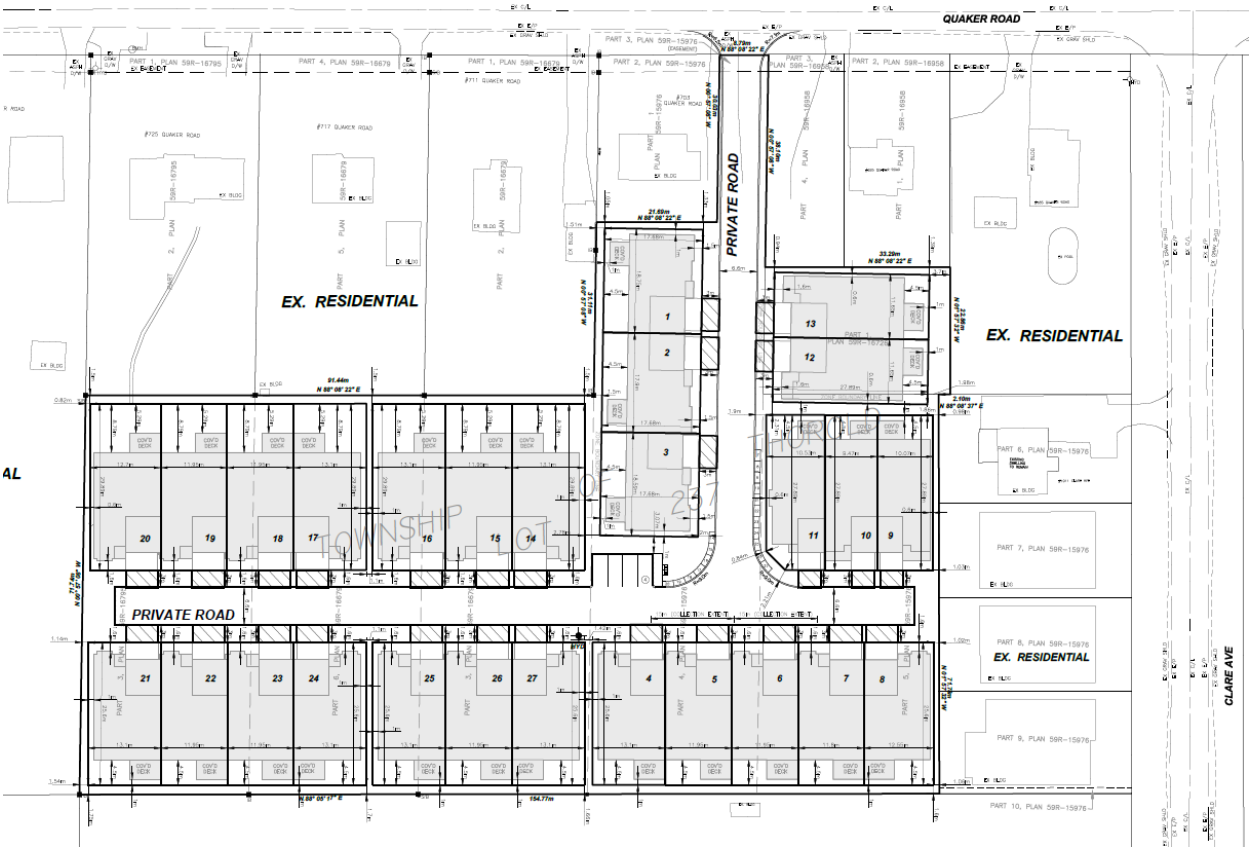
The owner received approval of a zoning by-law amendment on Part 1 of Figure 2 in 2017 to facilitate the development of 20 block townhouse dwellings subject to site-specific regulations and the holding symbol that precludes development until a site plan and/or condominium approval. Since that time, the owner has acquired additional lands (Parts 2, 3 and 4 on Figure 2) and now wishes to add them to the development to facilitate 27 larger units.

Figure 2: Properties Added to Original Property



The requested draft plan of condominium (Figure 3) will allow individual ownership of the units and establish the common elements (roadways, visitor parking, etc.).

Figure 3: Draft Plan of Condominium



Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities "shall be consistent with the policy statements" issued under the *Planning Act* and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the *Act* allows for consideration of amendments to the zoning by-law.

Section 51 of the *Act* allows for consideration of a plan of subdivision (condominium).

Section 51 (24) of the Act states that in considering a draft plan of subdivision (condominium) regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

• The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

• Whether the proposed subdivision is premature or in the public interest;

• Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

• The suitability of the land for the purposes for which it is to be subdivided;

• The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

• The dimensions and shapes of the proposed lots;

• The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

• Conservation of natural resources and flood control;

• The adequacy of utilities and municipal services;

• The adequacy of school sites;

• The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

• The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,

• The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

Analysis of Section 51 (24) of the *Planning Act* will be provided under the Town of Pelham Official Plan analysis below.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The proposed draft plan of condominium will help to facilitate a mix of housing options within the neighbourhood and the Settlement Area as a whole. The density of the development provides for the efficient use of land and planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the redevelopment and intensification of the property for block townhouse dwellings will be transit and active transportation supportive due to the location along existing transit routes. The property will be well served by planned sidewalks and bike lanes as well as the Steve Bauer Trail (east side of Line/Clare Avenue). It should be noted that this section of Quaker Road is planned for urbanization within the next year.

Based on this information, the proposed draft plan of condominium and zoning by-law are consistent with the Provincial Policy Statement subject to approval of the recommended conditions of draft plan approval.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage. Policy 2.2.2.1(a) requires a

minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed development will contribute to the creation of a complete community and a mix of residential land uses. The development can be served by existing transit systems. The development will facilitate intensification in the Built-Up Area and make efficient use of urban services. As a result, the applications are consistent with *The Growth Plan for the Greater Golden Horseshoe*.

Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle. Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The draft plan of condominium and zoning by-law amendment will contribute to the variety of housing types in the neighbourhood and the intensification rate in the Built-up Area. The dwellings will meet energy efficiency requirements, allow for curbside waste collection and provide for adequate amenity space. They can also be served by existing and planned infrastructure. Sidewalks and bike lanes are planned on Quaker Road allowing for an interconnected and active transportation friendly streetscape once complete. The building design will be reviewed as part of a future site plan approval application to ensure that garages are deemphasized. Based on this analysis, the application conforms to the Niagara Region Official Plan subject to the conditions of draft plan approval.

Town of Pelham Official Plan, 2014

The lands are designated Urban Living/Built Boundary in the Town's Official Plan. The permitted uses in this designation include a full range of residential uses including townhouse dwellings. Policy B1.1.3 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick. Further, Policy B1.1.3 (a) permits intensification on sites abutting collector roads. Quaker Road is shown as a collector road of variable width on Schedule C to the Town of Pelham Official Plan.

Policy B1.1.3 (c) requires intensification and redevelopment proposals to achieve a unit density that is in keeping with the character of the density of the neighbourhood. Policy B1.1.5 requires that when considering a zoning by-law amendment application to permit a townhouse development, Council shall be satisfied that the proposal: respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing; can be easily integrated with surrounding land uses; will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to these objectives, the proposed block townhouse dwellings are in character with the density of the existing neighbourhood which consists of block and street townhouse dwellings, single detached dwellings and some neighbourhood commercial use. The proposed development will be 20.72 units per hectare which conforms to the density suggested for intensification sites of 10 to 25

units per hectare (Policy B1.1.3(b)). The dwellings near the property are primarily bungalows with some two-storey dwellings on Quaker Road. The developer will comply with the standard maximum height of 10.5 metres for single detached and townhouse dwellings. The townhouses will be broken up into blocks ranging from two to five units to add visual interest and break up the massing. The townhouses can be easily integrated with the surrounding land uses, being a compatible use, and fencing and landscaping will be required through the site plan approval process. No traffic hazards or unacceptable congestion on surrounding roads are expected based on the conclusions of the brief prepared by the Traffic Engineer. The applicant has indicated that 106 functional parking spaces are being provided on the site (garage, driveway and visitor parking stalls) to accommodate the residents of the 27 block townhouse dwellings and their visitors. This results in an allocation of 3.9 spaces per unit which greatly exceeds the 1.5 spaces required by the Zoning By-law for townhouse dwellings. Each dwelling will have both front and rear yard amenity spaces.

Official Plan Policy D5.3 is similar to the requirements in Section 51(24) of the Planning Act, as amended and requires that prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

a) The approval of the development is not premature and is in the public interest;

Planning staff have reviewed the applications to ensure that they are consistent with the Provincial Policy Statement, 2020 and conform to applicable Provincial plans. In Planning staff's opinion, the development addresses all matters of Provincial interest outlined in Section 2 of the Planning Act. The development is not premature and will provide housing options for current and future residents.

b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;

The draft plan of condominium conforms to the Official Plan. Planning staff have included a recommended draft plan condition that will require an easement in favour of the Town over the private roadway to allow for future connectivity between this development and any future development on lands to the west.

c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification;

The subject property is a Built-up Area within Fonthill's settlement area.

The density of the development is appropriate for an intensification area and the surrounding neighbourhood as discussed above.

There are no changes to any environmental features as a result of the current applications.

d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation;

The development can be easily integrated and connected with future and existing development and active transportation as discussed above.

e) The subdivision conforms with the environmental protection and management policies of this Plan; and,

The development conforms to environmental protection and management policies. No natural heritage features exist on or adjacent to the subject property.

f) The proposal conforms to Section 51 (24) of the Planning Act, as amended. This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

The development will have direct access to Quaker Road. There is the potential of a secondary access in future if the development becomes integrated with future development to the west.

Grading and servicing will also be reviewed further and approved conditions of draft plan approval.

The proposed condominium does not propose irregularly shaped lots and will allow the appropriate siting of the future dwellings, driveways, amenity and parking areas.

There are no restrictions on the land proposed to be developed or on adjoining land.

The development must conform to the proposed zoning by-law (as well as other municipal by-laws, where applicable).

The proposed draft plan of condominium will not negatively impact the conservation of natural resources or flood control. Stormwater management plans will be reviewed and approved by Public Works as part of the draft plan conditions.

Utility companies have been circulated the applications and no comments have been received to indicate that services are not adequate.

The development applications were circulated to the local school boards and no comments were received to indicate that the school sites are not adequate.

No lands within the condominium are to be dedicated for public purposes.

Section 51(3) of the *Planning Act* permits the Town, in lieu of accepting conveyed or dedicated land, to require the payment of money by the owner of the land to the value of the land (five (5) percent of the land included in the plan) otherwise to be conveyed.

The design of the proposed development optimizes the available land supply and will aid in the efficient use and conservation of energy.

The proposed dwelling units within the draft plan of condominium will require site plan approval.

In Planning staff's opinion, the proposed draft plan of condominium and zoning by-law amendment will conform to Section 51 (24) of the *Planning Act* and Policy D.5.3 of the Town's Official Plan, 2014.

As discussed above, it is Planning staff's opinion that the draft plan of subdivision and requested zoning provisions conform to the policies of the Town of Pelham Official Plan.

Zoning By-law 1136 (1987), as amended

The property is zoned Residential Multiple 1-281 Holding (RM1-281(H)) (Part 1 on Figure 2) and Residential 1 (R1) (Parts 2, 3 and 4 on Figure 2).

The RM1-281(H) zone permits block townhouse dwellings subject to site specific regulations. The Holding Symbol (H) prevents the use from occurring until the owner has entered into a site plan and condominium agreement with the Town

addressing servicing and drainage to the satisfaction of the Director of Public Works.

Permitted uses in the Residential 1 zone are one single detached dwelling, accessory buildings and home occupations.

The requested zoning by-law amendment would change the zoning to an amended Residential Multiple 1-281 Holding (RM1-281(H)) zone to permit the development of 27 block townhouse dwellings as shown on the draft plan of condominium/site plan. The regulations being requested are detailed in Table 1.

Table 1: Requesting Zoning Regulations

Zone Requirement	*Standard RM1*	*RM1-281(H)*	*Requested*
16.4(a) Minimum Lot Frontage	*30m*	*8.79 m*	*No change*
16.4(b) Minimum Lot Area	*2000m^2*	*No change*	*No change*
16.4(c)35 dwelling units per hectare	*No change*	*No change*	*No change*
16.4(d) Minimum Front Yard	*7.5 m on a street or internal road*	*Minimum Setback to Quaker Road 30 m* *Minimum Setback from Private Roadway to a dwelling 4.5 m; 6.0 m to a garage.*	*No change* *Minimum Setback to from Private Roadway to a dwelling 2.92 m*
16.4(e) Minimum Side Yard	*4.5 m except where the rear yard of a building faces the side yard the minimum side yard shall be 7.5 m and the minimum side yard abutting a street or internal roadway shall be 7.5 m*	*1.5 m*	*No change*

16.4(f) Minimum Rear Yard	*7.5 m*	*6 m to back of dwelling unit; 1.5 m to side of dwelling unit*	*No change*
16.4(g) Maximum Building Height	*10.5 m*	*No change*	*No change*
16.4(h) Minimum Ground Floor Area per Dwelling Unit	*88 m^2 one storey* *50 m^2 two storey*	*No change*	*No change*
16.4(i) Distance Between Buildings on the Same Lot	*Face of a townhouse to a side of a townhouse 9 m* *Face of a townhouse to Face of another townhouse 15 m* *Side of a townhouse to Side of another townhouse 9 m*	*3 m* *15 m* *3 m*	*7 m* *No change* *3 m*
16.4(j) Minimum Landscaped Area	*25%*	*No change*	*No change*
16.4(k) Planting Strip	*1.5 m where abutting an R1 or R2 zone*	*1.3 m; 0.5 m along the west lot line of 695 Quaker Road*	*1.2 m along the west lot line of 695 Quaker Road; 0.5 m along the east lot line of 703 Quaker Road*
16.4(l) Amenity Area	*2.5 m^2 for each one bedroom unit;* *5 m^2 for each two or more bedroom unit in one location for recreational use*	*No change*	*Each dwelling unit shall be provided with a yard 6 meters in depth, measured from the rear wall of the dwelling to the lot line, as*

			private amenity area.
6.35 Yard Encroachments Permitted	*Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.5 m provided that porches, steps and patios are not more than 1.3 m above grade. Patios may project into any required rear yard provided they are not more than 0.6 m above grade.*	*Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 3.5 m provided that porches, steps and patios are not more than 1.3 m above grade.*	*No change*

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient residential development while respecting the needs of current and future residents. The zoning change requests appropriate setbacks to allow for stormwater management, landscaping and fencing. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

Submitted Reports:

Planning Justification Report prepared by Upper Canada Consultants Engineers/Planners dated September 2021

The report concludes that the proposed development is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, the Region of Niagara Official Plan and the Town of Pelham Official Plan and represents good planning.

Functional Servicing Report prepared by Upper Canada Consultants Engineers/Planners dated August 2021

The report indicates that the existing sanitary sewer and water services can accommodate the proposed development and that the storm sewer has adequate capacity. Site stormwater overland route will continue to be at the south western limits of the site and an oil/grit separator will be installed to provide stormwater quality protection.

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated June 3, 2021

No archaeological resources were documented as part of the assessment and no further investigation was recommended. A clearance letter from the Ministry of Heritage, Tourism, Culture and Sport was received accepting the report.

Traffic Brief Addendum prepared by R.V. Anderson Associates Limited dated August 29 2021

The brief concludes that traffic operations at the study area intersections are expected to remain acceptable up to the 2026 horizon year, with sufficient reserve capacity, acceptable levels of delay, and no queueing concerns and makes no recommended improvements at the all-way stop controlled intersection of Quaker Road at Line Avenue / Clare Avenue in response to the subject development.

Copies of the reports are available by contacting the Planning Division.

Agency Comments:

The application was circulated to commenting agencies and Town Departments. The following comments have been received:

Niagara Region Planning & Development Services

"No objection to the proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium from a Provincial and Regional prospective, subject to the conditions outlined in Appendix I, and any local requirements."

Bell Canada Requests standard conditions of approval.

Canada Post Requests standard conditions of approval relating to Community Mailbox Program.

Hydro One No comments or concerns.

Enbridge Gas Inc. Requests standard conditions of approval.

Fire Services 7.4 of the Town of Pelham Municipal Engineering design Manual requires a development which has only one roadway as an access point and exceeds 90m in length shall have all units in the development sprinklered as per NFPA 13, designs shall meet or exceed this standard and shall be approved by the Chief Fire Official.

Public Works Provided technical comments regarding the preliminary Functional Servicing Report and Plans.

Public Comments:

On February 17, 2022 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Quaker Road. A public meeting was held on March 14, 2022. The following comments have been received at the time of writing of this report:

Dave Robertson Concerned about increased traffic from the development on Quaker Road.

Danny Kasunic Concerned about traffic impacts on Quaker Road and property values/desirability for neighbouring properties.

Staff Comments:

Commenting agencies, departments and utilities offered no objections to the applications subject to conditions. All requested conditions of approval from agencies and utilities have been included in the recommended conditions contained in Appendix B to this report.

Concerns related to traffic impacts were brought forward by Mr. Robertson and Mr. Kasunic. However, the brief prepared by the Traffic Engineer concludes that traffic operations in the area will continue to be acceptable with the additional traffic generated by the development. Further, Town Public Works staff reviewed the

Traffic Brief and were accepting of the conclusions. Further it is noted that Quaker Road is scheduled to be reconstructed next year and improvements will be made to the road, storm sewers will be installed and sidewalks on both sides of Quaker Road will be constructed.

A Member of Council requested further information about the ability for Fire and Emergency Services to safely access the site for the 27 units with only one access. In response, Fire and Emergency Services have indicated that they do not have a concern about the width of the private road or use of the turnaround to leave the site and that the site is designed so that emergency vehicles can safely access the development.

Based on the information and analysis in this report, it is Planning staff's opinion that the proposed draft plan of condominium and zoning by-law amendment are consistent with Provincial policy and plans, conform to the Regional and Town Official Plans and represent good planning and therefore, should be approved subject to the recommended conditions of draft plan approval contained in Appendix B.

Following draft plan of condominium approval, the developer will undertake the appropriate engineering design work required to clear the conditions of draft approval.

Alternatives:

Council could choose not to approve the applications for draft plan of condominium and amendment to the Zoning By-law.

Council could choose to approve the applications subject to modifications.

Attachments

Appendix A Draft Plan of Condominium

Appendix B Recommended Conditions of Draft Plan Approval

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP

Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Reviewed and Submitted by:

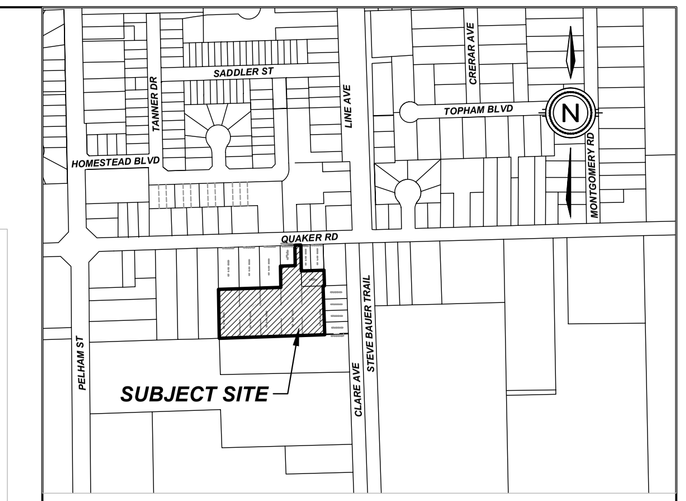
David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

APPENDIX A

BAUER LANDING
TOWN OF PELHAM

UNIT #	UNIT AREA (m2)	EXCLUSIVE USE AREA–DRIVEWAYS (m²)
1	331.41	18.68
2	316.41	18.69
3	328.69	18.69
4	335.42	18.47
5	305.92	18.45
6	305.92	18.47
7	302.02	18.47
8	321.28	18.46
9	280.89	13.14
10	264.15	13.15
11	287.80	13.14
12	325.01	17.70
13	325.01	17.73
14	391.67	18.46
15	357.25	18.46
16	391.68	18.46
17	391.66	18.47
18	357.19	18.47
19	357.18	18.47
20	357.18	18.47
21	335.42	18.47
22	305.92	18.46
23	305.92	18.46
24	335.42	18.48
25	335.42	18.46
26	305.92	18.46
27	335.39	18.46
TOTAL	8893.14	481.76

TOTAL UNIT AREA	8893.14
TOTAL EXCLUSIVE USE (DRIVEWAY AREA)	481.76
TOTAL COMMON ELEMENT AREA	3655.38
TOTAL SITE AREA	13030.28



KEY PLAN
N.T.S.

DRAFT PLAN OF VACANT LAND CONDOMINIUM

LEGAL DESCRIPTION

PART OF LOT 237
GEOGRAPHIC TOWNSHIP OF THOROLD
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM TO THE TOWN OF PELHAM FOR APPROVAL.

SEPTEMBER 14, 2021
ANTONIO NUZIATO; HOMES BY ANTONIO LTD. DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

OCTOBER 8, 2021
PHILIP S. SUDA O.L.S.; SUDA & MALESZYK SURVEYING INC. DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

a) SEE PLAN	e) SEE PLAN	i) CLAYEY SOIL
b) SEE PLAN	f) SEE PLAN	j) SEE PLAN
c) SEE PLAN	g) SEE PLAN	k) FULL SERVICE
d) SEE PLAN	h) MUNICIPAL WATER	l) SEE PLAN

SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING	0.639	49.04
ROAD/DRIVEWAY/PARKING	0.270	20.72
LANDSCAPING	0.394	30.24
TOTAL	1.303	100.00

UNITS	27
DEVELOPABLE AREA	1.303ha
DENSITY (UNITS/DEVELOPABLE AREA)	20.72u/ha
MIN. PARKING REQUIRED 1.5 PER UNIT = 41 PARKING PROVIDED – DRIVEWAY = 51 PARKING PROVIDED – GUESTS = 4	
PARKING SPACES PROVIDED TOTAL	55

#	REVISION	DATE	INIT
.	.	.	.
.	.	.	.
0	ISSUED FOR ZONING SUBMISSION	2021–10–07	M.K

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

DRAWING TITLE
DRAFT PLAN OF VACANT LAND CONDOMINIUM

DRAFTING	MK
DATE	SEPTEMBER 9, 2021
PRINTED	OCTOBER 8, 2021
SCALE	1:400
DWG No. 1348-DP	REV 0

DRAWING FILE: F:\1348\ENGINEERING\1348-BASE.dwg PLOTTED: Oct 08, 2021 – 1:27pm PLOTTED BY: mark

APPENDIX B

Conditions of Draft Plan of Vacant Land Condominium Approval for

Bauer Landing (File No. 26CD19-04-2021)

DRAFT PLAN

1. Approval applies to the Draft Plan of Vacant Land Condominium, Part of Lot 237, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara prepared by Suda & Maleszyk, dated October 8, 2021, which includes the following:

    - Twenty-seven (27) block townhouse units
    - Common element areas for a private road and parking.

2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Owner shall provide an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.

4. The Owner shall agree to pay to the Town all required processing and administration fees.

5. The Owner shall submit a Solicitor's Certificate of Ownership for the Vacant Land Condominium land to the Town prior to the preparation of the Condominium Agreement.

6. The Owner shall enter into a Condominium Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land, prior to final approval of the plan of condominium. The condominium agreement will require the condominium corporation to assume the terms of the site plan agreement.

7. The Owner shall pay the applicable Town and Niagara Region development charges in place at the time of the Building Permit issuance.

8. The Owner shall enter into a Site Plan Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land.

9. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Town and any other applicable authority.

10. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation must be submitted for Town Council's consideration.

11. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.

12. It is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26CD19-04-2021.**

LAND TRANSFERS AND EASEMENTS

13. The Owner shall agree in the Condominium Agreement that such land transfers/conveyances and easements as may be required shall be designated to the satisfaction of, and granted to the appropriate agencies and authorities, free and clear of all encumbrances, save and except such encumbrances as may be permitted by the Town, in its sole discretion, to the satisfaction of the Town.

14. The Owner shall grant an easement in perpetuity to the Town of Pelham across the private roadway to ensure that the private roadway can be extended to the west to connect with future development.

15. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost
    to Bell Canada.
    The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

16. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.
    If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

MAIL DELIVERY

17. The owner shall complete to the satisfaction of the Director of Engineering of the town of Pelham and Canada Post:

    a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    i) that the home/business mail delivery will be from a designated Centralized Mail Box.
    ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

    b) The owner further agrees to:
    i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.
    ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
    iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
    iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

ZONING

18. Prior to final approval, that the concurrent zoning by-law amendment application (File No. AM-08-2021), which reflects the layout of the proposed final Niagara South Condominium Plan and the proposed site plan, has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.

19. The Owner shall submit to the Department of Community Planning and Development an electronic copy of the proposed site plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

APPENDIX B

WATER AND SANITARY SERVICES

20. The Owner shall grant, in the Condominium Agreement, the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber if made free and clear of all encumbrances, at all times, which may interfere with such tasks.

21. The Owner shall complete and fully commission all internal and external water works, as specified by the Site Plan Agreement, prior to the construction of any structures within the subdivision.

22. The Owner shall, in the Condominium Agreement, ensure that no storm, surface or roof water or weeping tiles be discharged into the sanitary sewer system.

23. The Owner shall obtain an easement for any portion of land where the proposed sanitary system must cross adjacent properties in order to service the condominium.

24. The Owner shall complete all sanitary system works, as specified in the Site Plan Agreement and required to service the subdivision prior to the construction of any structures within the condominium.

STORMWATER MANAGEMENT

25. The Owner shall agree in the Condominium Agreement to carry out the recommendations of the approved Stormwater Management Report and to maintain the Stormwater Management System during development.

26. The Owner acknowledges that the stormwater management works on Quaker Road will be completed by and the responsibility of the Niagara Region.

27. The Owner shall obtain an easement for any portion of land where the proposed storm system, as indicated in the Site Plan Agreement, must cross adjacent properties in order to properly service the subdivision.

28. The Owner shall complete all storm system works, as specified in the Site Plan Agreement, prior to the construction of any structures within the development.

ROADS AND ACCESS

29. The owner acknowledges that during construction there may be a period where access to the site will be impeded due to Regional construction on Quaker Road.
30. The owner shall, at its own expense, restore any curb cuts and/or reinstate with topsoil and nursery sod the boulevards within the Town road allowance to Town standards.

FIRE PROTECTION

31. The Owner shall submit the necessary servicing drawings, identifying the locations of the fire hydrants, in accordance with section 3.2.5.7 of the Ontario Building Code and shall test fire hydrant(s) as required.

32. A development which has only one roadway as an access point and exceeds 90m in length shall have all units in the development sprinklered as per NFPA 13. Designs shall meet or exceed this standard and shall be approved by the Chief Fire Official.

WARNING CLAUSES

33. The Owner shall agree in the Condominium Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

34. That the condominium agreement include the following clause:

    "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

    In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture and Industries should also be notified to

ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

35. That the condominium agreement include the following clause:

    "These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants".
36. That the owner ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.

37. That the owner shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.

38. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

39. That the following clause be included in the condominium agreement and inserted into all offers and agreement of purchase and sale or lease for units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits):

    "That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

40. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

41. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the Town.

42. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conversation and Parks Environmental Compliance Approval under the Transfer of Review Program.

43. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors, to Niagara Region for review and approval:

    a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
    b. Detailed erosion and sedimentation control plans.

44. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the conditions above.

FINAL APPROVAL

45. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town.

CLEARANCE OF CONDITIONS

Prior to granting approval to the final plan, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied and fees have been paid:

Department of Community Planning and Development for Conditions 3-14 & 18-19
Bell for Condition 15
Enbridge for Condition 16
Canada Post for Condition 17
Department of Fire and Protection Services for Conditions 31-32
Department of Public Works for Conditions 20-30 & 33
Niagara Region Planning and Development Services Department for Conditions 34 - 44 (Inclusive)

Chief Administrative Officer
Tuesday, April 19, 2022

Subject: Staff Recognition Policy

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0089 – Staff Recognition Policy, for information;**
>
> **AND THAT Council repeal the Recognition of Staff – 25 Years of Service Policy S201-01 and replace with the Employee Recognition Policy S100-05.**

Background:

The Town has had a number of significant milestones reached by staff over the last two years, including a 30 year work anniversary and three 20 year anniversaries. Currently, the Town has a policy (S201-01) whereby staff are recognized by Council at a public meeting and presented with a plaque and jewelry item at their 25th anniversary date. Though this policy was an appropriate recognition program, Town administration sees a need to formally recognize employees for important milestones achieved prior to and after 25 years of dedicated service to the Town of Pelham. Further, the presentation of jewelry is an antiquated practice. Modernization of employee recognition is a key component of the Town's approach to being a progressive employer that offers a supportive workplace environment.

Analysis:

Short work tenures are becoming much more common, with the median tenure for employees aged 25 to 35 being only 3.2 years. Accordingly, it has never been more important to praise those who choose to stay with the Town long-term. Acknowledging work anniversaries validates employee commitment, ensuring loyalty is recognized and not taken for granted. Awards and recognition helps tenured employees remain engaged while encouraging new hires to stay committed to their role. Administration is proposing the following service recognition awards be granted to staff who reach 5, 10, 15, 20, 25, 30, 35 and 40 years of continuous service with the Town:

5 years	Long term service certificate along with a selected gift card of employee's choice valued at $50 and a Pelham branded item
10 years	Long term service certificate along with a selected gift card of employee's choice valued at $75 and a Pelham branded item
15 years	Long term service certificate along with a selected gift card of employee's choice valued at $100 and a Pelham branded item
20 years	Long term service certificate along with a selected gift card of employee's choice valued at $125 and a Pelham branded item
25 years	Long term service plaque, recognition at a public Council meeting along with a selected gift card of employee's choice valued at $150 and a Pelham branded item
30, 35 & 40 years	Long term service certificate along with a selected gift card of employee's choice valued at $175 and a Pelham branded item

Eligible gift card choices will include Pelham Bucks, as well as gas, grocery, dining, or entertainment and will be provided by Human Resources. There will also be an opportunity for staff to donate the value of their gift card to Pelham Cares or the United Way if they so choose. Pelham branded small items will include pens, key chains, water bottles, or clothing.

Those who receive a service award throughout the year will also be recognized by the Chief Administrative Officer at an annual staff appreciation meal. Those who reach 25 years of continuous service will still be recognized at a public Council meeting and presented with a plaque as is outlined in the current policy.

Financial Considerations:

Human Resources has prepared a five year cost analysis of implementing this program. Assuming zero turnover (which is unrealistic), the purchase of gift cards and Pelham branded items to award significant milestones will cost $800 to $1,500 annually. This cost can be funded using the Human Resources Capacity Reserve. Council will recall that this reserve is funded through corporate savings from staffing vacancies to be used to support employee based initiatives.

Alternatives Reviewed:

The Town could continue recognizing only those who achieve 25 years of service. This is not recommended as a viable option moving forward as this is not a very fulsome recognition program and leaves those achieving other significant

milestones feeling unappreciated.

Strategic Plan Relationship: Strong Organization

Service recognition programs play an important role in acknowledging employee contributions, celebrating accomplishments and are essential to increasing overall employee engagement. Keeping engagement high is one of the easiest ways to promote productivity. Studies show that engaged employees cost organizations less in wasted time and money, and they are often more willing to go above and beyond the normal expectations of their job when they feel their work is appreciated.

Programs of this kind are also an excellent way to attract and retain talent. Consistent and genuine recognition makes people want to stay and continue contributing towards the organization's success. A recent study by C.A. Short Company found that 66% of respondents said they would leave their jobs if they felt unappreciated. Human Resources departments need to make every effort to keep good talent and demonstrating that employees are truly valued is one of the easiest ways of achieving this.

Consultation:

The results of various studies regarding the importance of employee recognition programs were used during the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix "A" – Staff Recognition Policy.

Appendix "B" – Recognition of Staff – 25 Years of Service Policy.

Prepared and Submitted by:
Brianna Langohr, CHRL
Human Resources/Health and Safety Coordinator

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Policy Name: Employee Recognition Policy	Policy No: S100-05
Committee approval date:	-
Council approval date:	April 19, 2022
Revision date(s):	-
Department/Division:	Corporate Wide

1. **Purpose**
   In appreciation of the years of service dedicated to the Town of Pelham, recognition and awards will be presented as specific milestones are achieved.

2. **Policy Statement**
   The Town of Pelham is committed to recognizing employees for their length of service. Upon completion of specified milestones, employees will be presented with recognition and awards as outlined below. Years of service will be calculated based on an employee's initial date of hire, provided there has not been a break in service, otherwise their service will be based on their most recent date of hire. Recognition awards will be presented to employees within 60 days following achievement of their service milestone.

3. **Definitions**
   Employee: Includes all permanent full-time and part-time staff.

   Initial Date of Hire: The date when an employee performs their first hour of service.

   Most Recent Date of Hire: If there has been a break in employment with the Town (i.e. the end of a temporary contract), years of service will be calculated using the first date the employee was hired on a continuous basis.

   Years of service: An unbroken period of continuous service, including all time off during statutory leaves and time on paid or unpaid leaves, unless that leave exceeds 3 months.

4. General Provisions

4.1 Service Recognition Awards

5 years	Long term service certificate along with a selected gift card of employee's choice valued at $50 and a Pelham branded item
10 years	Long term service certificate along with a selected gift card of employee's choice valued at $75 and a Pelham branded item
15 years	Long term service certificate along with a selected gift card of employee's choice valued at $100 and a Pelham branded item
20 years	Long term service certificate along with a selected gift card of employee's choice valued at $125 and a Pelham branded item
25 years	Long term service plaque, recognition at a public Council meeting along with a selected gift card of employee's choice valued at $150 and a Pelham branded item
30, 35 & 40 years	Long term service certificate along with a selected gift card of employee's choice valued at $175 and a Pelham branded item

4.2 Responsibilities

4.2.1 Human Resources will be responsible for the calculation of years of service and initiation of the awards and recognition. Human Resources will contact employees who are eligible for an individualized gift card and will be responsible for ensuring it is ordered and received by the employee.

4.2.2 All employees who receive a service award in the current calendar year will be recognized by the Chief Administrative Officer at the annual staff appreciation meal, or similar event.

4.2.3 Presentations for 25 years of service shall be made at the Council meeting immediately following the milestone date.

4.2.4 Eligible gift card choices will include gas, grocery, dining, or entertainment, as provided by Human Resources.

4.2.5 Employees may opt to donate their gift card value to the United Way or Pelham cares and receive a tax receipt for their donation.

4.2.6 Gift cards are given in compliance with the Canada Revenue Agency's requirements for Taxable Benefits

5. Attachments

None.

TOWN OF PELHAM
ADMINISTRATIVE POLICIES

P 201-01

Department COUNCIL	**Name of Policy** RECOGNITION OF STAFF – 25 YEARS OF SERVICE

Approval Date: February 8, 2012

POLICY STATEMENT:

The Town of Pelham is committed to recognizing employees with 25 years or more of service as of the implementation date of this policy and all employees reaching their 25th Anniversary in the future.

PURPOSE:

The purpose of this policy is to provide staff who have displayed loyalty to the Town of Pelham via 25 years or more of service to be rewarded, acknowledged and recognized.

GENERAL:

1. Employees who are acknowledged as having 25 years or more of service will receive:

    i. a gift of a watch, ring, or bracelet value not to exceed $350.00.

    ii. a 25 year – Certificate of Recognition of Service plaque.

2. The gift must have the ability to be engraved and the engraving will include:

    "25 yrs"
    "Town of Pelham"
    "25th Anniversary date"

3. A gift of a watch, ring, or bracelet with a value that exceeds $350.00 will be compensated to a maximum of $350.00 by the Town. The remaining balance must be contributed by the employee.

4. Recognition of the 25 years of service and presentation of the gift and plaque shall be made, for present employees, at a time and place to be determined by Council and all future presentations for 25 years of service shall be made at the Council meeting immediately following the reaching of the 25th Anniversary.

Chief Administrative Officer
Tuesday, April 19, 2022

Subject: Compensation Adjustment for Elected Officials

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0091-Chief Administrative Officer – Compensation Adjustment for Elected Officials, for information;**
>
> **AND THAT Council approve an adjustment to compensation for Councillors of $4,700 and an adjustment of $13,000 for the position of Mayor, effective November 15, 2022, which is the first day of the next term of office.**

Background:

On September 20, 2021, Council received Report #2021-0161, which reviewed compensation for elected officials. After discussion and debate, Council passed the following motion:

"BE IT RESOLVED THAT Council refer the report back to staff;
AND THAT Staff report back to Council by spring or summer of 2022."

This report is written in satisfaction of the foregoing resolution. The majority of the analysis from the 2021 report remains unchanged. Said report has been appended for ease of reference.

Analysis:

The act of increasing compensation for elected officials is one of the most difficult, and most open to criticism, of any decision ever made by a Council. At this point in time Pelham's elected officials are effectively earning less than minimum wage. This extremely low level of compensation clearly violates the values of both the community and the municipal corporation. The leadership provided by Council is valuable and exceptionally poor wages are a detriment and disincentive to electoral participation, particularly to working age people who need to earn some amount of income to support their families.

Approval of the proposed increases of $4,700 for Councillors and $13,000 for the position of Mayor will result in Pelham's elected officials moving near the 55th

percentile of compensation, which is in line with the compensation target for staff. This is logically consistent, fair and affordable for the community.

Financial Considerations:
The financial costs remain the same as in the original report, being approximately $44,000 per year. This cost would commence on November 5, 2022, being the first day of the next term of Council. For the balance of 2022, this will cost approximately $5,500, which can likely be absorbed by the existing Council operating budget.

Alternatives Reviewed:

Council has the unfettered prerogative to choose not to increase the compensation, or can approve amounts different than those proposed.

Strategic Plan Relationship: Strong Organization

The strategic leadership provided by Council is of critical importance for the success of both the municipal corporation and the community. Increasing wages for elected officials (which will still fall below the equivalent of minimum wage) should help attract talented future leaders, which will in turn help keep both the organization and the community strong and vibrant.

Consultation:

The original underlying report was written in conjunction with the ML Consulting and the Human Resources Coordinator.

Other Pertinent Reports/Attachments:

Original Report Council Compensation Review #2021-0161, September 20, 2021.

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

CHIEF ADMINISTRATIVE OFFICER
Monday, September 20, 2021

Subject: Council Compensation Review

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0161 – Council Compensation Review for information; and

FURTHER BE IT RESOLVED THAT Council approve the proposed salary increases for elected officials; and

FURTHER BE IT RESOLVED THAT Council direct the proposed salary increases to occur in the manner endorsed by Option #_____(1 or 2) contained in the Finance Section of this report.

Background:

In 2019, all municipal councils in Canada were faced with an identical dilemma because of a change to the *Income Tax Act* by the federal government. This change resulted in the end of differential tax treatment on a portion of an elected official's salary. Effectively, each municipal council had to choose whether or not to adjust salaries upwards by 25% so as to achieve the same take-home pay for elected officials. Taking no action would otherwise result in an effective loss of pay for any elected official. Many councils made their decision, one way or the other, prior to the last election. A few, such as in Pelham, left the decision for the next Council after the election. In Pelham's unique circumstance a 100% new council effectively had no choice but to accept the salary reduction as its first order of business could not realistically be to vote itself a raise. While staff respect that decision, the purpose of this report is to encourage Council to reverse its position in light of the new information received from ML Consulting, contained within this report.

This report endorses an increase in compensation to Pelham's elected officials. The extremely low levels of pay do not reflect the municipal corporation's values as the pay does not recognize the importance of the work and/or the challenges of governance in this difficult operating environment. Additionally, it is a commonly held belief that low levels of pay for elected officials results in a heavier skew towards only retired persons and the indepently wealthy running for office, as

younger people who need to earn income cannot afford to devote the hours necessary to govern well absent reasonable compensation. Accordingly, this proposed change is expected to encourage more diversity amongst future candidates for office. Council can choose to enact the proposed salary changes immediately, in a staggered fashion, or simply prior to the next term of office.

Analysis:

The process for comparisons of compensation of elected officials is slightly different than the more complex model for staff. One of the differences is that union-management and pay equity considerations are essentially absent from decisions on how to compensate elected officials. The technical aspects of the assessment were conducted by ML Consulting and are attached to this report as an appendix. The Principal of ML Consulting, Marianne Love, will also be present during the council session to provide a brief report/summation of the work. As a synopsis, Council compensation was compared to Niagara area municipalities. Overall, compensation was found to be lower than reasonably expected. Staff endorse the compensation recommendations that exclude the Region of Niagara from the analysis so that only local municipalities are included in the comparator group.

The current compensation for elected officials is unacceptably low. While the motivations for the job are highly altruistic, it is also a practical reality that to discharge the duties, large amounts of time are required to read bi-weekly agendas that frequently run 300 pages, to address resident concerns and to attend both Council and committee meetings. While there are no set hours for the position, anyone who puts in a reasonable number of hours is essentially working for less than minimum wage (keeping in mind that in Ontario a full-time employee paid minimum wage earns approximately $29,640 per year). At present, Town of Pelham Councillors are paid an annual salary of $16,306. This report recommends that the salary for a Councillor be adjusted by approximately $4,700 for a Councillor and by approximately $13,000 for the Mayor. These adjustments would take compensation to the 55th percentile of the comparator group, which is consistent with the recommendations for staff compensation. Because the total cost is modest, it could be fully implemented as early as October 4, 2021.

The act of increasing compensation for elected officials is one of the most difficult, and most open to criticism, of any decision ever made by a Council. Political paralysis is common on this topic. Because it has been five years (at least) since this type of analysis has been completed, and because salaries were not adjusted by 25% in 2019 to address the changes in taxation, the results of the analysis were not surprising.

This report identifies and presents options with respect to how an increase could be affected. While it is important for Council to make the adjustment, Council has considerable control over how and when that occurs. Council and the public are reminded that this is a proposed course of action taken relatively late during this term of office and as such will not primarily benefit current members of Council. The increase in elected official compensation is needed to make serving the community a viable option for those in their prime earning years who can bring different perspectives to the governing body. Further, paying people less than minimum wage for critical work is incongruent with both the values of the community and of the municipal corporation.

Finally, while all members of Council should be appropriately compensated, for those who have strong ideological opposition to the recommendations of this report, it is possible to support the recommendations and then simply donate any increase received to a worthy local charity.

Financial Considerations:

This report proposes two different paths towards the enhancement of elected official salaries: a stepped approach whereby 50% of the increase is to be awarded effective October 4, 2021, and 50% to be awarded in January, 2022 or whereby 100% of the increase is to occur for the first pay period after the next election. The costing for the two models is slightly different, as indicated below:

The annual cost is an increase of $44,000. If 50% of the increase is implemented on October 4, 2021, then the cost to the 2021 operating budget is $5,500; and the other 50% on January 1, 2022. This will be a $44,000 increase to the 2022 operating budget since this amount would be an increase from the 2021 operating budget. If 100% of the increase is awarded to the new term of Council after the 2022 election, this would be effective for the first pay in December 2022 which will be $3,400 for the 2022 operating budget. In the 2023 operating budget it will be $44,000, which is 0.3% of an operating budget tax levy increase.

Alternatives Reviewed:

Council could award 100% of the proposed increase immediately, Council could choose not to award itself any increase, or Council could propose a different timeline for the increases other than what staff have identified. As a further option, Council could approve the higher level of increase included in the Appendix wherein the Region is included amongst salary comparators. Click here to enter text.

Strategic Plan Relationship: Strong Organization

Council provides strategic leadership to the community. While few people enter municipal politics for the financial compensation, which is modest, it is nevertheless important to recognize and value the work provided

Consultation:

This report was written with contributions from the Human Resources Co-ordinator, ML Consulting, the Treasurer and the Staff Accountant and Payroll Clerk.

Other Pertinent Reports/Attachments:

ML Consulting Documentation.

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Elected Official Compensation Analysis

Pelham Elected Official

2021 Market Summary

			2021 MARKET SUMMARY - ANNUAL PAY RATE (_%) = above market +_% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average Annual	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	$35,576	12	$64,603	+81.6%	$47,748	+34.2%	$48,595	+36.6%	$53,767	+51.1%
2	Councillor	$16,306	12	$19,948	+22.3%	$20,724	+27.1%	$20,916	+28.3%	$21,147	+29.7%
		Overall % Diff.			**+52.0%**		**+30.7%**		**+32.4%**		**+40.4%**

Pelham Elected Official

2021 Market Summary--excluding the Region

			2021 MARKET SUMMARY - ANNUAL PAY RATE (_%) = above market +_% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	$35,576	11	$57,816	+62.5%	$45,702	+28.5%	$47,819	+34.4%	$48,595	+36.6%
2	Councillor	$16,306	11	$18,068	+10.8%	$18,272	+12.1%	$20,740	+27.2%	$20,916	+28.3%
		Overall % Diff.			**+36.7%**		**+20.3%**		**+30.8%**		**+32.4%**

Clerk's Office
Tuesday, April 19, 2022

Subject: Restricted Acts Provision of the *Municipal Act, 2001*

Recommendation:

> **BE IT RESOLVED THAT Council receive Report 2022-0055 Clerks – Restricted Acts Provision pursuant to Section 275 the *Municipal Act, 2001*, for information;**
>
> **AND THAT Council direct the Town Clerk to prepare and present a Delegation of Authority By-Law for certain acts during a "lame duck" period for Council's consideration at the next regular meeting of Council.**

Background:

Council is elected for a four-year term. Within the fourth year of the cycle, during the election period, Council is subject to Section 275 of the *Municipal Act, 2001* (the "Act").

Section 275(2) of the Act states there are two potential periods in which a Council for a municipality may be restricted in its authority to take certain actions. The restrictions are further referenced in Section 275(3) of the Act, and are commonly referred to as "lame duck provisions".

All municipal councils within Ontario have the potential to become lame duck following Nomination Day (August 19, 2022) or following Election Day (October 24, 2022).

It is critical to prepare for the possibility that the Town of Pelham Council may be a lame duck Council and restricted from taking certain actions. It is best practice for a Council to pass a delegation of authority by-law delegating authority to staff during a lame duck period.

Analysis:

Determining Lame Duck Status

It is the responsibility of the Clerk to determine if a Council is deemed to be lame duck. This determination is based upon the rules stipulated within Section 275 of the Act.

As there are no changes to the size or composition of the Town of Pelham Council for 2022, the Town is subject to Section 275 (1)1. of the Act, which states Council would be considered lame duck:

1. If the new council will have the same number of members as the outgoing council, the new council **will** include less than three-quarters of the members of the outgoing council. [emphasis added]

This means, if following Nomination Day, it is determined 75% (three-quarters) of the current Council **will not** be returning, the restricted acts will be imposed in accordance with the Act.

It is important to note, it is only when it becomes mathematically impossible for 75% (three-quarters) of the members of the outgoing Council to be re-elected that the Council will be subjected to the restrictions set out within the Act.

Restrictions

If a municipal Council becomes lame duck, the restrictions which apply are as follows:

(3) The actions referred to in subsection (1) are,

a) the appointment or removal from office of any officer of the municipality;

b) the hiring or dismissal of any employee of the municipality;

c) the disposition of any real or personal property of the municipality which has a value exceeding $50,000 at the time of disposal; and

d) making any expenditures or incurring any other liability which exceeds $50,000.

Exception

(4) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election.

Emergencies

(4.1) Nothing in this section prevents a municipality taking any action in the event of an emergency.

Following Nomination Day

The Town of Pelham's Council is comprised of seven (7) members. 75% (three-quarters) of 7 is 5.25; therefore, the Town of Pelham must have a potential of six (6) members returning to the new Council to **not** be considered lame duck.

For example:

- If six (6) members of the current Council run for their existing seats, the Council **will not** be considered lame duck as there is a possibility that 75% of the outgoing Council will return; or

- If four (4) members of the current Council run for the office of Mayor (head of Council) and two (2) members run for their existing seats, the Council **will be** considered lame duck as there is certainty that 75% of the outgoing Council will not return.

Following Election Day

Following Election Day once the election results are known, based on the same question as to whether the new Council will be composed of 75% (three-quarters) or more members of the outgoing Council, the Clerk will determine if the Council is considered lame duck.

For example:

- If six (6) members of the current Council run for their existing seats and win, the Council **will not** be considered lame duck as there is a certainty that 75% of the outgoing Council will return; or

- If six (6) members of the current Council run for their existing seats and only five (5) win, the Council **will be** considered lame duck as there is certainty that 75% of the outgoing Council will not return.

Conclusion

To protect the Municipal Corporation from being unable to conduct normal business and to ensure all needs are met, staff recommend Council pass a delegation of authority by-law to delegate powers to staff during a lame duck period. It is important to note, this by-law would only be effective during a lame duck period.

Should Council for the Town of Pelham not be deemed lame duck, the by-law will not be implemented. Passing such a by-law is considered best practice.

As an accountability measure, the Chief Administrative Officer and / or the Town Clerk will write a report to the new Council in late 2022 indicating each use of the delegated authority by senior staff during the lame duck period.

Financial Considerations:

There are no financial considerations.

Alternatives Reviewed:

None. It is important to the Municipal Corporation and business continuity that Council implement a delegation of authority by-law during the potential 'lame duck' period.

Strategic Plan Relationship: Strong Organization

A delegation of authority by-law for certain acts during a 'lame duck' period ensures the municipality can function fully should the Town of Pelham Council be deemed lame duck.

Consultation:

None.

Other Pertinent Reports/Attachments:

Draft Delegation of Authority By-Law for Certain Acts during a "Lame Duck" Period.

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

The Corporation of the Town of Pelham

By-law No. XXXX(2022)

Being a by-law to Delegate Authority to the Chief Administrative Officer for Certain Acts During a "Lame Duck" Period

WHEREAS Section 275 of the *Municipal Act, S.O. 2001*, c. 25, as amended, restricts acts that a Council can take after Nomination Day (August 19, 2022) and after Voting Day (October 24, 2022) if the Council is in a lame duck position as defined in Section 275(1) and 275(2);

AND WHEREAS Section 273(3) of the *Municipal Act, S.O. 2001*, c. 25 restricts Council from taking action on the following:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any employee of the municipality;
- The disposition of any real or personal property of the municipality which has a value exceeding $50,000 at the time of disposal; and
- Making any expenditure or incurring any other liability which exceeds $50,000;

AND WHEREAS in order to be prepared should Council authority cease (Lame Duck) between Nomination Day (August 19, 2022) and commencement of the Council Term, Pelham Council deems it necessary to enact a Delegation By-law;

AND WHEREAS Council deems it expedient to delegate authority to the Chief Administrative Officer and Officers of the Corporation of the Town of Pelham to take action, where necessary, on certain acts during the "Lame Duck" period;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT where specified joint delegation of authority is to be exercised, in the absence of consensus, the delegation of authority rests with the Chief Administrative Officer (CAO);

2. THAT the CAO be delegated the authority to hire or remove any employee of the municipality with the exception of statutory officers of the municipality;

3. THAT the CAO be delegated the authority to appoint any Acting statutory officer of the municipality in the event of a departure or vacancy of such an officer's position;

4. THAT the CAO and the Treasurer are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding $50,000;

5. THAT the CAO and Clerk are jointly delegated the authority to execute any Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding $50,000 at the time of disposal;

6. THAT the CAO and the Clerk are jointly appointed signing authority for all agreements pursuant to Article 5;

7. THAT the CAO shall report to Council on any actions taken under the restrictions listed in Section 275(3) of the *Municipal Act, S.O. 2001* between Nomination Day and the commencement of the Council Term;

8. THAT this By-law shall take effect only in the event that Council Authority ceases under Section 275 of the Municipal Act, being the Lame Duck provisions, and shall cease upon the Swearing In of the 2022-2026 Municipal Council for the Town of Pelham.

Read, Enacted, Signed and Sealed this

XXst Day of XXXX, 2022.

_____

Marvin Junkin, Mayor

_____

Holly Willford, Town Clerk

Clerk's Office
Tuesday, April 19, 2022

Subject: Procedural By-Law Update

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2022-0083 – Procedural By-Law Update, for information;**
>
> **AND THAT Council approve, in principle, the updated procedural by-law as presented;**
>
> **AND THAT Council direct the proposed by-law be presented to Council for First and Second Reading at their next regular meeting;**
>
> **AND THAT the Clerk be directed to provide notice in accordance with the Town's Notice Policy prior to presentation of the By-law for Third Reading and Adoption.**

Background:

The *Municipal Act, 2001*, as amended, (the "Act") requires that every municipality pass a procedure by-law governing the calling, place and proceedings of meetings.

The Town of Pelham's Procedural By-Law has not undergone a full comprehensive review since 2013. Minor or reactionary amendments have been made, however a fulsome review has not been conducted. As such, a revised procedural by-law has been identified by Council as a strategic priority.

Analysis:

The Clerk, Deputy Clerk and Legislative and Committee Coordinator have reviewed over 20 procedural by-laws from municipalities throughout Ontario. This review occurred in an effort to identify best practices, common approaches and to ensure the Town of Pelham adopts a document well suited to its needs.

Additionally, the Clerk's Department drafted the updated procedural by-law with a view to make the document easy to read and understand for residents and lay people.

As the proposed procedural by-law is a full comprehensive update, a comparison or redlined document identifying changes is not feasible. Nevertheless, the following chart is intended to identify major changes or additions:

Addition, Amendment or Removal	Provision	Staff Rational
Addition	Principles (3.1)	Staff believe it is important to emphasize the key parliamentary principles of assembly meetings.
Amendment	Curfew (6.1)	Amendment: 9:00pm to 9:30pm with a provision stipulating the meeting cannot be extended past 10:00pm. Staff recommend a curfew of 9:30pm with a strict curfew of 10:00 p.m. as Council frequently has to extend curfew to complete its business. 10:00pm is a common curfew within the Region and respects both the need to accomplish work and a reasonable limitation for hours of work in a day.
Amendment	Notice of Meetings (11) and Delivery of Agenda (12)	Staff suggest an Agenda release date to Council, being the Wednesday prior to the meeting with the Agenda to be released to the public by 1:00pm on the Thursday prior to the meeting. This will allow staff more time to ensure the most relevant and up-to-date information is reflected within staff reports.
Amendment	Regular Meetings to be held on Tuesdays (13)	Staff provided Council with rationale for Tuesday night meetings as part of #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule (attached to this report). Council directed staff defer consideration until Spring 2022.
Amendment / Removal	Amend the Council Meeting structure to include Committee of the Whole within all Regular Council	Staff provided Council with rational for amending the Council meeting structure as part of #2021-0122 – Clerks - Proposed 2022 Council Meeting Schedule (attached to this report).

	Meetings and to decommission Policies and Priorities Committee	Council directed staff defer consideration until Spring 2022.
Addition	Allow the Clerk, jointly with the CAO, to reorder Agenda items (18.1, 19.1, 20.1, 21.1)	This provision will allow the Clerk to amend the agenda order without requiring Council to formally amend the agenda at the beginning of the meeting. For example, this provision will allow the Clerk to place a related staff or Councillor report following a related delegation.
Removal	Agenda Page Limit	Staff recommend the agenda page limit be removed. As this by-law is being recommended to take effect with the new Term of Council, staff believe the new Council should determine if a page limit is necessary. Further, it has been difficult for staff to achieve the 300 page limit.
Addition	Electronic and Hybrid Participation (22)	Staff recommend adopting a permanent hybrid system, allowing members of Council and delegates to choose their method of participation at meetings, to their discretion.
Addition	Disclosure of Pecuniary Interest (27.2)	Staff recommend this provision to allow a Council Member who declared a pecuniary interest to vote on the: adoption of the agenda, approval of minutes, omnibus motions to approve consent agenda items and by-laws without requiring the item be lifted or considered separately.
Amendment	Delegations (28.3)	Amendment: 3 delegations to 4 delegation per meeting. This proposed change would increase the ceiling to 4 delegations per meeting. In recent years, there have been several meetings where more than 3 delegations were requested of Council.

Addition	Delegations (28.7)	Staff recommend including a formal listing of topics delegates shall not come to Council to discuss. This was identified as a common practice by other municipalities and was previously recommended to Council by the CAO.
Amendment	Reading of By-Laws and Proceedings Thereon (32.1)	Staff are recommending changing the Town's style of numbering by-laws to be more consistent with the Town's report numbering system. There will be a significant archiving and searchability benefit to this. Staff recommend adopting this practice in January 2023.
Amendment	Notice of Motion (33)	Staff recommend Council move forward with adopting a clear Notice of Motion procedure whereby all motions from Council undergo the same process, being a Notice of Motion. The suggested change will bring clarity and consistency along with transparency to the public.
Addition	Motions Appendix 'B'	Staff recommend having a separate appendix for motions and their characteristics for ease of reference. This was identified as a best practice by other municipalities.
Amendment	Reconsideration (35)	Staff recommend adopting a reconsideration process which strictly follows parliamentarian procedures, such as, requiring a Member of Council who voted on the prevailing side to bring forth a motion to reconsider.
Amendment	Voting on Motions – Require Recorded Votes (36.7)	Staff recommend the Clerk record all votes at Council and Committee of Council Meetings as recorded votes are the highest standard of transparency, and also supports the reconsideration process in s. 35.
Addition	Conduct of the Public Gallery (40)	Staff recommend including a section on the expectations of the conduct of the public gallery as expectations of Members and Delegations are set out

		within the by-law. These expectations are in keeping with the Public Code of Conduct passed by Council in 2021.
Addition	Advisory Committee (41) and Appendix 'A'	Staff recommend adopting a supplemental appendix regulating the proceedings of Advisory Committees. This appendix will provide clarity on process to staff and committee members.
Addition	Volunteer Working Committees	Staff recommend creating Volunteer Working Committees to allow such committees greater flexibility and more administrative independence, while accomplishing important projects within the Town. It is envisioned the Summerfest Committee would be a Volunteer Working Committee. It is noted, committees which advise Council will continue to operate as Advisory Committees.
Removal	Press Release	Staff recommend removing the reference to requiring press releases to be provided to Council in advance of publishing. Staff have adopted this as a practice and will continue to comply, however this is not a procedure for governing meetings.
Amendment	Summer Recess (44)	Staff recommend including the addition of a third meeting within the summer schedule, during the first three years, but excluding the fourth year of every Council cycle. Staff provided Council with rational for including the addition of a third meeting within the summer schedule, to be determined by staff and approved by Council in advance as part of #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule (attached to this report). Council directed staff defer consideration until Spring 2022.
Addition	Election Recess (45)	Staff recommend including an election recess in which Council will not meet the week proceeding or the week of a

		regular municipal and school board election. This will allow the Clerk's Department to focus on advance polls and allow more time to prepare for election day and the inaugural meeting.

Financial Considerations:

There are no financial considerations associated with this report.

Alternatives Reviewed:

Staff reviewed approximately twenty other bylaws in the drafting of these proposed changes. Literally hundreds of alternatives have been reviewed. Council may provide direction for additional amendments or to alter the proposed by-law, or strike specific proposals. Should significant change be sought, staff ask that the report be referred back to them so as to ensure flow and consistency.

Strategic Plan Relationship: Strong Organization

Adopting a clear and concise procedural by-law will support both Council and the senior leadership team deliver more timely and better quality governance and leadership to the municipal corporation.

Consultation:

Various municipal procedural by-laws

Senior Leadership Team

Other Pertinent Reports/Attachments:

Proposed updated procedural by-law and related appendixes.

Report #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Sarah Leach, B.A.
Deputy Clerk

Jacquie Miller,
Legislative and Committee Coordinator

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

The Corporation of the Town of Pelham

By-law No. XXXX (2022)

Being a By-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its Members and the calling of Meetings and to repeal and replace By-Law No. 4107(2019), as amended.

WHEREAS pursuant to Section 238(2) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the "Act") every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Act provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to set rules and regulations with regard to Council proceedings;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

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1. Purpose

The purpose of this By-law is to govern the proceedings of the Town of Pelham Council, Committee of Council and Advisory Committees and the conduct of its Members and the calling of Meetings.

2. Definitions

In this By-law:

"**Act**" means the *Municipal Act*, *2001*, SO Chapter 25, as amended, from time to time.

"**Advisory Committee**" means any board, commission or committee established by Council, which has at least one (1) Member appointed from Council. The Member(s) appointed by Council may be members of staff and of the public. Such a committee shall be governed by clear terms of reference.

"**Agenda**" means the order of business setting out the matters to be considered at a Meeting.

"**Chair**" or **"Presiding Officer"** means the Member presiding at any Meeting.

"**Chief Administrative Officer**" means the person appointed as Chief Administrative Officer of the Town of Pelham or their designate.

"**Clerk**" means the person appointed as Town Clerk of the Town of Pelham or their designate.

"**Closed Session**" or "**Closed Meeting**" means a Meeting of Council, Committee of Council or Advisory Committee, or a portion thereof, which is closed to the public under the authority of the Act or any other Act.

"**Committee of Council**" means a committee established by Council consisting solely of Members of Council.

"Confirming By-Law" means a by-law passed for the purpose of giving general affect to a previous decision or proceedings of Council.

"**Consent Agenda**" means items on the Agenda containing Recommendations from the Clerk as to their disposition, all of which may be adopted by one Motion of Council, but any of which may be transferred to the regular Agenda for consideration upon the request of a Member.

"**Council**" means the Town of Pelham's elected representatives, comprised of the Mayor, Deputy Mayor and Councillors.

"**Councillor**" means a person elected or appointed as a Member of Council, other than the Mayor.

"**Chief Executive Officer**" means the head of Council as defined in Section 225 of the Act.

"Delegate" or "**Delegation**" means a person, group of persons, firm or organization who addresses Council.

"**Deputy Mayor**" means the Member of Council who has been appointed to act for a designated period of time in the absence of the Mayor.

"**Election Recess**" means the time period determined by the Clerk that is immediately preceding and following the regular Municipal and School Board Election when Council meets less frequently.

"**Electronic Device**" means cellular telephones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders and cameras or any other similar functioning device.

"**Electronic Meeting**" means a Meeting called and held, in full or in part, via electronic means, as determined by the Clerk.

"**Electronic Participation**" means participation in a Meeting via electronic means, as determined by the Clerk.

"Emergency Meeting" means a Meeting of Council held to consider any business of Council which is deemed by the Mayor or Deputy Mayor in their sole and unfettered discretion, to constitute an emergency situation or of severe consequence, or extraordinary situation.

"**Friendly Amendment**" means an amendment to a Motion under debate put forward by a Member that is perceived by all Members as an enhancement to the original Motion and is unanimously accepted.

"Holiday" means those dates listed as holidays in the *Legislation Act*, 2006, S.O., c. 21, Sc. F, as amended, the Civic Holiday in August, and any day as set out in a Town by-law to be a Holiday.

"**Majority**" means 50% plus one.

"Hybrid Meeting" means a Meeting where some Members participate electronically and some Members participate in-person.

"**Majority Vote**" means more than half of the votes cast by Members who are present and eligible to vote.

"**Mayor**" means the Head of Council for the Town of Pelham.

"**Mayor-Elect**" means the successful candidate for the office of Mayor following an election, who has not yet been formally installed or invested with their office.

"**Meeting**" means any Regular, Special, Emergency or other Meetings of Council, or of certain local boards or committees, where Quorum is present and where Members discuss or otherwise deal with matters in a way that materially advances the business or decision-making of the relevant body.

"**Member**" means a Member of Council and includes the Mayor, Deputy Mayor and a Member of an Advisory Committee appointed by Council.

"**Motion**" means a subject being presented for consideration of Council and duly moved and seconded.

"**New Business**" means an entirely new matter, of which the subject is not contained anywhere on an Agenda, or a matter not related to an item on an Agenda, such as a matter related to an enquiry.

"Notice of Motion" means a written or verbal notice presented to Council advising that the Motion described therein will be brought to a future Meeting of Council.

"**Pecuniary Interest**" or **"Conflict of Interest**" means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act*, R.S.O. *1990*, c. M.50, as amended.

"**Public Meeting**" means a statutory Meeting of Council or Committee of Council that is open to the public.

"**Quorum**" means the minimum number of Members that must be present at any of its Meetings to make the proceedings of that Meeting valid. For greater certainty, a Quorum of Council or Committee of Council is four (4).

"**Recess**" means a short intermission in the Meeting's proceedings which does not close the Meeting, and which business will resume immediately at the exact point where it was interrupted.

"Recommendation" means a suggestion or proposal by a Committee of Council, Advisory Committee, or by staff when accompanied by a staff report, to be considered by Council.

"**Recorded Vote**" means a vote where the response of each Member is recorded by the Clerk.

"**Regular Meeting**" means a scheduled Meeting held in accordance with the approved Council meeting schedule adopted by Council.

"**Resolution**" means a Motion that has been carried.

"**Rules of Procedure**" means the rules and procedures set out in this By-law.

"**Special Meeting**" means a Meeting held at a time different from a Regular Meeting for a special and limited purpose.

"Summer Recess" means the times during the months of July and August when Council and Committee of Council meets less frequently.

"**Town**" or **"Town of Pelham"** means The Corporation of the Town of Pelham.

"**Town Hall**" means the municipal office located a 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0.

"**Two-Thirds (2/3) Vote**" means at least two-thirds of the votes cast by the Members who are present and eligible to vote. For greater certainty, a Two-Thirds (2/3) Vote is five (5) for a Council of 7 Members.

"**Unfinished Business**" means matters listed on an Agenda which have not been dealt with by curfew or the adjournment of the Meeting, or a matter that has been deferred for further or future consideration.

"Volunteer Working Committee" means a group of individuals, led by Town staff, engaging in volunteer activities, or a specific project with a set timeframe or ongoing commitment to complete a task to the benefit of the Town.

"World Religious Holiday" means observation of select world religious holidays, including: Eid al-Adha, Rosh Hashanah, Yom Kippur, Diwali, Ramadan, Passover and Hanukkah.

3. Principles and Application

3.1. The following principles reflect the intent on which the provisions of this By-law are based:

a. The Majority of Members have the right to decide;
b. The minority of Members have the right to be heard;
c. Members have the right to an efficient Meeting;
d. All Members have the right to be treated with respect and courtesy; and
e. All Members have equal rights, privileges and obligations.

3.2. Council, Committee of Council and Advisory Committees shall observe the Rules of Procedure contained in this By-law, in all proceedings.

3.3. Advisory Committees shall refer to the provisions outlined in Section 41 and Appendix "A" of this By-Law to govern the calling and proceedings of Meetings.

3.4. The Clerk shall be responsible to interpret the Rules of Procedure under this By-law.

3.5. No Meetings of Council, Committee of Council or Public Meetings shall be held in the absence of the Clerk. For greater certainty, this includes all Closed Session Meetings.

4. Parliamentary Authority

4.1. All matters, points of order or questions of procedure arising and not provided for in the Rules of Procedure contained herein shall be in accordance with *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century*, by James Lochrie, and in such cases the decision of the Chair.

5. Suspend the Rules

5.1. In the absence of any statutory obligations, the Rules of Procedure may be temporarily suspended at such times and upon such conditions as may be deemed appropriate by Council, by an affirmative Two-Thirds (2/3) Vote of the Members present.

6. Curfew

6.1. Unless approved by a Two-Thirds (2/3) Vote of Members present, to waive this provision and extend for an additional period of thirty (30) minutes, no item of business may be dealt with at a Meeting

after nine-thirty (9:30) p.m. but shall be adjourned, and any outstanding business shall be deferred to the next scheduled Regular Meeting or another Meeting date called by the Mayor to reconvene. Alternatively a Meeting may be recessed to another date called by the Mayor to reconvene. Curfew shall not be extended past ten (10:00) p.m.

7. Amendment to this By-Law

7.1. No amendment, alteration or addition to this By-law shall be made unless due notice has been given setting forth the proposed amendment, alteration or addition at a previous Meeting and a Majority of all Members present at the latter Meeting vote in the affirmative and in accordance with the Town's Public Notice Provisions, Policy S201-14, as amended.

8. Roles and Duties

8.1. Mayor

It is the role of the Mayor as head of Council to:

a. Act as Chief Executive Officer of the Town;
b. Preside over Council Meetings so that its business can be carried out efficiently and effectively, unless unavailable, in which case the Deputy Mayor will act as the Chair/Presiding Officer;
c. Provide leadership to Council;
d. Represent the Town at official functions; and
e. Carry out the duties of head of Council under the Act.

8.2. It is the role of the Mayor as Chief Executive Officer of the Town to:

a. Uphold and promote the purpose of the Town;
b. Promote public involvement in the Town's activities;
c. Act as representative of the Town within and outside the Town, and promote the Town locally, nationally and internationally; and
d. Participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

8.3. Council

It is the role of Council to:

a. Represent the public and to consider the well-being and interests of the Town;
b. Develop and evaluate the policies and programs of the Town;
c. Determine which services the Town 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. Ensure the accountability and transparency of the operations

of the Town, including the activities of the senior management of the Town;

f. Maintain the financial integrity of the Town; and
g. Carry out the duties of Council under the Act or any other applicable Act.

8.4. Chief Administrative Office

It is the role of the Chief Administrative Officer to:

a. Exercise the general control, leadership and management of the administrative affairs of the Town for the purpose of ensuring the efficient and effective operation of the Town;
b. Acts as the link between Council and staff;
c. Perform such other duties as are assigned by Council, including implementing the strategic plan and priorities;
d. Review and guide all policy Recommendations prior to submission to Council;
e. Provide expert professional advice to Council and ensure the proper implementation of Council's decisions; and
f. Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members on carrying out their duties.

8.5. Clerk

It is the role of the Clerk to:

a. Carry out the responsibilities of the role as described in Section 228 of the Act;
b. Provide procedural advice to the Chair and Council on Agenda business and on preparing Motions;
c. Ensure notice of Meetings is provided as set out in this By-law;
d. Make minor deletions, additions or other administrative changes to any by-law, Motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
e. Authenticate by signature when necessary all by-law and minutes of Meetings and certify copies of such documents when required; and
f. Perform such other duties as prescribed by law, or by direction of Council.

9. Inaugural Meeting of Council

9.1. The first Meeting of Council following a regular Municipal and School Board Election shall be held on the first Tuesday after Council takes office pursuant to the *Municipal Election Act, 1996* at 5:30 p.m. at the Meridian Community Centre (100 Meridian Way, Fonthill, Ontario, L0S 1E6) or at such alternate location as determined by the Mayor-Elect and Clerk.

9.2. At the inaugural Meeting of Council, the only business to be brought before the Meeting shall be:

a. Declarations of Office; and

b. Matters incidental to any of the above.

9.3. Despite Section 9.2, an inaugural address by the Mayor may be delivered at the inaugural Meeting of Council or at a subsequent Meeting of Council.

10. Conduct of Proceedings at a Meeting

10.1. It shall be the duty of the Chair, with respect to any Meetings to which they preside:

a. To open the Meeting, declare Quorum and call the Members to order;

b. Announce the business in the order in which it is to be acted upon;

c. To receive and submit, in the proper manner, all Motions presented by the Members;

d. To put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;

e. Decline to put to a vote to a Motion which infringes the Rules of Procedure as set out in this By-law;

f. Restrain the Members, within the Rules of Procedure, when engaged in debate;

g. Enforce on all occasions the observance of order and decorum among the Members and the public;

h. Call by name any Member or Delegate persisting in breach of the Rules of Procedure at a Meeting thereby ordering them to vacate the Council Chambers, or other designated Meeting place;

i. Receive all messages and other communications and announce them;

j. Authenticate, by signature when necessary by-laws, Resolutions and minutes;

k. Inform Members when necessary or when referred to for the purpose of a point of order or usage of the Rules of Procedure;

l. Enforce all time limits set out in this By-law unless a time extension is approved by a Two-Thirds (2/3) Vote of Members present;

m. Represent and support Council, declaring its will and implicitly obeying its decisions in all things;

n. Ensure that the decisions of Council, a Committee of Council or Advisory Committee, are in conformity with the laws and By-laws governing the activities of the Council;

o. Adjourn the Meeting when the business is concluded; and

p. Adjourn the Meeting, without question put, in the case of grave disorder arising in the Council Chambers, or other designated meeting place.

10.2 The Presiding Officer may take part in any debate without leaving the chair. If the Presiding Officer desires to introduce a Motion or by-law, the Presiding Officer shall vacate the chair for that purpose and shall call on another Member to fill their place until they resume the chair.

10.3 Points of order arising in a Meeting shall be decided by the Chair, subject to an appeal by Members.

11. Notice of Meetings

11.1. The Council meeting schedule, inclusive of Regular Meetings of Council and Public Meetings, upon Council's approval, shall be posted annually to the Town's website prior to the end of the current calendar year.

11.2. When a Regular Meeting of Council or Public Meeting falls on a Holiday or World Religious Holiday, Council shall meet at the same hour on the next following day which is not a Holiday or World Religious Holiday. For greater certainty, if a World Religious Holiday is a multi-day event, Council shall not meet on the first or last day of the said World Religious Holiday.

11.3. Notice of a Regular Meeting of Council, Committee of Council or Public Meeting, for public information, shall consist of posting an Agenda of the said Meeting on the Town's website, at least five (5) days prior to the date of the Meeting. For greater certainly, the day the Agenda is posted on the Town's website is considered a day of notice.

11.4. Notice of a Special Meeting for public information shall consist of posting a Meeting placeholder on the Town's website at least 48 hours prior to the date of the Meeting.

11.5. Notice of an Emergency Meeting for public information shall consist of posting an Agenda of the said Meeting on the Town's website, as soon as practically possible prior to the Meeting.

11.6. Lack of notice shall not affect the validity of a Meeting or any action taken at such Meeting.

12. Delivery of Agenda

12.1. Agendas, along with supporting materials, for Regular Meetings, Committee of Council Meetings and Public Meetings shall be delivered to all Members by 4:30 p.m. at least six (6) days prior to the date of the Meeting by electronic notification. All Members shall access Agendas and supporting materials electronically via the Town's electronic agenda management system, unless otherwise arranged with the Clerk.

12.2. Agendas, along with supporting materials, shall be delivered to the public by 1:00 p.m. on the date in conjunction with paragraph 11.3 prior to Regular Meetings, Committee of Council Meetings and Public Meetings by way of posting on the Town's website.

12.3. Agendas, along with supporting materials, for Special Meetings shall be delivered to all Members twenty-four (24) hours prior to the Special Meeting.

12.4. Agendas, along with supporting materials, for Emergency Meetings shall be delivered to all Members of Council as soon as practically possible by the Clerk.

12.5. Agendas, along with supporting materials, for Special Meetings and Emergency Meetings shall be delivered to the public as soon as practically possible by the Clerk by way of posting on the Town's website.

12.6. All Closed Session Agendas and supporting materials will not be published to the public.

12.7. Adding items to the Agenda by addendum shall be avoided for all but urgent and extremely time sensitive matters.

13. Regular Meetings

13.1. Regular Meetings shall be held in Council Chambers at Town Hall, the Meridian Community Centre, or electronically, on the first and third Tuesday of each month at 5:30 p.m. unless Council, by Resolution, directs otherwise. If Council otherwise directs, notice shall be posted on the Town's website advertising the time and place.

13.2. A Regular Meeting shall not be scheduled for the first full week of January.

13.3. Any Member of Council, may submit in writing, an item for inclusion on the Agenda under Reports from Members of Council, New Business or Notice of Motions at least eight (8) days prior to the Meeting.

13.4. The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda, unless otherwise directed by Council or amended pursuant to Section 18.1 of this By-law.

13.5. An item of business not listed on the Agenda cannot be introduced at a Meeting without the approval of Council expressed by a Motion to amend the Agenda.

14. Committee of the Whole

14.1. Committee of the Whole may be held during a Regular Meeting or on its own.

14.2. The Mayor or Deputy Mayor may at any time summon a Special

Committee of the Whole Meeting.

14.3. Committee of the Whole Meetings will be held within the Regular Meeting on the day provided in the approved council meeting schedule, unless otherwise decided by Resolution.

14.4. The Mayor may, at any time, summon a Special Meeting of Committee of the Whole by giving direction to the Clerk stating the date, time and purpose of the special Committee of Council Meeting.

14.5. The Deputy Mayor shall preside over Committee of Council Meetings as Chair.

14.6. The Rules of Procedure contained in this By-law shall be observed in the Committee of Council, except that:

a. Discussion may take place in the absence of a Motion;
b. Permission for a Member to speak is not required, but the Member should be recognized by the Chair;
c. The number of times a Member may speak on any question shall not be limited, provided that any second and subsequent statements are responsive to issues raised by other Members or contain new information not contained in the Member's original statement;
d. There shall be no time limit with respect to the speeches of Members;
e. A Motion to close debate is not permitted;
f. The Chair is permitted to participate in debate and discussion;
g. There shall be no call for a Recorded Vote;
h. No Motion shall be required to be in writing or seconded;
i. Committee of Council shall only recommend items for approval to a Council Meeting; and
j. Committee of Council may, by Majority Vote, provide direction to staff.

14.7. Lack of notice shall not affect the validity of the Special Meeting or any action taken at such Meeting.

15. Special Meeting of Council

15.1. The Mayor may at any time summon a Special Meeting.

15.2. The Clerk shall, upon receipt of a written petition signed by a Majority of the Members of Council, summon a Special Meeting for the purpose and at the time and place mentioned in the petition.

15.3. Minimum notice to all Members of Council shall consist of an email and/or a telephone message, followed by an electronic Agenda delivery.

15.4. The only business to be dealt with at a Special Meeting is that which

is identified in the notice of the Meeting.

15.5. Lack of notice shall not affect the validity of the Special Meeting or any action taken at such Meeting.

16. Emergency Meeting of Council

16.1. Notwithstanding any other provisions of this By-law, an Emergency Meeting may be summoned by the Mayor or Deputy Mayor to deal with an emergency or other extraordinary situation, as determined by the Mayor or Deputy Mayor in their sole and unfettered discretion.

16.2. The Clerk shall notify or attempt to notify all Members of Council and the public about the Emergency Meeting as soon as possible and in the most expedient manner available, including but not limited to, posting a notice on the Town's website.

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

16.4. Lack of notice shall not affect the validity of an Emergency Meeting or any action taken at such meeting.

17. Closed Session Meetings

17.1. Regular Meetings, Special Meetings, Public Meetings, Committee of Council and Advisory Committees shall be open to the public except where the Members present determine that certain matters on the Agenda shall not be open to the public. No person shall be excluded from a Public Meeting except for improper conduct as determined by the Chair. For greater certainty, a Meeting being open to the public includes the meeting being available via livestream or Electronic or Hybrid participation. During a Closed potion of a meeting, the Clerk shall end all livestreaming and remove any person(s) not entitled to participate from the Meeting, which includes physically or via Electronic Participation.

17.2. In accordance with Section 239(2), 239(3) and 239(3.1) of the Act a Meeting or part of a Meeting may be closed to the public if the subject matter being considered is:

a. The security of property of the municipality or local board;
b. Personal matters about an identifiable individual, including municipal or local board employees;
c. A proposed or pending acquisition or disposition of land by the municipality or local board;
d. Labour relations or employee negotiations;
e. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
f. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

g. A matter in respect of which a council, board, committee or other body may hold a Closed Meeting under another Act;
h. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
j. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
k. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(3) Other criteria – A Meeting or part of a 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, or if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
b. An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1).

(3.1) Educational or training sessions – A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
a. The meeting is held for the purpose of educating or training the members; and
b. 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.

17.3. Before holding a Meeting or part of a Meeting that is to be closed to the public, there shall be a Resolution stating the: fact of holding the Closed Meeting, general nature of the matter to be considered, section and subsection of the Act or another Act and referencing any applicable file number(s).

17.4. All Electronic Devices must be turned off throughout Closed Meetings with the exception of the Clerk's Electronic Device which records the official record of the Meeting. Other than the Clerk, staff, Members of Council or authorized delegates shall not record

any proceedings within the Closed Meeting.

17.5. A Meeting shall not be closed to the public during the taking of a vote except where:

a. The provisions of this By-law or the Act permit or require 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 Town or persons retained by or under a contract with the Town.

17.6. On reconvening in public session, a Motion to rise and report shall be decided without debate.

17.7. Members shall hold in strict confidence all information concerning matters dealt with in Closed Session. No Member shall release, make public, or in any way divulge any such confidential information or any aspect of Closed Session deliberations, unless expressly authorized by Council or required by By-Law.

18. Agenda – Regular Meetings

18.1. The Clerk shall prepare the Agenda for all Regular Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

a. Call to Order and Declaration of Quorum
b. Land Recognition Statement
c. Approval of the Agenda
d. Disclosure of Pecuniary Interest and General Nature Thereof
e. Hearing of Presentations, Delegations, Regional Report
    I. Presentations
    II. Delegations
    III. Report of Regional Councillor
f. Adoption of Council Minutes
g. Request(s) to Lift Consent Agenda Items for Separate Consideration
h. Consent Agenda Items to be Considered in Block
    I. Presentation of Recommendations Arising from Committee of Council, for Council Approval
    II. Minutes Approval – Committee of Council
    III. Staff Reports of a Routine Nature for Information or Action
    IV. Action Correspondence of a Routine Nature
    V. Information Correspondence
    VI. Regional Municipality of Niagara Correspondence for Information or Action
    VII. Advisory Committee Correspondence for Information or Action
    VIII. Advisory Committee Minutes for Information

i. Consent Agenda Item(s) Lifted for Separate Consideration, if any
j. Presentation and Consideration of Reports
    I. Members of Council Reports
    II. Staff Reports Requiring Action
k. Unfinished Business
l. New Business
m. Presentation and Consideration of By-laws
n. Motions and Notices of Motion
o. Committee of the Whole
    I. Reports
p. Rise from Committee of the Whole
q. Resolution to Move In Camera
r. Rise from In Camera
s. Confirming By-law
t. Adjournment.

19. Agenda – Special and Emergency Meetings

19.1. The Clerk shall prepare the Agenda for all Special and Emergency Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

a. Call to Order and Declaration of Quorum
b. Land Recognition Statement
c. Adoption of Agenda
d. Disclosure of Pecuniary Interest and General Nature Thereof
e. Resolution to Move in Camera
f. Rise from In Camera
g. Adjournment.

20. Agenda – Special Committee of the Whole

20.1. The Clerk shall prepare the Agenda for all Special Committee of the Whole Meetings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

a. Call to Order and Declaration of Quorum
b. Land Recognition Statement
c. Adoption of Agenda
d. Disclosure of Pecuniary Interest and General Nature Thereof
e. Presentations
f. Department Reports
g. Committee Input
h. Adjournment.

21. Agenda – Public Meetings and Public Hearings

21.1. The Clerk shall prepare the Agenda for all Public Meetings under the *Planning Act* and Public Hearings. The order of proceedings shall be as follows, unless otherwise jointly determined by the Clerk and Chief Administrative Officer:

a. Call to Order and Declaration of Quorum
b. Land Recognition Statement
c. Adoption of Agenda
d. Disclosure of Pecuniary Interest and General Nature Thereof
e. Planning Act Application
    I. Planning Report and Presentation
    II. Applicant's Presentation
    III. Public Input
    IV. Committee Input
    V. Presentation of Resolutions
f. Adjournment.

22. Electronic and Hybrid Participation

22.1. A Regular Meeting, Special Meeting, Committee of Council, Public Meeting or hearing, or Advisory Committee or Committee of Adjustment Meeting may be conducted by an Electronic Meeting or Hybrid Meeting.

22.2. Method(s) of Electronic or Hybrid Participation, including the technology platform used, shall be determined by the Clerk in consultation with Chief Administrative Officer, and may vary from time to time.

22.3. In the case where a Member requests Electronic Participation in an otherwise in-person Meeting, that Member shall notify the Clerk at least two (2) business days in advance of the date of the Meeting, or as soon as possible under the circumstances.

22.4. A Member who participates in an Electronic or Hybrid Meeting will have the same rights and responsibilities as if the Member were in physical attendance.

22.5. Members present during an Electronic or Hybrid Meeting shall be counted for purposes of Quorum at the commencement and at any point in time during the Meeting and shall be entitled to vote.

22.6. If Quorum cannot be maintained during an Electronic or Hybrid Meeting, due to a loss of Members' electronic connection, the Meeting will be Recessed for up to fifteen (15) minutes to allow for the electronic connection to be restored. If Quorum cannot be restored within fifteen (15) minutes, the Meeting will be Recessed or adjourned.

22.7. All Members votes at an Electronic or Hybrid Meeting shall be recorded by the Clerk through a Recorded Vote.

22.8. An Electronic or Hybrid Meeting may include a Closed Session component.

22.9. Members participating electronically in a Closed Session Meeting must ensure that no other person is in the location from which they are participating in the Meeting, or make appropriate arrangements so that any other person cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member will withdraw from the Meeting until it has reconvened in open session.

22.10. All Electronic or Hybrid Regular Meetings, Committee of Council Meetings, Special Meetings, Emergency Meetings, Public Meetings and hearings and Committee of Adjustment Meetings shall be livestreamed.

22.11. A public notice of an Electronic or Hybrid Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic or Hybrid Meeting.

22.12. Delegations shall be permitted to participate electronically. In an otherwise in-person Meeting, the Delegate shall notify the Clerk at least five (5) business days in advance of their intention to participate electronically.

22.13. The Rules of Procedure shall continue to apply when Meetings include Electronic or Hybrid Participation, with such necessary modifications as may be required to accommodate such participation at the discretion of the Clerk.

23. Recording and Livestreaming

23.1. Regular Meetings, Special Meetings, Committee of Council Meetings, Public Meetings and hearing and Committee of Adjustment Meetings shall be recorded and livestreamed.

23.2. Closed Session Meetings shall be exempt from recording and livestreaming, and recording and livestreaming shall cease upon a Motion being passed to move into Closed Session and recording and livestreaming may commence when Council rises from Closed Session.

23.3. All Electronic Devices must be turned off throughout Closed Session Meetings with the exception of the Clerk's Electronic Device which records the Meeting.

23.4. The electronic recording of the Meeting made by, and in the possession of the Clerk, shall be deemed the only official version of the Meeting and shall be the only version to be used for evidentiary records.

24. Quorum and Remedy

24.1. In order that legal business be conducted, a Quorum of Council,

Committee of Council or Advisory Committee shall be present.

24.2. If there is no Quorum present within twenty (20) minutes after the starting time, the Meeting stands adjourned until the next Regular Meeting or Special Meeting or until rescheduled.

24.3. Should loss of Quorum occur during a Meeting, the Meeting may be Recessed for a period of fifteen (15) minutes to restore Quorum. If Quorum is not restored the Meeting shall stand adjourned.

24.4. Where the number of Members, who by reason of the provisions of the *Municipal Conflict of Interest Act*, *1990,* as amended, are unable to participate in a Meeting, is such that at that Meeting the remaining Members are insufficient to constitute a Quorum, then the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than two (2).

25. Absence of the Mayor

25.1. If the Mayor does not attend within fifteen (15) minutes after the starting time for the Meeting, the Deputy Mayor for the purposes of this By-law shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.

25.2. In the event the Deputy Mayor is unable, for any reason to act in the place and stead of the Mayor, the Clerk shall call the Members to order and an Acting Mayor shall be appointed, by Resolution from among the Members present and shall preside until the arrival of the Mayor, and while so presiding the Acting Mayor appointed shall have all the powers and authority of the Mayor while so acting.

26. Call to Order

26.1. The Mayor or Deputy Mayor presides at all Meetings and calls the Meeting to order once a Quorum is present.

27. Disclosure of Pecuniary Interest

27.1. It is the sole responsibility of each Member to:

a. Understand and comply with their legal obligations under the *Municipal Conflict of Interest Act, 1990*, as amended;
b. Identify and disclose any Pecuniary Interest, direct or indirect, as it arises;
c. Clearly describe the general nature of the Pecuniary Interest;
d. Surrender the chair, when applicable;
e. Abstain from discussing and voting on the matter, and it shall be the practice of Members to vacate the Meeting during deliberation and voting on the matter in which the Member has so disclosed;
f. Leave the Meeting or the part of the Meeting during which the matter is under consideration (for open or Closed Session);

g. If a Member is absent from a Meeting where a matter is considered for which the Member would have disclosed a Pecuniary Interest were the Member in attendance, the interest shall be disclosed in full at the next Meeting at which the Member is present, and such disclosure shall be in the same manner as if the Member were present at the Meeting; and

h. Members shall complete the required written statement of Disclosure of Pecuniary Interest which shall state the Member name, Meeting date, Agenda item number and title, and the general nature of the Pecuniary Interest. The statement shall be dated and signed by the Member and submitted to the Clerk for retention and publication in the Registry of Disclosure.

27.2. A declaration of Pecuniary Interest does not prohibit a Member from moving, seconding or voting on a matter of general procedure, including:

a. Adoption of the Agenda;

b. Approval of the Minutes of a previous Meeting;

c. An omnibus Motion to approve items on the Consent Agenda; and

d. An omnibus Motion to adopt all by-laws presented for adoption at the Meeting.

27.3. By voting on a matter(s) described in Section 27.2 the vote shall be deemed to be save and except for any matter which the Member declared a Conflict of Interest.

28. Delegations and Presentations

28.1. Request to appear before Council as a Delegation shall be submitted in the prescribed form, available through the Clerk's Department and the Town's website, no later than 12:00 p.m. noon ten (10) days prior to the Meeting.

28.2. The request to appear before Council form and any attachments submitted will be part of the official record of the proceedings of Council and considered a public document.

28.3. The Clerk shall list a maximum of four (4) Delegations per Meeting on the Agenda. Delegations are to be scheduled by the Clerk on a first-come, first-serve basis. In the event the number of maximum Delegations has been attained then any additional Delegations will be placed on the next scheduled Regular Meeting.

28.4. Notwithstanding Section 28.3, the Clerk in consultation with the Mayor and Chief Administrative Officer may prioritize Delegations related to items on the Agenda, thereby superseding the first-come, and first-serve basis.

28.5. A presentation by a Delegation, who is a member of the public,

shall be a maximum of ten (10) minutes (whether the Delegation consists of an individual or a group) unless the Chair gives permission for a longer presentation.

28.6. A presentation by a Delegation, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes, unless the Chair gives permission for a longer presentation.

28.7. Delegations shall not be permitted on the following topics:

a. Administrative or operational matters involving Town staff or contracted personnel; or
b. Advertisements for products or services or for the sole purpose of publicity or promotion; or
c. Any employee relations or disputes; or
d. Bid or potential bid on a tender that is currently open or being presented for approval; or
e. Election campaigning; or
f. Matters of litigation or potential litigation with the Town; or
g. Matters outside or beyond the Town's jurisdiction; or
h. Matters which are the subject of a future statutory Public Meeting or of a statutory Public Meeting which has been closed; or
i. Requests to reconsider a decided matter within one year of the original decision; or
j. Union negotiations and labour relations.

28.8. A Delegate who has previously appeared on the same matter is limited to providing only new information in any subsequent appearance(s).

28.9. The Clerk in consultation with the Chief Administrative Officer may refuse to schedule a Delegation if it is deemed at their sole and unfetter discretion the topic is contrary to Town policies or public interest or if the matter has been previously considered and no new information is presented.

28.10. A Delegate shall not:

a. Speak disrespectfully to any person; or
b. Use offensive language; or
c. Speak on any subject other than the subject for which they have received approval to address Council; or
d. Disobey the Rules of Procedure or a decision of the Chair.

28.11. Except on matters of order, Members, other than the Chair, shall not interrupt a Delegate while addressing Council.

28.12. Members shall not enter into debate or argue with the Delegate(s).

29. Minutes

29.1. The minutes of a Meeting shall record:

a. The place, date and time of the Meeting;
b. The names of the Chair, Members and staff in attendance;
c. Disclosure of any Pecuniary Interest and the general nature thereof;
d. All Resolutions, decisions and other proceedings of the Meeting without note or comment; and
e. The time of commencement and adjournment.

29.2. After the Council minutes have been approved by Council, they shall be signed by the Chair and Clerk, and shall be the official record of the Meeting.

30. Petitions and Communications

30.1. Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper material or language and shall be signed by at least one (1) person and filed with the Clerk. For greater certainty, any communication or petition submitted anonymously shall not be listed on the Agenda.

30.2. Every petition and/or communication listed on the Agenda, including personal information, forms part of the official public record and shall be released to the public.

30.3. Every petition or communication shall be delivered to the Clerk before 12:00 p.m. noon no less than ten (10) days prior to the Regular Meeting and shall be in the form of petition available from the Clerk or the Town's website.

30.4. The Clerk shall redact portions of, or deny in full, correspondence should the correspondence not conform with the Town's Council Correspondence Policy, S201-19, as amended.

30.5. All correspondence received by the Regional Municipality of Niagara shall be listed on the Agenda.

30.6. All Resolutions received from other municipalities shall be distributed to Members of Council, for information purposes, by e-mail as a Council Correspondence Listing.

30.7. Any Member of Council is entitled to request the Clerk to place any communication, petition or Resolution that is included in the Council Correspondence Listing on the next Agenda.

31. Unfinished Business

31.1. Any items not disposed of at a prior Meeting shall be repeated on each subsequent Agenda until disposed of by Council or Committee of Council, unless removed from the Agenda by leave of Council.

32. Reading of By-Laws and Proceedings Thereof

32.1. All by-laws are numbered consecutively in the year in which they are considered (i.e. number one in 2023 as "1-2023").

32.2. By-laws may be introduced upon single Motion duly moved and seconded, specifying the title and description of the by-law.

32.3. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act.

32.4. Every by-law shall have three (3) readings prior to it being passed and all such readings, may or may not, take place in the same Meeting of Council.

32.5. Any Member of Council may request to have one or more by-laws to be considered separately.

32.6. Every by-law enacted by Council shall be numbered, dated and signed by the Clerk and Chair who presided at the Meeting. The seal of the Town shall be affixed to the said by-law.

32.7. The Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantic or descriptive nature or kind to the by-laws and schedules as may be necessary after the passage of the by-law.

32.8. The proceedings at every Meeting of Council shall be confirmed by by-law so that every decision of Council at that Meeting and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted. Confirming By-laws are not amendable or debatable.

33. Notice of Motion

33.1. A Notice of Motion is a verbal statement of intention by a Member of Council to introduce a Motion at a future Meeting. A Notice of Motion is not debatable.

33.2. All Notices of Motion shall be in writing and filed with the Clerk.

33.3. After having provided a Notice of Motion at a Meeting, the Member of Council shall prepare and submit the Motion, in writing, to the Clerk no later than 12:00 p.m. noon, eight (8) days prior to the Meeting, so that it can be included in the Agenda for the subsequent Meeting at which the Motion is to be introduced for consideration by Council.

33.4. If the Motion for which notice was given is not seconded at the Regular Meeting of Council designated or is withdrawn voluntarily by the Member who gave notice, the Clerk shall remove the Motion from the Agenda.

33.5. Any Motion may be introduced without notice, if Council suspends its notice rules on the affirmative Two-Thirds (2/3) Vote of the Members present.

34. Motions

34.1. All Motions shall be duly moved and seconded before being debated or put to a vote.

34.2. When a Motion is presented it shall be stated by the Chair, or the Member presenting the Motion, or the Clerk, before debate or put to a vote.

34.3. Consideration of a Motion may be interrupted by consideration of a Motion with a higher priority.

34.4. A Motion properly before Council, Committee of Council or Advisory Committee for decision must receive disposition before any other matter may be debated.

34.5. A Motion to suspend the Rules of Procedure must identify the specific rule to be suspended. A Motion to suspend Rules of Procedure require a Two-Thirds (2/3) Vote.

34.6. A Motion with respect of a matter which is beyond the jurisdiction of the Council, Committee of Council or Advisory Committee shall not be in order.

34.7. A Friendly Amendment to a Motion may be requested by a Member, and if accepted by unanimous consent, the amendment becomes part of the Motion without need for a formal amending Motion.

34.8. All order of precedence and rules governing Motions shall be adhered to as listed in Appendix B.

35. Reconsideration

35.1. A Motion to reconsider means a Motion requesting to bring back, for further consideration, a Motion which has already been voted on by Council;

35.2. A Motion to reconsider must be moved and seconded by Members of Council that voted with the Majority in the matter to be reconsidered;

35.3. A Motion to reconsider must be made by Notice of Motion in accordance with Section 33 of this By-Law;

35.4. Before accepting Notice of Motion to reconsider, the Chair may ask the Member of Council to confirm that they voted with the Majority on the matter in question;

35.5. A Motion to reconsider must be passed by a Two-Thirds (2/3) Vote of Members present;

35.6. If a Motion to reconsider is decided in the affirmative, then consideration of the original Motion shall become the next order of business unless the Motion to reconsider included direction to postpone reconsideration to a definitive date. Debate on the Motion

to be reconsidered may proceed as though the Motion had never previously been decided;

35.7. Actions of Council that have been acted upon and cannot be reversed or suspended cannot be reconsidered;

35.8. No debate on a Motion to reconsider shall be permitted, however, the mover and seconder of a Motion to reconsider may provide or may make brief and concise statements outlining the reasons for proposing such reconsideration;

35.9. No matter shall be reconsidered more than once per term of council, nor shall a vote to reconsider be reconsidered; and

35.10. Notwithstanding Sections 35.2, 35.4 and 35.5 above, the above reconsideration rules shall not apply to the following:

a. A Motion passed by previous Councils; or
b. A Motion related to an order, practice or procedure within the Rules of Procedure.

36. Voting on Motions

36.1. A Motion shall be put to a vote by the Chair immediately after all the Members who wished to speak on the Motion have spoken, in accordance with the Rules of Procedure.

36.2. After a Motion is put to a vote by the Chair, no Member shall speak on that Motion, nor shall any other Motion be made until after the result of the vote is announced by the Chair.

36.3. No Member shall leave their seat or make any noise or disturbance while a vote is being taken until the vote is declared.

36.4. Every Member shall have one (1) vote. For greater certainty, proxy voting is not permitted.

36.5. Every Member present shall vote on every Motion unless the Member has declared a Pecuniary Interest in the matter or is otherwise prohibited by statute.

36.6. While every Member has the right to abstain from voting, the abstention shall be interpreted and recorded as a vote in the negative of a Motion.

36.7. In a Regular, Special, Emergency or Committee in Council Meeting, a recorded vote will be taken on all motions that move the business of the organization. Recorded votes are not permitted in Advisory Committees or Volunteer Working Groups. All votes shall be cast, without note or comment by verbally stating “yay/yes” or “nay/no”. Furthermore, the manner of determining the decision of Council or Committee in Council on a Motion shall not be by secret ballot or by any other method of secret voting.

36.8. All votes shall be recorded by the Clerk, regardless of the meeting

being held in-person, Electronic or Hybrid.

36.9. The Clerk shall call the names of all the Members present in alphabetical order to vote, with the exception of the Chair, who shall vote last. Each Member shall answer "yay or yes" or "nay or no" to the Motion. The result of the Recorded Vote shall be announced by the Clerk and the name of each Member who voted and the manner in which they voted shall be recorded in the minutes.

36.10. Any Motion on which there is a tie vote shall be deemed to be defeated or lost, except where expressly provided in statute or this By-Law.

36.11. The Chair or Clerk shall announce the result of every vote taken as either "carried or passed" or "defeated or lost."

36.12. If requested by any Member, the Clerk shall call the votes using a rotating call in alphabetical order by surname so as to not call upon the same Member first for each separate Recorded Vote.

36.13. If a Motion under consideration contains more than one (1) distinct part, upon the request of any Member, to divide, prior to the calling of the vote, each part or combination of parts contained in the Motion, shall be considered and voted on separately.

37. Rules of Debate at a Meeting of Council

37.1. The Chair shall preside over the conduct of the Meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal.

37.2. Members must address the Chair by their title of:

a. Chair/Mayor/Worship; or
b. Vice-Chair/Deputy Mayor; or
c. Councillor/Member.

37.3. Any Member who wishes to speak must raise their hand and be recognized by the Chair.

37.4. When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak;

37.5. Any Member may require the Motion under discussion to be read any time during the debate, but not so as to interrupt a Member while speaking.

37.6. No Member shall have the floor for longer than five (5) minutes without leave of Council.

37.7. No Member shall speak a second time if a Member who has not spoken wishes to speak for a first time and no Member shall speak

more than twice to a Motion without Council's consent.

37.8. A Member may ask a question, through the Chair, only for the purpose of obtaining information relating to the matter under discussion.

37.9. The Presiding Officer may participate in the debate without physically leaving the chair.

37.10. Should the Presiding Officer wish to move or second a Motion, the Presiding Officer shall vacate the chair and the Mayor or Deputy Mayor, as applicable, will chair the Meeting until the conclusion of the vote upon the main Motion and all subsequent Motions.

37.11. When a Member is speaking, no other Member shall interrupt that Member except to raise a Point of Order.

37.12. If questions with respect to Rules of Procedure, which are unspecified, arise within the proceedings they shall be determined in the following order: this By-Law, *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century*, by James Lochrie, or the Chair, subject to the appeal of Council.

38. Points of Order and Privilege

38.1. The Chair shall preserve order and decide questions of order.

38.2. A Member shall ask leave of the Chair to raise a point of order and after leave is granted, shall state the point of order to the Chair. The Chair shall state their decision on the point of order.

38.3. Unless a Member immediately appeals the Chair's decision, the decision and the result shall be final.

38.4. If a decision of the Chair is appealed, a seconder is required, and Council decides whether the ruling of the Chair is to be sustained without debate and the result is final. A vote of 50% (tied vote) or higher sustains the decision of the Chair.

38.5. Where a Member considers that their integrity or the integrity of Council as a whole has been impugned, they may, as a matter of personal privilege, speak at any time, with the consent of the Chair, for the purpose of drawing the attention of Council to the matter.

38.6. Where the Mayor or Chair considers that the integrity of any Town staff has been impugned or questioned, the Mayor or Chair may permit the Chief Administrative Officer or appropriate Town staff to make a statement to Council.

39. Conduct of Members of Council and/or Persons Addressing Council

39.1. No Member or person addressing Council, a Committee of Council, or Advisory Committee, shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-

General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario, or any person administering the Government of Canada, Province of Ontario, Regional Municipality of Niagara or the Council of the Town or any Member thereof, or any member of the Town's staff.

39.2. No Member or person shall:

a. Use offensive words or unparliamentarily language in or against Council or against any Member or any member of the public; or
b. Speak on any subject other than the subject in debate; or
c. Criticize any decision of Council except for the purpose of moving that the question be reconsidered; or
d. Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the Rules of Procedure; or
e. As provided in the Act, the Chair or Clerk may expel any person for improper conduct at a Meeting.

39.3. In the event that a Member persists in a breach of the Rules of Procedure prescribed herein, after having been called to order by the Chair, the Chair shall name the Member and put the question "Shall the Member, (state first name/last name) be ordered to leave their seat for the duration of the Meeting?" and such question is not debatable.

39.4. If Council decides the question set out in Section 39.3 in the affirmative by a Majority Vote of the Members present, the Chair shall order the Member to leave their seat for the duration of the Meeting.

39.5. If the Member named under Section 39.3 apologizes, the Chair, with the approval of Council by unanimous consent, may permit them to resume their seat.

39.6. All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential. Any Closed Session material circulated in physical format shall be returned to the Clerk.

39.7. No Member shall release or make public any information considered at a Closed Session or discuss the content of such a Meeting with persons other than Members or relevant staff Members without the authorization of Council.

39.8. Members of Council shall abide by the Code of Conduct, Policy S201-15, as amended.

39.9. Any Member who contravenes Section 39.7 shall be deemed not to be acting in the interest of, on behalf of, or with the authority of Council, and constitutes a *prima facie* violation of the Code of

Conduct Policy S201-15, as amended.

40. Conduct of the Public Gallery

40.1. Members of the public present at Meetings shall maintain order and decorum.

40.2. No person(s) shall display signs, applaud or jeer participants in debate or engage in conversation or other behavior which may disrupt the proceedings.

40.3. Any person who contravenes any provisions of this Section shall be expelled from the Meeting by the Chair or Clerk.

41. Advisory Committees

41.1. Council may establish and appoint Advisory Committees as deemed necessary, by Resolution and by-law.

41.2. Committee applications are confidential and shall solely be considered by Council and Town staff. Committee Members, including the Chair, are not entitled to participate in the appointment process.

41.3. An Advisory Committee shall meet in accordance with the Terms of Reference as adopted by Council and shall be guided by the procedures outlined in Appendix "A" of this By-law. Unless specified in Appendix "A", the rules governing the procedure identified in this By-law shall be observed, so far as they are applicable.

41.4. Advisory Committee shall abide by the Town's Code of Conduct, Policy S201-15, as amended.

41.5. All Recommendations of an Advisory Committee shall be reported to Council, in writing, and shall be subject to the approval of Council.

41.6. Advisory Committees shall appear as a Delegate before Council no less than once per calendar year or provide an annual report to provide an update on the progress of the Committees goals and priorities.

42. Volunteer Working Committees

42.1. The lead department's director, with the permission of the Chief Administrative Officer, may establish Volunteer Working Committees to facilitate or complete a project.

42.2. The lead department's director shall identify the mandate, role, Meeting details and membership requirements of the Volunteer Working Committee. Such details shall be disclosed to the Members of Council or public upon request.

42.3. Volunteer Working Committees shall be exempt from this By-law and thereby exempt from parliamentary procedure, unless otherwise stated in this section.

42.4. Members of a Volunteer Working Committee shall abide by the

Town's Code of Conduct, Policy S201-15, as amended.

42.5. A staff member from the lead department shall be in attendance at all Volunteer Working Committee Meetings.

42.6. Volunteer Working Committees shall not give direction to staff without the approval of the lead department director. Volunteer Working Committees can make a request from staff. If request(s) can be reasonably accommodated within existing workloads and resources, staff may proceed.

42.7. A Council representative is not a Volunteer Working Committee membership requirement. No more than three (3) Council Members may attend a Volunteer Working Committee Meeting at one time.

42.8. Appointments to Volunteer Working Committees shall be a one- (1) year term, and shall be facilitated and approved by the director of the lead department.

42.9. Members of a Volunteer Working Committee shall serve without remuneration.

42.10. Volunteer Working Committees shall be open to the public and shall not meet in Closed Session.

42.11. Any annual budget allocation to a Volunteer Working Committee shall be at the sole discretion of Council and subject to the annual budget process and shall be aligned with the mandate of the Volunteer Working Committee.

43. Use of Electronic Devices

43.1. All Electronic Devices shall be silenced upon entry to the Council Chambers. The only Electronic Devices permitted to be on loud are those of emergency services.

44. Summer Recess

44.1. During the months of July and August within the first three (3) years of a term of Council, there shall be three (3) Regular Meetings of Council to be held at 5:30 p.m. on a date determined by staff and approved by Council in advance. Within the fourth (4) year of the term of Council there shall only be two (2) summer meetings to be held at 5:30 p.m. on a date determined by staff and approved by Council in advance.

45. Election Recess

45.1. During a regular municipal and school board election year, Council shall not meet the week immediately before or of the election unless a Special or Emergency Meeting has been called.

46. Staff Direction

46.1. Staff directions shall be through a Resolution of Council, or a direction of Committee of Council and shall be put in writing to the

Clerk prior to the adjournment of the Meeting at which the direction was made, and such Resolution shall include a specific delineation of the staff/department responsible to undertake the direction and the expected date of receipt of a report by Council or Committee of Council.

47. Public Notice of Meetings

47.1. The Clerk shall provide public notice of all Meetings of Council, Committees of Council and Advisory Committee, by posting a notice on the website of the Town which includes the place, date and time of the Meeting and the Meeting Agenda. Such published Agenda shall be considered as adequate notice of Regular Meetings of Council and Committees of Council, except as otherwise provided for in this By-law. Posting to the website shall occur a minimum of three business days prior to the Meeting.

48. Public Meetings – *Planning Act*

48.1. Holding of Public Meetings required by the *Planning Act*, shall be conducted in accordance with the Rules of Procedure under this By-law.

48.2. At the commencement of each Public Meeting, the Chair shall explain the intent of the Meeting and advise the Meeting is to hear the views of the public and Members of Council on the subject matter(s).

48.3. Public Meetings, shall be held whenever practical and in accordance with notice requirements, on the second Tuesday of each month at 5:30 p.m. at a location to be determined by the Director of Community Planning and Development and the Clerk.

48.4. Any planning matter referred back to Council by the Ontario Land Tribunal, or its successor, shall not be deemed reconsideration.

49. General

49.1. The short title of this By-law is "The Procedural By-Law."

49.2. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

49.3. This By-law shall be read with all changes in number or gender as required by context.

49.4. The Clerk is hereby authorized to effect any minor modification or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this or any By-law, Motion, Resolution and or minutes as may be determined to be necessary for the purpose of ensuring correct and complete implementation of the actions of Council.

50. Repeal

That By-law 4107(2019), 4217(2020), 4231(2020), 4269(2020), 4296(2020), 4362(2021) and 4422(2022) be and is hereby Repealed.

51. Effective Date

That this By-law shall become effective on November 15, 2022.

Read a first and second time
This _____ day of _____, 2022

Read a third time and finally passed
This _____ day of _____, 2022

_____
Marvin Junkin, Mayor

_____
Holly Willford, Town Clerk

APPENDIX "A"

Advisory Committee Procedures

This Appendix is supplementary to the Procedural By-law. The procedures outlined below are meant to promote efficient and effective meetings.

1. Definitions – In this Section

"Committee" means Advisory Committees established by Council.

"Motion" means a subject being presented for consideration of the Advisory Committee and duly moved and seconded.

"Secretary" means a staff Member of the Town of Pelham appointed to compile the agenda and record official minutes.

"Terms of Reference" means a document approved by Council outlining the purpose and structure of the Committee.

"Time Sensitive" means a topic or matter which requires immediate attention before the next regular meeting of Committee.

2. General

2.1. The provisions of this section shall be observed in all Committee meetings and shall be the rules for the order and dispatch of Committee business.

2.2. Unless specified in this Section, all provisions of the Town of Pelham Procedural By-law shall be observed.

3. Role and Conduct of Committees

3.1. The Terms of Reference established for each Committee sets out, including but not limited to: the purpose, mandate, Membership, schedule and location of meetings of the Committee.

3.2. The Terms of Reference of each Committee shall be received and approved by Council at the beginning of the term of Council or the establishment of the Committee.

3.3. Committees will provide recommendations, advice and information to Council on matters which relate to the mandate of the Committee.

3.4. Committees shall not give direction to staff, except directions that are of minor administrative nature and necessary to support the operation and goals of the Committee. If requests(s) for service can be reasonably accommodated within existing workloads and resources, staff may proceed.

3.5. Where a Committee Member has a Conflict of Interest in a particular matter, they shall disclose the Conflict of Interest and general nature thereof prior to the item being considered.

3.6. Committee Members shall complete the required Written Statement of Disclosure of Pecuniary Interest which shall state the Member name, Meeting date, Agenda item number and title, and the general nature of the Pecuniary Interest. The statement shall be dated and signed by the Member and submitted to the Clerk for retention and publication in the Registry of Disclosure.

3.7. As a result of disclosure, the Member shall remove themselves from the table for the duration of the time that the matter is being considered and during an in-camera session, remove themselves from the room. The Member shall not take part in discussion or the vote on any recommendation in respect of the matter. They shall not attempt in any way to influence the voting on any such question or recommendation.

3.8. Committees, when carrying out their responsibilities, shall abide by the provisions of the Ontario Human Rights Code, Town of Pelham Code of Conduct, policies and procedures and any other applicable statues and in doing so, treat every person, including other Committee Members and Town staff with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

3.9. Where a complaint is filed against a Committee Member by a member of the public, staff or fellow Committee Member, the complaint shall be filed with the Clerk. Should three (3) complaints be received against the Committee Member, within the current term of appointment, the Clerk shall advise Council of such complaints.

4. Qualification for Appointment

4.1. No more than three (3) Members of Council may be appointed to a Committee.

4.2. Members of Council appointed to a Committee shall act in a liaison capacity without voting privileges, unless the Committee has fewer than five (5) members of the public. The attendance of the Member of Council shall not impact Quorum.

4.3. Specific qualifications for appointment are outlined within the Terms of Reference of each Committee and shall be adhered to.

5. Term of Appointment

5.1. Appointments to Committees shall be a four- (4) year term, aligned with the term of Council; however, Committees shall cease on Nomination Day as identified within the *Municipal Elections Act, 1996,* as amended, following 2:00 p.m., unless otherwise specified within the Terms of Reference.

6. Remuneration

6.1. Committee Members shall serve without remuneration, unless otherwise specified within the Terms of Reference or By-law.

7. Resignations

7.1. Should a Committee Member wish to resign, the Member shall advise in writing to the Clerk of their resignation.

8. Filling a Vacancy

8.1. When a resignation is received by the Clerk or a vacancy occurs, the Clerk will work with Town staff to commence the standard practice of recruitment for Committees.

8.2. Committee applications to fill a vacancy will be brought forward for Council consideration at the next available meeting of Council and shall be considered in Closed Session.

8.3. Committee applications are confidential and shall solely be considered by Council and Town staff. Committee Members, including the Chair, are prohibited from participating in the appointment process. All applications shall be treated as any other employment application with the Town of Pelham and will be

handled by the Clerk's Department and Human Resources in a manner consistent with privacy obligations of an employer.

8.4. Notice will be provided to individuals who were unsuccessful and will have the opportunity to re-apply for a vacancy.

9. Support Staff

9.1. Committee Meetings shall be attended by staff representative(s) of the lead department(s) to provide resources, support and general liaison, as applicable. The Department Director shall determine the representative from the Department who shall attend the Committee Meetings. Where the regular representative cannot attend, the Department Director shall determine and send an alternative representative.

9.2. The preparation of Committee Agendas and minutes shall be facilitated by the Secretary.

10. Expenditures

10.1. Any annual budget allocation to a Committee shall be at the sole discretion of Council and subject to the annual budget process and shall be aligned with the mandate of the Committee.

10.2. All Committee expense information is considered to be public information and shall be made available upon request.

10.3. Expenses associated with communication and/or promotional efforts being undertaken by a Committee within its mandate, are to be approved by the Communications Specialist for consistency in messaging and proper branding, prior to those expenses being incurred.

11. Chair, Vice Chair and Secretary

11.1. The Committee shall appoint a Chair and Vice Chair at their first meeting of the term.

11.2. Ex-Officio Members are ineligible to act in the capacity of Chair or Vice Chair.

11.3. In the absence of the Chair or Vice Chair, the Committee shall appoint a temporary Presiding Officer.

11.4. The identify of the Secretary shall be determined by the Town Clerk.

12. Schedule and Location of Meetings

12.1. Committees shall meet at a frequency outlined within the Terms of Reference for the Committee.

12.2. The Chair may, at any time, call a Special Meeting. Staff shall coordinate a Special Meeting as directed by the Chair, based on the Committee Members availability and notifying the Committee of the item(s) for discussion.

12.3. Committee meetings shall be held at the Town facility, or electronically, or in hybrid manner (combination of in-person and electronic participation), as identified in the Terms of Reference and shall be open to the public, except during Closed Session. Committee Meetings may be held at a location away from a Town facility for a specified purpose; however, the location shall be accessible to persons with disabilities and shall be deemed so by the Town's Accessibility Consultant prior to formal recommendation of the use.

13. Curfew

13.1. The meeting shall not exceed the prescribed time as identified in the Terms of Reference for the Committee. Where business has not concluded, the remaining items will be referred to the next meeting scheduled. The curfew shall not be extended for greater than fifteen (15) minutes.

14. Agendas

14.1. Committee Agendas shall be compiled of items aligned with the Committee's mandate. In consultation with the Chair and staff liaison, the Secretary will prepare the agenda. The following headings shall be on the agenda:

a. Call to Order;
b. Land Recognition Statement;
c. Adoption of Agenda;

d. Declaration of Pecuniary Interest;
e. Adoption of Minutes;
f. Unfinished Business;
g. Regular Business; and
h. Adjournment.

The following headings may be added, as required:

a. Presentations;
b. Delegations;
c. Administration (Training/Education);
d. Correspondence; and
e. Closed Session.

14.2. Agendas shall be distributed to all Committee Members electronically.

14.3. Committee Meetings shall not consider matters that are not listed on the Agenda, unless such a matter is deemed to be Time Sensitive. Where a matter is deemed to be Time Sensitive, a motion to amend the Agenda to include such item is required.

15. Notice

15.1. Notice shall be provided of Meetings by posting the date and time of the Meeting on the Town's website.

15.2. Agendas shall be posted to the Town's website at least three (3) business days prior to the date of the meeting.

16. Minutes

16.1. The Secretary shall record, without note or comment the minutes of each meeting, including the following information:

a. The place, date and time of the Meeting;
b. The name of the Chair, Member and staff in attendance;
c. Disclosure of any Pecuniary Interest and the general nature thereof;
d. All Resolutions, decisions and other proceedings of the Meeting without note or comment; and
e. The time of commencement and adjournment.

16.2. After the Committee minutes have been approved by the Committee, they shall be signed by the Chair and Secretary, and shall be the official record of the Meeting.

16.3. The approved minutes of the Committee shall be forwarded to Council through the Clerk to be received for information, including all Closed Session minutes.

16.4. Any matter or issue of a Committee that requires specific approval of Council shall be brought forward in a written report or letter from the Committee, staff liaison or Council representative for Council's consideration.

17. Closed Session

17.1. The Secretary shall consult with and receive approval from the Clerk prior to scheduling a Closed Session Meeting.

18. Attendance

18.1. Any Committee Member missing three (3) consecutive Meetings without reasonable cause or explanation will be deemed to have resigned.

18.2. The Secretary shall be required to give written notice to any Member who has exceeded the absentee threshold advising that their appointment to the Committee is vacant.

19. Quorum

19.1. Ex-officio Members do not impact Quorum.

19.2. If no Quorum is present fifteen (15) minutes after the time appointed for a meeting, the meeting shall stand adjourned until the next appointed time.

19.3. Unless notified, where the Chair does not attend within fifteen (15) minutes after the time appointed for the meeting, and if Quorum is present, the Vice Chair shall call the meeting to order.

19.4. No meeting shall occur without Quorum.

20. Roles and Duties

20.1. The Chair or Vice Chair shall:

a. Maintain order and preserve the decorum of the meeting;
b. Rule whether a motion or proposed amendment is in order;
c. Rule upon all other procedural matters and debate;
d. Maintain a speaker's list of those Members who have signaled the Chair that they wish to speak or ask questions, and recognize such Members in the order in which they appear; and
e. Call a Member to order where appropriate.

20.2. No Member shall:

a. Speak disrespectfully, use indecent, offensive or insulting language; or
b. Speak on any subject other than the subject in debate; or
c. Where a matter has been discussed in a meeting or part of a meeting closed to the public (Closed Session) and where the matter remains confidential, disclose the content of the matter or substance of deliberation of the Closed Session meeting.

20.3. Where a Member persists in any such conduct contrary to the provisions of this Section, after being called to order by the Chair:

a. The Chair shall forthwith put the question that the Member be ordered to leave their seat for the duration of the meeting, and adjournments, amendments and or debates shall not be allowed upon such question; and

b. If the question carries, the Chair will order the Member to leave for the remainder of the meeting, unless the Member wishes to apologize to the rest of the Committee, at which time the Chair may permit the Member to return to their seat.

21. Conduct of the Public Gallery

21.1. Members of the public present at Committee Meetings shall maintain order and shall not address the Committee except with the permission of the Committee through a written request to the Chair or Secretary with respect to an item on the Committee Agenda.

21.2. No person shall display signs, applaud or jeer participants in debate or engage in conversation or other behavior which may disrupt the proceedings of the Committee.

21.3. When invited to address the Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully.

21.4. Any person who contravenes any provisions of this Section may be expelled from the meeting by the Chair or Secretary.

APPENDIX "B"

Order of Precedence and Rules Governing Common Motions

All referenced page numbers below refer to Lochrie, James, editor. *Meeting Procedures, Parliamentary Law and Rules of Order for the 21st Century.* The Scarecrow Press Inc. Lanham, Maryland and Oxford, 2003.

1. Order and Precedence of Motions (P. 49)

   The order in which motions shall take precedence over one another, in declining order, is set out as follows. Each Motion takes precedence over those that are below it in this list.

   a. Main Motion;
   b. Postpone Indefinitely;
   c. Amend;
   d. Refer to a Committee;
   e. Postpone to a Certain Time (Defer);
   f. Limit and Extend Limits of Debate;
   g. Close Debate;
   h. Postpone Temporarily;
   i. Raise a Question of Privilege - Individual;
   j. Raise a Question of Privilege - Assembly;
   k. Recess;
   l. Adjourn; and
   m. Fix the Time for a Continued Meeting.

2. Main Motion (P. 50)

   a. A Main Motion:
      i. Must be seconded;
      ii. Is debatable;
      iii. Is amendable; and
      iv. Requires a Majority Vote of the Members present.

   b. A Motion to Amend a Previous Decision: (P. 55)
      i. Must be seconded;
      ii. Is debatable;
      iii. Is amendable; and

iv. Requires the same vote as originally required [Majority Vote or Two-Thirds (2/3) Vote].

c. A Main Motion to Reconsider a Vote: (P. 58)
   i. Must be seconded;
   ii. The reasons for reconsidering are debatable;
   iii. Is not amendable; and
   iv. Requires a Majority Vote of the Members present.

d. A Main Motion to Remove a Decision from a Committee: (P. 61)
   i. Must be seconded;
   ii. Is debatable;
   iii. Is amendable; and
   iv. Requires a Majority Vote of the Members present.

3. Motion to Amend (P. 68)
   a. A Motion to Amend:
      i. Must be seconded;
      ii. Is debatable;
      iii. Is amendable;
      iv. Requires a Majority Vote of the Members present; and
      v. Must be decided (or withdrawn) before the main motion is put to a vote.

4. Motion to Postpone Indefinitely (P. 74)
   a. A Motion to Postpone Indefinitely:
      i. Must be seconded;
      ii. Is debatable;
      iii. Is not amendable; and
      iv. Requires a Majority Vote of the Members present.

5. Motion to Refer to a Committee (P. 76)
   a. A Motion to Refer to a Committee:
      i. Must be seconded;
      ii. Is debatable as to why the matter should or should not be referred;

iii. Is amendable;
iv. Requires a Majority Vote of the Members present;
v. Must include the reason(s) for the referral; and
vi. Must include the time at which the matter is to be returned.

6. Motion to Defer
    a. A Motion to Defer:
        i. Must be seconded;
        i. Is debatable as to why the matter should or should not be deferred;
        ii. Is amendable as to the time or date to which the matter is to be deferred; and
        ii. Requires a Majority Vote of the Members present.

7. Motion to Postpone to a Certain Time (Defer) (P. 81)
    a. A Motion to Postpone to a Certain Time:
        i. Must be seconded;
        ii. Is debatable as to why the matter should or should not be postponed/ deferred;
        iii. Is amendable as to the time or date to which the matter is to be postponed/ deferred; and
        iv. Requires a Majority Vote of the Members present.

8. Motion to Postpone Temporarily (P. 84)
    a. A Motion to Postpone Temporarily:
        i. Must be seconded;
        ii. Is not debatable;
        iii. Is not amendable; and
        iv. Requires a Majority Vote of the Members present.

9. Motion to Resume Consideration (P. 85)
    a. A Motion to Postpone Temporarily:
        i. Must be seconded;
        ii. Is not debatable;
        iii. Is not amendable; and
        iv. Requires a Majority Vote of the Members present.

10. Motion to Limit and Extend Limits of Debate (P. 89)
    a. A Motion to Limit and Extend Limits of Debate:
        i. Must be seconded;
        ii. Is debatable;
        iii. Is amendable; and
        iv. Requires a Two-Thirds (2/3) Vote.

11. Motion to Close Debate (P. 91)
    a. A Motion to Close Debate:
        i. Must be seconded;
        ii. Is not debatable;
        iii. Is amendable; and
        iv. Requires a Two-Thirds (2/3) Vote.

12. Raise a Question of Privilege – Individual / Assembly (P. 95)
    a. Raising a Question of Privilege:
        i. Does not require a seconder to raise a question of privilege;
        ii. Must be seconded if raised in the form of a main motion;
        iii. Raising a question of privilege is not debatable;
        iv. If raised in the form of a main motion, it is debatable;
        v. The raising of a question of privilege is not amendable;
        vi. If raised in the form of a main motion, it is amendable;
        vii. The raising of a question of privilege is ruled on by the presiding officer; and
        viii. If raised in the form of a main motion, it requires a majority vote.

13. Recess (P. 98)
    a. Motion to Recess
        i. Must be seconded;
        ii. Is debatable;
        iii. Is amendable; and
        iv. Requires a Majority Vote of the Members present.

14. Adjourn (P. 100)
    a. Motion to Adjourn Moved After Time Set for Concluding the Meeting:
        i. May be made when business is pending;
        ii. May be made when business is not pending;
        iii. Must be seconded;
        iv. Is not debatable;
        v. Is amendable; and
        vi. Requires a Majority Vote of the Members present.

    b. Motion to Adjourn Moved Before the Time Set for Concluding the Meeting:
        i. Cannot be made when business is pending;
        ii. May be made when business is not pending;
        iii. Must be seconded;
        iv. Is debatable (restricted);
        v. Is amendable; and
        vi. Requires a Majority Vote of the Members present.

15. Fix the Time for a Continued Meeting (P. 102)
    a. Motion to Fix the Time for a Continued Meeting:
        i. Must be seconded;
        ii. Is debatable;
        iii. Is amendable; and
        iv. Requires a Majority Vote of the Members present.

Incidental Motions

1. Point of Order (P. 108)
    a. A Point of Order:
        i. Does not require a seconder;
        ii. Is not debatable if decided by the Presiding Officer;
        iii. Is debatable if decided by Council;
        iv. Is not amendable;
        v. If decided by the Presiding Officer, does not require a vote; and

vi. If decided by Council, require a Majority Vote of the Members present.

2. Appeal a Decision of the Presiding Officer (P. 110)
   a. A Motion to Appeal a Decision of the Presiding Officer:
      i. Must be seconded;
      ii. Is not debatable if the underlying motion to which the appeal is applied to is not debatable then the appeal is not debatable;
      iii. Is not amendable;
      iv. Requires a 50% vote or higher to sustain the decision of the Presiding Officer; and
      v. Requires a Majority Vote in the negative to overturn the decision of the Presiding Officer.

3. Suspend the Rules (P. 113)
   a. A Motion to Suspend the Rules:
      i. Must be seconded;
      ii. Is not debatable;
      iii. Is not amendable; and
      iv. Requires a Two-Thirds (2/3) Vote.

4. Request to Withdrawal a Motion (P. 120)
   a. A Motion to Request to Withdrawal a Motion:
      i. Must be seconded;
      ii. Is not debatable;
      iii. Is not amendable; and
      iv. Requires a Majority Vote of the Members present.

CLERK'S OFFICE
Monday, September 20, 2021

Subject: Proposed 2022 Council Meeting Schedule

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0122 – Clerks - Proposed 2022 Council Meeting Schedule;

AND THAT the appended Tuesday 2022 Council Meeting Schedule be submitted for Council approval at Council's next regular meeting;

AND THAT Council approve and direct the decommissioning of Policies and Priorities Committee;

AND THAT Council approve and direct the agenda structure to include Committee of the Whole within all Regular Council Meetings;

AND THAT the Clerk be directed to present the necessary By-law to amend the Town's Procedural By-Law to:

1. Call for Tuesday Regular Council and Public Meetings under the *Planning Act*;
2. Include the addition of a third meeting within the summer schedule, to be determined by staff and approved by Council in advance;
3. Decommission the Policies and Priorities Committee; and
4. Establish a Committee of the Whole standing agenda item within the Regular Council Agenda;

AND THAT the By-Law be presented at the next Regular Meeting of Council being October 4, 2021.

Background:

The Town of Pelham's Procedural By-law No. 4107(2019), as amended, provides the framework for the Town of Pelham's Council meeting schedule by stating Council shall meet as Regular Council on the first and second Monday of the month with a Committee meeting to follow. Currently, the first Monday of the month is reserved for the Policy and Priorities Committee and the third Monday of the month

is reserved for Committee of the Whole.

The Procedural By-Law further calls for Council to meet on the second Monday of the month for Public Meetings under the *Planning Act*.

The Procedural By-law provides special provisions for a summer schedule and therefore reduces Regular Council meetings to one Regular Council meeting and one Public Meeting in both July and August, with no scheduled Committee meetings.

Although the Procedural By-law provides the framework for when Council shall meet, there are additional provisions within the By-law to allow for the calling of special meetings and topic-specific public meetings.

On March 23, 2020 Council for the Town of Pelham amended the Procedural By-law to provide for electronic meetings during a declared emergency, by Amending By-law No. 4217(2020). Council is currently meeting in a council-in-committee format, as Policy and Priorities Committee and Committee of the Whole have been temporarily suspended during the COVID-19 pandemic. Committee meetings have been included on the proposed 2022 meeting schedule(s), should the COVID-19 pandemic be declared over and Council reinstates Committee meetings.

This report seeks three amendments to the Procedural By-law:

#1. Staff seek Council approval to amend the Procedural By-law to schedule Regular Meetings of Council on the first and third Tuesday of each month, as well as Public Meetings under the *Planning Act* on the second Tuesday of the month.

#2. Staff are seeking the addition of a third Regular Council meeting within the summer schedule.

#3. Staff seek the complete elimination of Policies and Priorities Committee. Staff recommend Council meet as Committee of the Whole within the Regular Council Meeting to facilitate less formal discussion and questioning.

In order to ensure that Council meeting dates are published in advance of the calendar year, Council is traditionally presented a draft meeting schedule in the fall of each year. A meeting schedule is established annually to accommodate Statutory Holidays, Religious Holidays and other known events, such as the Federation of Canadian Municipalities Annual Conference and the Association of Municipalities of Ontario Annual General Meeting.

Approval of this report will provide public notice that the Town of Pelham intends to amend the Procedural By-law.

Analysis:

Municipal Council sets the strategic goals, priorities and direction of the municipality and therefore, meeting regularly and consistently is critical to municipal operation and business continuity. In order to ensure optimal attendance, when creating the upcoming Council Meeting Schedule, consideration is given to Statutory Holidays, Religious Holidays and various conferences and events where attendance by Members of Council and senior leadership is anticipated.

Tuesday Meeting Schedule

Staff recommend the Procedural By-law be amended to call for Regular Council meetings to be scheduled on the first and third Tuesday of each month and for Public Meetings under the *Planning Act* to be scheduled on the second Tuesday of each month.

As the majority of statutory and civic holidays fall on Mondays, Council meetings are mandated by the Procedural By-Law to be shifted to the Tuesday following a holiday. During the calendar year of 2021, five of 20 Regular Council meetings were scheduled on a Tuesday in recognition of a holiday. Staff believe a Tuesday meeting schedule would apply consistency to the 2022 meeting schedule, with no alternative meeting dates required.

Monday night meetings have further proven difficult for staff attempting to schedule and accommodate frequent municipal delegates such as the Niagara Region. The Niagara Region regularly appears as a delegate before Niagara local area municipalities each month. As illustrated below, eight of the 12 Niagara local area municipalities meet on Monday. A recent scheduling conflict resulted in the Niagara Region being unable to attend the July 26, 2021 Town of Pelham Council meeting, as originally planned, due to the Region's commitment to appear as a delegate at neighboring municipalities. To accommodate the delegation, the Niagara Region appeared as a delegate on the August 23, 2021 Council meeting. This presented a challenging time crunch for Council and staff as municipal feedback related to the Transit Governance Model was due to the Niagara Region by August 25, 2021.

Additionally, The Town Solicitor is a shared position between the Town of Pelham (40%), Town of Fort Erie (40%) and Township of Wainfleet (20%). Accordingly, there are times when the Town Solicitor is required to attend two municipal Council meetings in the same night. This ability will cease or be dramatically reduced upon

the return of in-person meetings (which has already happened in Fort Erie). The recommendation of Tuesday Council meetings should alleviate any potential conflicts the Town Solicitor has with the Town of Fort Erie. The Town Solicitor is not regularly required to attend Township of Wainfleet Council meetings.

Monday night Council meetings might also be inconvenient to Members of Council as the current schedule generally relies on Councillors preparing for their meetings on the weekend. Weekends are designed for rest, relaxation and family time, opposed to meeting preparation time. Staff commend Members of Council for always being prepared for Monday night meetings; however, recognize this may encroach on Council Members personal time. Should a Tuesday meeting night schedule be adopted, this should allow Council more weekend free time.

Staff recognize, should Council adopt a Tuesday meeting schedule, this will conflict with some Council Advisory Committee current meeting schedules, such as the Committee of Adjustment; however, any Advisory Committee meeting schedule can be shifted to accommodate the adopted Council Schedule.

Municipal Council Meeting Time/ Date Comparison Chart

As of July 13, 2021

Municipality	Day of the Week	Meeting Start Time	Frequency
Niagara Region	Thursday	6:30 p.m.	4th Thursday of the month (Except 3rd Thursday of the month in November & December)
Fort Erie	Monday	6:00 p.m.	2nd and 4th Monday of each month
Grimsby	Monday	8:00 p.m.	1st and 3rd Monday of each month
Lincoln	Monday	6:00 p.m.	Every 3 weeks
Niagara Falls	Tuesday	4:00 p.m. July and August meetings begin at 1:00 p.m.	Every 3 weeks
Niagara-on-the-Lake	Monday	6:00 p.m.	Every 4 weeks

Pelham	Monday	5:30 p.m.	1st and 3rd Monday of each month
Port Colborne	Monday	6:30 p.m.	2nd and 4th Monday of each month
St. Catharines	Monday	6:00 p.m.	Varying frequency
Thorold	Tuesday	6:30 p.m.	1st and 3rd Tuesday of each month
Wainfleet	Tuesday	7:00 p.m.	Every 3 weeks
Welland	Tuesday	7:00 p.m.	1st & 3rd Tuesday of each month
West Lincoln	Monday	7:00 p.m.	4th Monday of each month

Summer Schedule

As stated above, municipal councils are critical to the operation of a municipality. The current summer schedule leaves a four-week gap between both the July and August Regular Meetings of Council. Staff recommend the inclusion of a third Regular Meeting of Council within the summer schedule. Staff recommend the Procedural By-Law not designate a specific Tuesday for the said third meeting, but rather allow staff flexibility in setting the date. Having said this, the proposed date selected by staff will always be presented to Council in the fall of the preceding year for Council's consideration and approval. The proposed third meeting for 2022 is illustrated on the appended schedule(s).

The inclusion of a third Regular Council meeting is suggested to ensure corporate business is addressed in a timely manner. Furthermore, a third meeting would reduce the items of business presented on each agenda, thereby reducing the length of each meeting. Provisions for the calling of special meetings and topic-specific public meetings would remain in effect.

Committee of the Whole

Upon termination of the declared pandemic, Council may reinstate Committee meetings. Staff recommend the Procedural By-law be amended to decommission Policies and Priorities Committee. Staff propose that Council meet as Committee of the Whole within the regular session of each Regular Council Meeting. Should Council adopt this process, a regular standing agenda item will be used for Council to consider items, such as policies and staff reports not requiring immediate action, as Committee and ratify Committee decisions at the subsequent Council meeting. This structure will not detract from items forwarded to Council for direct approval.

Staff have deemed it expedient to meet as Committee within the same session as Regular Council to eliminate the requirement of two separate meetings. A singular meeting will circumvent the requirement of two agendas, minutes and a break in livestreaming and recording, thereby saving time.

Financial Considerations:

There are no costs associated with this proposal.

Alternatives Reviewed:

Council can consider any of the alternative options identified below:

Meeting Schedule

Alternative Option One
Council can decide to proceed with the current regular meeting schedule being the first and third Monday of each month with the Public Meetings under the *Planning Act* on the second Monday of each month. Should Council wish to proceed in this manner, it is recommended that Council include a third regular meeting within the summer meeting schedule.

Alternative Option Two
Council can decide to amend the Procedural By-law, changing the regular meeting schedule to the first and third Tuesday of each month. With this alternative, the summer schedule would remain at one meeting held the third Tuesday of July and August. Public Meetings under the *Planning Act* would be scheduled on the second Tuesday of each month, including the summer schedule.

Alterative Option Three
Council can decide to proceed with a regular meeting schedule being the first and third Monday of each month, while maintaining the current summer schedule being one meeting on the third Monday of July and August. Public Meetings under the *Planning Act* are to be scheduled on the second Monday of each month.

Committee of the Whole

Alternative Option One

Council can decide to alternate between sitting as Committee of the Whole and Council. For example, Council could meet as Committee of the Whole on the first Tuesday of the month and Council on the second Tuesday of the month. Staff do

not advise of this alterative as it may result in the delay of approval of time-sensitive items of business.

Alternative Option Two

Council can decide to meet as Committee of the Whole in a separate session following Regular Council. This is more similar to the traditional meeting style at the Town of Pelham.

Alternative Option Three

Council can decide to meet as Committee of the Whole each month either during the Regular Council session of one meeting or in a separate session following Regular Council. If Council wishes to meet only once a month as Committee, staff recommend this occur at the first meeting of the month.

Strategic Plan Relationship: Communication and Engagement

Developing a meeting schedule in advance of the calendar year allows for the publication of scheduled meeting dates on the Town's website, increasing initiatives in transparency, communication and community engagement.

Consultation:

None.

Other Pertinent Reports/Attachments:

Proposed 2022 Council Meeting Schedule - Tuesday
Proposed 2022 Council Meeting Schedule – Monday
Proposed Procedural By-law Amendment, in draft.

Prepared and Recommended by:

Sarah Leach, B.A.
Deputy Clerk

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Sarah Leach

To: Glenn Oliver
Subject: RE: Request for Revised Noise By-law Exemption

From: Glenn Oliver [redacted]
Sent: Wednesday, April 6, 2022 8:10 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Re: Request for Revised Noise By-law Exemption

Hi as requested I am sending a revision to my noise bylaw exemption request for May 22, 2022. I am requesting an exemption from noise bylaw 3130(2010), Section 2 as amended by-law 3808(2016) which prohibits the amplification of sound "at all times". The band that will be playing is my son's band. It is a three piece band and consists of drums, guitar, bass guitar and vocals. They will be playing classic rock tunes. The event is for my 60th birthday and there will be thirty to forty family members and friends attending ranging in age from one to eighty-six.
I have been in touch with several neighbours and have not had any objections and plan to invite some of the immediate ones.
As stated in my first letter the band would not be playing past 8 PM. I planned this in consideration of people with small children in the neighbourhood.

Regards,
Glenn

From: [redacted]
To: Sarah Leach
Subject: noise bylaw exemption request to council
Date: Thursday, March 24, 2022 7:32:43 PM

Glenn Oliver
2 College St.
Fonthill, On
L0S1E0
[redacted]

Request to Pelham Town Council

Hi, I am planning an outdoor event (birthday party) in my back yard on Sunday May 22, 2022. I am requesting an exemption to the noise control bylaw 3310(2010) for the afternoon and evening on this date from 14:00 to 20:00 hrs. The plan includes live music which I understand after speaking with bylaw enforcement requires an exemption from council. Setup and sound check would be from 14:00 to 16:00 hrs with two sets starting at 16:00 and ending at 20:00 hrs with a dinner break between sets. Thank you for your consideration.

Regards, Glenn

The Corporation of the Town of Pelham

By-law No. 4446(2022)

Being a by-law to amend By-law #4068(2019), as amended, confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham;

And to appoint a member to the Pelham Summerfest Committee (Schedule N).

WHEREAS Council of the Corporation of the Town of Pelham deems it desirable and necessary to appoint and remove members of Boards, Commissions, Committees and Municipal Positions;

AND WHEREAS By-law #4068(2019), provides for the appointment of individuals to various Boards and Committees;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

1. THAT By-Law #4068(2019), as amended, be amended to additionally include the appointments as follows, detailed in the attached schedules, as below listed:

   Schedule N: Pelham Summerfest Committee
   Daniel Klimowicz – Add (Citizen Appointee)

Read, Enacted, Signed and Sealed this

19th Day of April, 2022.

_____
Marvin Junkin, Mayor

_____
Holly Willford, Town Clerk

SCHEDULE N

Town of Pelham Summerfest Committee

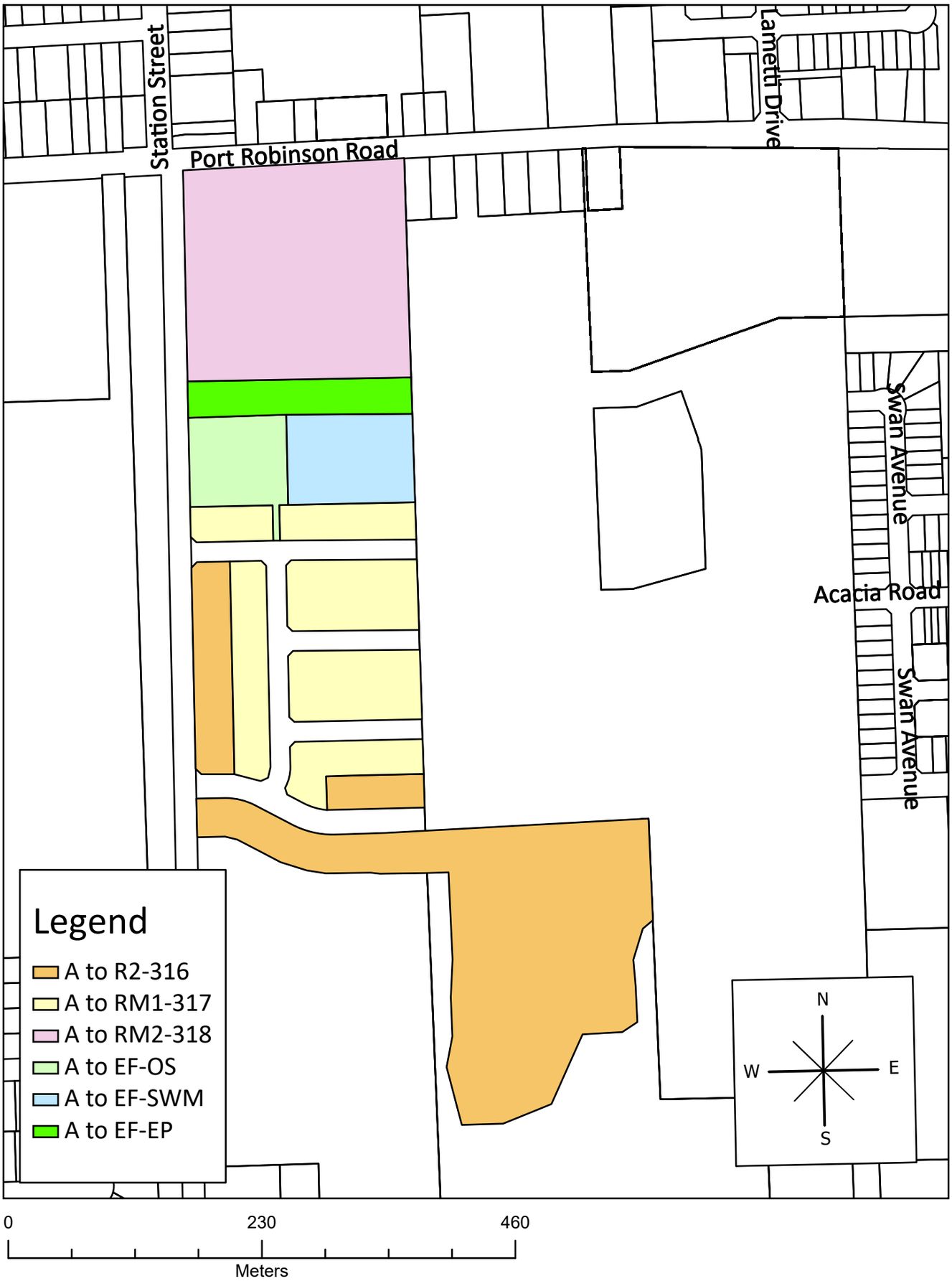
Four Year Term Ending November 15, 2022 or until their successors are appointed:

4 residents; 1 PATC; up to 2 PBA; up to 2 Chamber

1. ~~Candy Ashbee - appointed by By-law #4068(2019)~~
2. ~~Todd Brown - appointed by By-law #4082(2019)~~
3. ~~Bill Gibson - appointed by By-law #4068(2019)~~
4. ~~Bryan Lachapelle - appointed by By-law #4082(2019)~~
5. ~~Julie Milligan - appointed by By-law #4068(2019)~~
6. ~~Bill Sheldon - appointed by By-law #4068(2019)~~
7. Frank Adamson – appointed by By-law #4089(2019)
8. Remo Battista – appointed by By-law #4112(2019)
9. ~~Diego Lopez – appointed by By-law #4290(2020)~~
10. Bea Clerk (PACT Representative)
11. Paul DeDivitiis – appointed by By-law #4436(2022)
12. Len Doyle – appointed by By-law 4442(2022)
13. Daniel Klimowicz – appointed by By-law 4446(2022)

Council Representative: Councillor John Wink

Schedule 'A'



This is Schedule 'A' to By-law No. __4447__ (2022) passed the __11__ day of ___April_____, 2022.

Mayor: Marvin Junkin

Clerk: Holly Willford

THE CORPORATION OF THE

TOWN OF PELHAM

BY-LAW NO. 4447(2022)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the southeast corner of Port Robinson Road and Station Street, legally described as Part of Lot 172, formerly Township of Thorold, now in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following zones:

- Residential 2 – 316 (R2-316)
- Residential Multiple 1 – 317 (RM1-317)
- Residential Multiple 2 – 318 (RM2-318)
- East Fonthill – Open Space (EF-OS)
- East Fonthill – Storm Water Management (EF-SWM)
- East Fonthill – Environmental Protection (EF-EP)

WHEREAS, Section 34 of the Planning Act. RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. THAT Schedule 'A5' to Zoning By-law 1136 (1987), as amended, is hereby amended by rezoning the lands identified on Schedule 'A', attached hereto and forming part of this By-law from:

   Agricultural (A) to Residential 2 – 316 (R2-316)

   Agricultural (A) to Residential Multiple 1 – 317 (RM1-317)

   Agricultural (A) and Residential Multiple 1 (RM1) to
   Residential Multiple 2 – 318 (RM2-318)

   Agricultural (A) to East Fonthill – Open Space (EF-OS)

   Agricultural (A) to East Fonthill – Storm Water Management (EF-SWM)

   Agricultural (A) to East Fonthill – Environmental Protection (EF-EP)

2. THAT Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

   GENERAL PROVISIONS

   Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R2-316, RM1-317 and RM2-318:

   <u>Section 6.16 – Parking Area Regulations</u>

   a) Parking Requirements

      Apartment Dwelling 1.25 spaces / dwelling unit

   d) Ingress and Egress

i. *"Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.*

   All uses fronting Port Robinson Road and Station Street from a point no more than 190 m south of Port Robinson Road shall be accessed from a public or private rear laneway or internal private driveway.

ii. *The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3 m."*

Section 6.35 – Yard Encroachments Permitted

c) Unenclosed Porches, Balconies, Steps & Patios Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and ***4.5 m of the rear lot line*** provided that, such uses are not more than 1.3 m above ground. Uncovered patios and decks shall be permitted up to 1.2 m from a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

RESIDENTIAL 2 ZONE SITE SPECIFIC 316 – (R2-316)

Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.1 – Permitted Uses

a) One single detached dwelling;
b) Uses, buildings and structures accessory thereto;
c) Home occupations.

Section 14.2 – Regulations

d)	Minimum Lot Area	360 m2
e)	Minimum Lot Frontage	12 m
f)	Minimum Front Yard	4 m to dwelling front face 6 m to garage
g)	Minimum Interior Side Yard	1.2 m on both sides where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage.
h)	Minimum Exterior Side Yard	3 m
i)	Minimum Rear Yard	6 m
j)	Maximum Height	10.5 m
k)	Max Attached Garage Width	7.0 m or 50% of the lot frontage
l)	Max Driveway Width	7.5 m or 50% of the lot frontage

RESIDENTIAL MULTIPLE 1 ZONE SITE SPECIFIC 317 (RM1-317)

Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

a) Semi-detached dwellings;
b) Duplex dwellings;

c) Triplex dwellings;
d) Fourplex dwellings;
e) Converted dwellings;
f) Street townhouse dwellings;
g) Uses, buildings and structures accessory thereto;
h) Home occupations.

Section 16.2 – Regulations for semi-detached, duplex, triplex, fourplex and converted dwellings

a)	Minimum Lot Area	150 m2 per dwelling unit
b)	Minimum Lot Frontage	15 m
c)	Minimum Front Yard	4 m to dwelling front face 6 m to garage
d)	Minimum Interior Side Yard	1.2 m on both sides where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage.
e)	Minimum Exterior Side Yard	3 m
f)	Minimum Rear Yard	6 m
g)	Maximum Height	10.5 m
h)	Max Attached Garage Width	7.5 m or 50% of the lot frontage
i)	Max Driveway Width	7 m or 50% of the lot frontage

Section 16.3 – Regulations for street townhouse dwellings

a)	Minimum Lot Area	180 m2 per dwelling unit
b)	Minimum Lot Frontage	6 m per dwelling unit, 7 m per dwelling unit attached on one side only
c)	Minimum Front Yard	4 m to dwelling front face 6 m to garage
d)	Minimum Interior Side Yard	1.5 m
e)	Minimum Exterior Side Yard	3 m
f)	Minimum Rear Yard	6 m
g)	Maximum Height	10.5 m
h)	Max Attached Garage Width	7.5 m or 60% of the lot frontage
i)	Max Driveway Width	7 m or 60% of the lot frontage, or 20% of the lot depth, whichever is less

RESIDENTIAL MULTIPLE 2 ZONE SITE SPECIFIC 318 (RM2-318)

Notwithstanding Section 17 of the Residential Multiple 2 (RM2) zone, the following site-specific regulations shall apply:

Section 17.1 – Permitted Uses

a) Apartment dwellings;
b) Apartment dwellings above at-grade commercial or day nursery;
c) Street townhouse dwellings;
d) Block townhouse dwellings;
e) Day nurseries;
f) Convenience retail and service commercial uses;
g) Uses, buildings and structures accessory thereto;
h) Home occupations.

Section 17.2 – Regulations for apartment dwellings and apartments with at-grade commercial or day nurseries

a)	Minimum Lot Area	0.75 ha for day nurseries
a)	Minimum Lot Frontage	30 m
b)	Minimum Lot Depth	38 m

c) Minimum Density 35 units per hectare
d) Maximum Density 160 units per hectare within 100 m of Station Street and Port Robinson Road, or 75 units per hectare elsewhere.
e) Minimum Front Yard 3 m
f) Minimum Interior Side Yard 3 m or 10 m where abutting single detached, semi-detached or townhouse dwellings
g) Minimum Exterior Side Yard 3 m
h) Minimum Rear Yard 3 m or 10 m where abutting single detached, semi-detached or townhouse dwellings
i) Minimum Height 11 m or 3-storeys, whichever is greater.
j) Maximum Height 22 m or 6-storeys, whichever is less, within 100 m of Station Street and Port Robinson Road, 17 m or 5-storeys, whichever is less, elsewhere.
k) Minimum Landscaped Area 25 %
l) Maximum Commercial Floor Area 150 m2 per unit / max 3 units

Section 17.3 – Regulations for street townhouse dwellings

a) Minimum Lot Area 120 m2 per dwelling unit
b) Minimum Lot Frontage 6 m per dwelling unit and 7 m per dwelling end unit where garage faces front lot line. Or, 5 m per dwelling unit and 6 m per dwelling end unit where garage access from rear lane.
c) Minimum Front Yard 3 m to dwelling front face' 6m to garage
d) Minimum Interior Side Yard 1.5 m
e) Minimum Exterior Side Yard 3 m to dwelling and 6 m to garage
f) Minimum Rear Yard 6 m
g) Maximum Height 10.5 m
h) Max Attached Garage Width 7.5 m or 60% of the lot frontage.
i) Max Driveway Width 7 m or 60% of the lot frontage

Section 17.4 – Regulations for block townhouse dwellings

a) Minimum Lot Area 2000 m2
b) Minimum Lot Frontage 22 m
c) Minimum Density 20 units per hectare
d) Minimum Front Yard 3 m on a street or internal laneway
e) Minimum Interior Side Yard 1.2 m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6 m
f) Detached garages May have a 0 m setback with a shared wall on one side and a 1.5 m setback on the other side.
g) Minimum Exterior Side Yard 3 m on a street or internal laneway and 6 m to garage on a street or internal laneway
h) Minimum Rear Yard 6 m, except where the side of a building faces the rear yard, the minimum rear yard shall be 1.2 m 0.5 m to garage on internal laneway

i) Distance between buildings on the same lot:

A FACE of a building means, one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE of a building means, one or other of the shortest walls on a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 7.2 m.

Any face of any townhouse shall be no closer than 11 m to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m to any side of another townhouse.

j) Max Attached Garage Width 7.5 m or 60% of the dwelling width without rear lane access.

3. THAT this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

19th day of April, 2022.

_____

MAYOR: MARVIN JUNKIN

_____

CLERK: HOLLY WILLFORD

The Corporation of the Town of Pelham

By-law No. 4448(2022)

Being a by-law to adopt, ratify and confirm the actions of the Council at its Regular Meeting held on the 04th day of April 2022.

WHEREAS Section 5(3) of the *Municipal Act, S.O. 2001*, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

(1) (a) The actions of the Council at its meeting held on the 04th day of April, 2022, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:

(I) any actions required by law to be taken by resolution, or

(II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.

(2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.

(3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.

(4) THAT this by-law shall come into force on the day upon which it is passed.

Read, Enacted, Signed and Sealed this

19th Day of April, 2022.

_____

Marvin Junkin, Mayor

_____

Holly Willford, Town Clerk