

REGULAR COUNCIL AGENDA

C-21/2022

Monday, December 5, 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.

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July 5, 2022

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October 18, 2022

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11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

14. Motions and Notices of Motion
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16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee
17. Resolution to Move in Camera
18. Rise From In Camera
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20. Adjournment

2022 Annual Holiday Card Winners

Jacob

Age 9

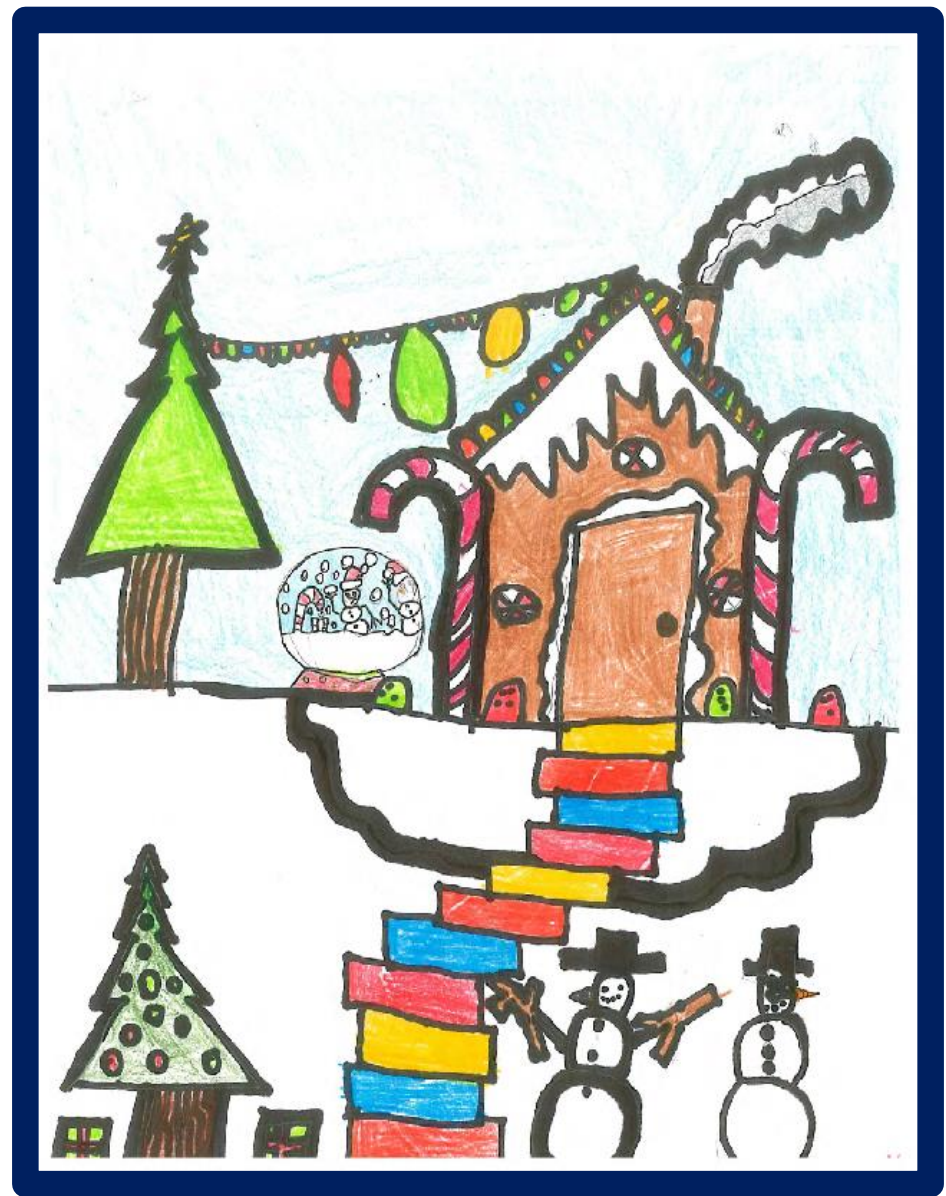
St. Ann



Annabel
Age 6
Glynn A. Green



Rocco
Age 7
St. Alexander



Natalia

Age 11
St. Alexander



Lilly
Age 11
Glynn A. Green



Laura
Age 11
St. Alexander



Felicia
Age 11
A.K. Wigg



Charlie
Age 11
A.K. Wigg



Quinn
Age 11
A.K. Wigg



Arwen
Age 9
A.K. Wigg



Rielle
Age 9
A.K. Wigg





Congratulations to all and thank you
for taking part in this much loved
holiday tradition!

REGULAR COUNCIL MINUTES

Meeting #: C-19/2022 - Regular Council
Date: Monday, November 7, 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
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach

Others Present Usama Seraj
Lindsay Richardson
Ryan Cook

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

1.1 Land Recognition Statement

Councillor Wink read the land acknowledgement into the record.

2. Approval of Agenda

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the November 7, 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 include the addendum.

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 November 7, 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

4.2 Delegations

4.3 Budget Open House

4.3.1 2023 Budget Presentation

Ms. Teresa Quinlin-Murphy, Director of Corporate Services and Treasurer presented the 2023 Budget Presentation. A copy of the presentation is on record with the Clerk.

Moved By Councillor Ron Kore

Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive the 2023 Budget presentation by the Treasurer, 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)

4.3.2 Presentation and Public Input - 2023 Budget

Pelham Soccer Club

Chris Durdan, Nicole Birrell and Brent Thomas from the Pelham Soccer Club attended the meeting and provided Council a presentation. The Pelham Soccer Club stated they would like to provide more services in the future for kids and adults. In particular they requested funds in the budget for field maintenance (roll, weed, feed, cutter for grass for soccer) an additional soccer fields.

Town Staff and the Soccer Club answered various questions from Council.

Lincoln Pelham Public Library

Julie Andrews and Amy Guilmette from the Lincoln Pelham Public Library attended the meeting and provided Council a presentation. The library requested funds for a mobile branch (book mobile). It was estimated the cost is \$110,000.00 to be shared by the Town of Lincoln and Town of Pelham.

The Lincoln Pelham Public Library answered various questions from Council.

Niagara Division - Canadian Railroad Historical Association

Paul Chapman from the Niagara Division - Canadian Railroad Historical Association provided Council a verbal presentation. The association requested funds for interpretive boards explaining history of the railway which served the Niagara area. The Association requested \$1,000 donation from the Town to place the sign within the Steve Bauer Trail.

The Niagara Division - Canadian Railroad Historical Association answered various questions from Council.

A copy of all the presentations are on record with the Clerk.

The Clerk checked the clerks@pelham.ca email address at 6:41pm. No emails were received.

Moved By Councillor John Wink

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council receive the following 2023 Budget Presentations and refer to staff for inclusion in the budget considerations:

1. Pelham Soccer Club

2. Lincoln Pelham Public Library

3. Niagara Division - Canadian Railroad Historical Association

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)

4.3.3 Council Input - 2023 Budget

Councillor Wink suggested the inclusion of 8 parking spots in Ridgeville by the Shops of Ridgeville.

Councillor Stewart suggested the inclusion of a lighted crosswalk at Wellington Heights.

Councillor Haun suggested the inclusion of the replacement of dead boulevard trees.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council direct the following items be included in the 2023 Budget for council consideration:

- 1. Inclusion of 8 parking spots in Ridgeville by the Shops of Ridgeville;**
- 2. Inclusion of a lighted crosswalk at Wellington Heights; and**
- 3. Inclusion of the replacement of dead boulevard trees.**

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)

4.4 Report of Regional Councillor

5. Adoption of Minutes

Moved By Councillor Marianne Stewart

Seconded By Councillor Wayne Olson

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

- 1. RC-18/2022 - October 17, 2022 - Regular Council**

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)

- 6. Business Arising from Council Minutes**
- 7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration**

Councillor Wink requested item 8.5.1 be lifted for separate consideration.

- 8. Consent Agenda Items to be Considered in Block**

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the Consent Agenda items as listed on the November 7, 2022 Council Agenda be received and the recommendations contained therein be approved save and except item 8.5.1:

8. Consent Agenda Items to be Considered in Block

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:

PCOW-08/2022 - Public Meeting Under the Planning Act, October 11, 2022

8.2. Minutes Approval - Committee

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

- 1. PCOW-08/2022 - October 11, 2022 - Public Meeting under the Planning Act**

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

8.3.1. Overview of 2022 Municipal and School Board Election, 2022-0259-Clerks

BE IT RESOLVED THAT Council receive Report #2022-0259 - 2022 Municipal and School Board Election, for information.

8.3.2. After Election Day - Restricted Acts Provision of the Municipal Act, 2001, 2022-0262-Clerks

BE IT RESOLVED THAT Council receive Report #2022-0262 After Election Day – Restricted Acts Provision of the Municipal Act, 2001, for information.

8.3.3. Special Event Permit Application - Tulip Pick Farm Event 2023 , 2022-0240-Clerks

BE IT RESOLVED THAT Council receive Report #2022-0240 - Special Event Permit Application – Tulip Pick Farm Event 2023, 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 26 to May 20, 2023, 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), the Niagara Escarpment Commission 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.

8.3.4. Memo re Sulphur Springs Drive Emergency Closure and Restoration Works, 2022-0263-Public Works

BE IT RESOLVED THAT Council receive the memo re: Sulphur Spring Drive Emergency Closure and Restoration Works, for information.

8.4. Action Correspondence of a Routine Nature

8.4.1. Correspondence - Colleen Kenyon re: 16Days of Activism against Gender-Based Violence

BE IT RESOLVED THAT Council receive the correspondence from Colleen Kenyon dated October 30, 2022, for information;

AND THAT Council endorse and support the initiatives of the Canadian Federation of University Women with respect to the 16 Days of Activism against Gender-Based Violence.

8.5. Information Correspondence Items

~~8.5.1. Friends of Maple Acre Funding Request~~

~~BE IT RESOLVED THAT Council receive correspondence dated October 12, 2022 from Friends of Maple Acre regarding their funding request, for information. (lifted)~~

8.5.2. Correspondence from Minister Steve Clark re: More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023

BE IT RESOLVED THAT Council receive correspondence from Steve Clark, Minister regarding the More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023, for information.

8.5.3. NPCA Correspondence

8.5.3.1. Deadline Extension for Comment on Final Land Securement Strategy

BE IT RESOLVED THAT Council receive correspondence dated October 28, 2022 from Niagara Peninsula Conservation Authority regarding extending deadline for comment on the Final Land Securement Strategy to November 18, 2022, for information.

8.5.3.2. NPCA Board of Directors' Meeting Highlights

BE IT RESOLVED THAT Council receive correspondence from the Niagara Peninsula Conservation Authority regarding its Board of Directors' Meeting Highlights - September 16, 2022 and October 21, 2022, for information.

8.5.4. Correspondence from Minister of Agriculture and Agri-Food Canada re: Ontario Wildlife Damage Compensation Program

BE IT RESOLVED THAT Council receive correspondence from the Minister of Agriculture and Agri-Food Canada re: Ontario Wildlife Damage Compensation Program, for information.

8.5.5. Pamela DeFazio Correspondence re: Backyard Chickens

BE IT RESOLVED THAT Council receive the written correspondence from Pamela DeFazio regarding backyard chickens, for information.

8.5.6. Diane Stephens Correspondence re: Backyard Chickens

BE IT RESOLVED THAT Council receive the written correspondence from Diane Stephens regarding backyard chickens, for information.

8.7. Committee Minutes for Information

8.7.1. Lincoln Pelham Public Library Board

BE IT RESOLVED THAT Council receive meeting minutes dated April 19, 2022, May 17, 2022, June 21, 2022 and September 20, 2022 from the Lincoln Pelham Public Library Board, 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 Friends of Maple Acre Funding Request

Councillor Olson put forward a motion to defer the matter however later withdrew the motion.

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive correspondence dated October 12, 2022 from Friends of Maple Acre regarding their funding request, for information.

Amendment:

Moved By Councillor Marianne Stewart

Seconded By Councillor Ron Kore

THAT the motion be amended to include:

AND THAT council grant the request of \$5,000 to the Friends of Maple Acres;

AND THAT Council direct the funds to come from the donations for the 160th anniversary of Fenwick.

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 Marianne Stewart

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive correspondence dated October 12, 2022 from Friends of Maple Acre regarding their funding request, for information;

AND THAT council grant the request of \$5,000 to the Friends of Maple Acres;

AND THAT Council direct the funds to come from the donations for the 160th anniversary of Fenwick.

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 Hildebrandt

Councillor Hildebrandt provided Council a presentation with respect to the final report of the Utility Sustainability Committee. A copy of the presentation is on record with the Clerk.

Councillor Hildebrandt and the members of the Committee were thanked by Council for their work over the years.

Councillor Hildebrandt answered various questions of Council.

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the final Utility Sustainability Committee report from Councillor Hildebrandt, 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 Christmas in Pelham 2022, 2022-0260-Recreation

Moved By Councillor John Wink

Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2022-0260 – Recreation Christmas in Pelham 2022;

AND THAT Council designate Christmas in Pelham 2022 - Outdoor Christmas Market, to be held on Friday December 2, 2022, from 4pm to 9:30pm at Pelham Town Square, as a Municipally Significant Event;

AND THAT the Clerk be authorized to make application for a Special Occasion Permit for the Christmas in Pelham – Outdoor Christmas Market;

AND FURTHER THAT Council authorize the following road closures; Pelham Town Square entrance at Pelham Street to 55 meters east of Pelham Street, from 7:00am to 11:59pm on Friday December 2, 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)

10.2.2 Pelham Summerfest 2022 Final Report, 2022-0244-Recreation

Moved By Councillor Lisa Haun

Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2022-0244-Recreation – Pelham Summerfest 2022 Final Report;

AND THAT Council declare Pelham Summerfest 2023 (July 13-16, 2023) a “Municipally Significant” event;

AND THAT Council consider increasing the level of funding for 2023 Pelham Summerfest to \$25,000 (from \$15,000) as part of the 2023 Budget approval process.

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 Summer Chill Series 2022 Final Report, 2022-0264-Recreation

Moved By Councillor Ron Kore

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report 2022-0264 Summer Chill Series 2022 Final Report

AND THAT Council designate Pelham Summer Chill Supper Market, to be held on Thursdays between June – September 2023 in Peace Park, as a Municipally Significant Event on the following dates:

June 8, 2023 – 4:00pm-11:00pm

June 15, 2023 – 4:00pm-11:00pm

June 22, 2023 – 4:00pm-11:00pm

June 29, 2023 – 4:00pm-11:00pm

July 6, 2023 – 4:00pm-11:00pm

July 13, 2023 – 4:00pm-11:00pm

July 20, 2023 – 4:00pm-11:00pm

July 27, 2023 – 4:00pm-11:00pm

August 3, 2023 – 4:00pm-11:00pm

August 10, 2023 – 4:00pm-11:00pm

August 17, 2023 – 4:00pm-11:00pm

August 24, 2023 – 4:00pm-11:00pm

August 31, 2023 – 4:00pm-11:00pm

Sept 7, 2023 – 4:00pm-11:00pm

Sept 14, 2023 – 4:00pm-11:00pm

Sept 21, 2023 – 4:00pm-11:00pm

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summer Chill Supper Market;

AND THAT Council approve road closures Thursday nights from June 8, 2023 – September 21, 2023 from 5pm – 9pm between 39 Pelham Town Square and 31 Pelham Town Square.

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)

10.2.4 Rural Hens Licensing By-law, 2022-0252-Planning

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2022-0252 Rural Hens Licensing By-law for information;

AND THAT Council direct Planning and By-law Staff to prepare the by-law to permit, regulate and license rural hens in the Town of Pelham.

Moved By Councillor Ron Kore

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT the matter be deferred to the first meeting in January 2023.

For (5): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, and Councillor Marianne Stewart

Against (2): Councillor Wayne Olson, and Councillor John Wink

Carried (5 to 2)

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

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 4496(2022) - Being a By-law to regulate the cleaning, clearing and maintenance of land in the Town of Pelham and to repeal By-law No. 4453(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)

14. Motions and Notices of Motion

14.1 Councillor Olson - Remembrance Day

Prior to the vote Councillor Stewart had technical difficulties and was not in attendance for the vote.

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

WHEREAS the Town of Pelham is committed to recognizing and commemorating the annual nationwide day of Remembrance on November 11th to mark the sacrifice of the many who have fallen in the service of their country and acknowledge the courage, valour and sacrifice of the military personnel who have served and continue to serve;

AND WHEREAS the Canadian Warplane Heritage Museum hosts an annual Remembrance Day service honouring those who served their country and recognizing the members of today's Canadian Armed Forces who build upon the legacy of our fallen heroes;

AND WHEREAS the Canadian Warplane Heritage Museum facilitates the military tradition of a community Cenotaph flyover traversing Hamilton and participating communities as part of the Remembrance Day service;

AND WHEREAS the Canadian Warplane Heritage Museum annually calls upon communities within the Greater Golden Horseshoe for monetary support to offset the expense of operating the vintage military aircraft to be used during the community Cenotaph flyovers;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham pledge an annual contribution of \$2,500.00, adjusting for inflation as appropriate, whereby the Canadian Warplane Heritage Museum ensures the Town’s inclusion in this annual act of Remembrance;

AND THAT staff be directed to include this expenditure as part of the 2023 budget and future year budget processes for Council’s consideration.

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

Carried (6 to 0)

- 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 Wayne Olson
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider one housekeeping matter (Closed Session Minutes).

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

Carried (6 to 0)

- 18. Rise From In Camera**

Councillor Stewart returned to the meeting while in closed session.

Moved By Councillor Marianne Stewart
Seconded By Councillor Ron Kore

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

- 19. Confirming By-Law**

Moved By Councillor Lisa Haun
Seconded By Councillor 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. 4497(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 07th day of November, 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 meeting adjourned at 8:26pm.

Moved By Councillor Ron Kore
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for November 21, 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

REGULAR COUNCIL MINUTES

Meeting #: RC20/2022 - Inauguration
Date: Monday, November 21, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Shellee Niznik
Councillor Kevin Ker
Councillor Brian Eckhardt

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, Town Clerk, Holly Willford called the meeting to order at approximately 5:30pm.

1.1 Land Recognition Statement

Mr. David Cribbs, Chief Administrative Officer, read the land acknowledgement into the record.

2. Procession 2022-2026 Pelham Council

3. National Anthem

4. Invocation and General Remarks

5. Declaration of Office - Mayor Marvin Junkin

6. Declaration of Office:

- Kevin Ker, Ward One
- Wayne Olson, Ward One
- Brian Eckhardt, Ward Two

- **John Wink, Ward Two**
- **Bob Hildebrandt, Ward Three**
- **Shellee Niznik, Ward Three**

- 7. Introduction of the Town's Senior Leadership Team**
- 8. Introduction of Representatives from Other Levels of Government and School Board Trustees**
- 9. Introduction of Regional Councillor for the Town of Pelham**
- 10. Inaugural Address by Mayor Marvin Junkin**
- 11. Approval of Agenda**

Moved By Councillor Wayne Olson

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the Agenda for the 2022-2026 Council Inaugural meeting be and is hereby approved.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Shellee Niznik, Councillor Kevin Ker, and Councillor Brian Eckhardt

Carried (7 to 0)

- 12. Disclosure of Pecuniary Interests and General Nature Thereof**

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

- 13. Staff Reports Requiring Action**

13.1 Selection Process for Deputy Mayor, 2022-0269-Clerks

Moved By Councillor Shellee Niznik

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2022-0269-Clerks Selection Process for Deputy Mayor, for information;

AND THAT Council Direct staff to return to Council on December 5, 2022 to determine an option to proceed with to select a Deputy Mayor for the Town of Pelham.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Shellee Niznik, Councillor Kevin Ker, and Councillor Brian Eckhardt

Carried (7 to 0)

- 14. Confirming By-Law**

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

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

By-law No. 4498(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of November, 2022.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Shellee Niznik, Councillor Kevin Ker, and Councillor Brian Eckhardt

Carried (7 to 0)

15. Adjournment

Moved By Councillor Brian Eckhardt
Seconded By Councillor Bob Hildebrandt

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

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Shellee Niznik, Councillor Kevin Ker, and Councillor Brian Eckhardt

Carried (7 to 0)

16. Retiring of the Colours

Mayor: Marvin Junkin

Town Clerk: Holly Willford

SPECIAL COUNCIL MINUTES

Meeting #: SC-09-2022 - Orientation – Day 1
Date: Wednesday, November 23, 2022, 5:30 pm
Location: Meridian Community Centre Kinsmen Community
Room C
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present Marvin Junkin
Bob Hildebrandt
Wayne Olson
John Wink
Kevin Ker
Shellee Niznik
Brian Eckhardt

Staff Present David Cribbs
Bob Lymburner
Jason Marr
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
Holly Willford

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm

1.1 Land Recognition Statement

Mr. David Cribbs, Chief Administrative Officer, read the land acknowledgement into the record.

2. Approval of the Agenda

Moved By John Wink

Seconded By Wayne Olson

BE IT RESOLVED THAT the agenda for the November 23, 2022 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	

John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	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 Bob Hildebrandt

Seconded By Brian Eckhardt

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following pursuant to Section 239(3) of the Municipal Act:

Section 239(3.1) - Educational or training sessions (1 item - Council Orientation)

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0

Carried (7 to 0)

5. Rise From In Camera

Moved By Shellee Niznik

Seconded By John Wink

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

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	

Wayne Olson	X		
John Wink	X		
Kevin Ker	X		
Shellee Niznik	X		
Brian Eckhardt	X		
Results	7	0	
			Carried (7 to 0)

6. Confirming By-law

Moved By Brian Eckhardt

Seconded By Wayne Olson

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

Being a By-law No. 4499(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 23rd day of November, 2022.

	For	Against	
Marvin Junkin	X		
Bob Hildebrandt	X		
Wayne Olson	X		
John Wink	X		
Kevin Ker	X		
Shellee Niznik	X		
Brian Eckhardt	X		
Results	7	0	
			Carried (7 to 0)

7. Adjournment

The meeting adjourned at 8:38pm.

Moved By John Wink

Seconded By Shellee Niznik

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next special meeting scheduled for November 25, 2022 at 9:00 am.

	For	Against
Marvin Junkin	X	

Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0
		Carried (7 to 0)

Mayor Marvin Junkin

Town Clerk, Holly Willford

SPECIAL COUNCIL MINUTES

Meeting #: SC-10-2022 - Orientation – Day 2
Date: Friday, November 25, 2022, 9:00 am
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present Marvin Junkin
Bob Hildebrandt
Wayne Olson
John Wink
Kevin Ker
Shellee Niznik
Brian Eckhardt

Staff Present David Cribbs
Bob Lymburner
Teresa Quinlin-Murphy
Jennifer Stirton
Barbara Wiens
Holly Willford

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:08am.

1.1 Land Recognition Statement

Mr. David Cribbs, Chief Administrative Officer, read the land acknowledgement into the record.

2. Approval of the Agenda

Moved By Shellee Niznik

Seconded By Wayne Olson

BE IT RESOLVED THAT the agenda for the November 25, 2022 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	

Shellee Niznik	X	
Brian Eckhardt	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 Kevin Ker
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following pursuant to Section 239(3) of the Municipal Act:

Section 239(3.1) - Educational or training sessions (1 item - Council Orientation)

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0
Carried (7 to 0)		

5. Rise From In Camera

Moved By Brian Eckhardt
Seconded By John Wink

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

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	

Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0

Carried (7 to 0)

6. Confirming By-law

Moved By John Wink
Seconded By Shellee Niznik

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

Being a By-law No. 4450(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 25th day of November, 2022.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0

Carried (7 to 0)

7. Adjournment

The meeting adjourned at 3:18pm.

Moved By Brian Eckhardt
Seconded By Kevin Ker

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next special meeting scheduled for November 26, 2022 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	

John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0
		Carried (7 to 0)

Mayor Marvin Junkin

Town Clerk, Holly Willford

SPECIAL COUNCIL MINUTES

Meeting #: SC-11-2022 - Special Council - Orientation – Day 3
Date: (Bus Tour)
Location: Saturday, November 26, 2022, 9:00 am
Pelham Fire Station #1
177 Highway #20

Members Present Marvin Junkin
Bob Hildebrandt
Wayne Olson
John Wink (Part Time)
Kevin Ker
Shellee Niznik
Brian Eckhardt

Staff Present David Cribbs
Jason Marr
Jennifer Stirton
Barbara Wiens
Holly Willford
Ryan Cook
Craig Genesse (Part Time)
Adam Arbour (Part Time)
Sylvia Zappitelli (Part Time)

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00am.

1.1 Land Recognition Statement

Mr. David Cribbs, Chief Administrative Officer, read the land acknowledgement into the record.

2. Approval of the Agenda

Moved By Wayne Olson

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the November 26, 2022 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	

Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	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 Shellee Niznik

Seconded By Kevin Ker

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following pursuant to Section 239(3) of the Municipal Act:

Section 239(3.1) - Educational or training sessions (1 item - Council Orientation)

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
John Wink	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	7	0

Carried (7 to 0)

5. Rise From In Camera

Councillor Wink left during the closed session portion of the meeting.

Moved By Bob Hildebrandt

Seconded By Brian Eckhardt

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

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	

Wayne Olson	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	6	0

Carried (6 to 0)

6. Confirming By-law

Moved By Kevin Ker
Seconded By Wayne Olson

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

Being a By-law No. 4451(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 26th day of November, 2022.

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Kevin Ker	X	
Shellee Niznik	X	
Brian Eckhardt	X	
Results	6	0

Carried (6 to 0)

7. Adjournment

Moved By Brian Eckhardt
Seconded By Shellee Niznik

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

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Kevin Ker	X	

Shellee Niznik	X		
Brian Eckhardt	X		
Results	6	0	
			Carried (6 to 0)

Mayor Marvin Junkin

Town Clerk, Holly Willford

Subject: Lame Duck Accounting

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0270- Clerks Lame Duck Accounting for information.

Background:

On April 19, 2022, Council received a report titled Restricted Acts Provisions of the *Municipal Act, 2001*, Section 275 (Lame Duck) and deferred receiving the report to receive more information.

On May 3, 2022, Council received a memo titled Update Memo – Restricted Acts Provisions of the *Municipal Act, 2001*, Section 275 (Lame Duck) and directed staff to prepare a Lame Duck By-Law.

On May 16, 2022, Council passed By-law No. 4455(2022) being a By-law to delegate authority to the Chief Administrative Officer for certain acts during a "lame duck" period, 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.

On August 22, 2022, Council received a memo titled Council Lame Duck Status in which the Town Clerk advised she had determined that Council is considered Lame Duck; as fewer than three-quarters of the members of the present council will return.

On November 7, 2022, Council received a report titled After Election Day – Restricted Acts Provision of the *Municipal Act, 2001* in which the Town Clerk advised she had reviewed and certified the election results and has determined as fewer than three-quarters of the members of the present council will return Council is considered 'lame duck'.

Analysis:

As the new term of Council has commenced with all members having been sworn into office on November 21, 2022, the 2022-2026 Council is no longer deemed 'lame duck'.

The Town Clerk and Chief Administrative Officer are required to report to Council any spending which occurred by the administration as authorized by By-Law No. 4455(2022). The sole exercise of delegated authority was to authorize the unplanned emergency closure and roadway repair work on Sulphur Springs Drive in the approximate amount of \$82,000. Staff reported the status of the closure and restoration to Council on November 7, 2022 through the attached memo entitled "Sulphur Springs Drive Emergency Closure and Restoration Works".

Financial Considerations:

None.

Alternatives Reviewed:

None.

Strategic Plan Relationship: Strong Organization

Financial transparency is critical in building a strong organization and maintaining public trust.

Consultation:

None.

Other Pertinent Reports/Attachments:

Sulphur Springs Drive Emergency Closure and Restoration Works – November 7, 2022

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

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

To: Town of Pelham Council

From: Jason Marr, Director of Public Work

Date: November 7, 2022

RE: Sulphur Springs Drive Emergency Closure and Restoration Works

Public Works Operations Staff have identified a failure on Sulphur Springs Drive, located approximately 300 m south of Roland Road. Operations staff have continued monitoring the roadway's condition and failure over the last several weeks.

The failure has resulted in erosion of the side slope and loss of the east shoulder of the roadway (see attached photographs dated October 24th). Based on the current level of erosion, it has been determined that the roadway in its present condition is unsafe for vehicular and pedestrian use at this location and has been ordered closed to all traffic by the Director of Public Works. The road closure will occur between Roland Road and approximately 500 m south of Roland Road. Local access to properties within the road closure will be maintained. The closure will be in effect immediately as of the date of this letter.

Residents directly impacted by the Sulphur Springs Drive closure have received a hand-delivered notification. The road closure notice has been shared via the Town of Pelham website news section and the Town's social media channels. The following agencies have been made directly aware of the closure, and the pending repair works: Pelham Fire Services, Niagara EMS, Niagara Regional Police Services (NRP), Niagara Region Waste Collection Services, Niagara Student Transportation Services (NSTS), Niagara Peninsula Conservation Authority (NPCA), and the Niagara Escarpment Commission (NEC).

The most probable cause of the failure is the result of a failed cross culvert which transfers water from the west ditch line to the outlet on the east side of the roadway. The 12-inch existing culvert pipe outlets onto the east bank of the roadway.

Sulfur Springs Drive is a class 5 road, a single lane, stone-based, and does not support emergency response activities. The road which runs north/south is serviced by District One from the south off Luffman Drive and District Three from the north off Roland Road. If the current damage remains or the erosion continues, the response will change, and all fire apparatus will need

to respond from the south. This direction makes it very difficult for the large trucks to travel the narrow, winding, and stone-based road. Once a vehicle is committed, no other apparatus can get by. To further complicate travel direction, all vehicles would have to back out in the same direction they entered.

Staff is working with Duffin Contracting to develop an emergency repair strategy to repair the roadway and reopen it to traffic as safely and quickly as possible. Duffin Contracting is in the final stages of completing the Sulphur Springs Drive Rehabilitation project at Site 2 and is prepared to mobilize to this site within a week. Duffin Contracting has the experience and resources to complete this repair cost-effectively and efficiently.

The proposed repair will include the installation of a ditch inlet catchbasin on the west side of the roadway. It will consist of a new 18-inch culvert, geo-grid reinforced roadway embankment, and a reinforced east bank supporting the road. The estimated cost to complete the roadway restoration is \$82,000 (plus applicable taxes). When more certainty is obtained regarding the actual cost of the emergency repair, a report will be written for Council on an agenda in December 2022.

It is imperative that the emergency repair be completed this fall before the winter season. The concern is that if left unrepaired, the spring snow melt will drastically worsen the condition and cause a total failure of the embankment resulting in a much more costly repair with more extensive environmental impacts. It is anticipated that the repair will take approximately two to three weeks to complete.

In July 2020, Duffin Contracting was awarded the Sulfur Springs Drive Design Build Restoration Project in the amount of \$636,745 (plus applicable taxes). The approved budget for the Sulphur Springs Drive project was \$720,000. Based on the progress billings to date and the remaining work to be completed, staff estimate that the final cost for the project will be approximately \$698,000.

The remaining budget of \$22,000 for the Sulphur Springs Drive project will be used to partially fund the emergency repair work. The additional funding required to complete the emergency repair will require a transfer from the Roads Reserve in the amount of \$60,000.



Subject: Human Resources Policy Updates

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0256 Human Resources Policy Updates, for information;

AND THAT Council repeal the Respectful Workplace Policy S101-03;

AND THAT Council approve the Workplace Violence, Harassment, and Discrimination Policy S101-16 and the Employee Code of Conduct Policy S600-03, as amended.

Background:

The Human Resources Department is undertaking a review of its current policies. Significant changes have been made to two currently separate, but related policies: the Workplace Violence, Harassment, and Discrimination Policy S101-16 and the Employee Code of Conduct Policy S600-03.

Analysis:

The Workplace Violence, Harassment, and Discrimination Policy is reviewed by the Senior Leadership Team annually, however, changes have not been made since 2019. After reviewing its contents, along with the Respectful Workplace Policy S101-03, much of the information was found to be duplicated. Both policies addressed violence and harassment in the workplace, while Policy S101-03 was the only one to discuss discrimination. Their contents have been combined into one policy so that information regarding unacceptable workplace behaviour and the repercussions for engaging in such behaviour can be easily found in one place. This document also now references the Whistleblower Policy S600-11 that was approved in 2020.

The existing Employee Code of Ethics (now renamed Code of Conduct) has not been reviewed since 2013 and is severely inadequate as it addresses only the use of Town property, political activity, and the receipt of gifts and benefits. It has been updated to include a variety of new provisions, including the disclosure of confidential or personal information, private interests, professionalism, additional

employment, membership on boards and committees, intellectual property, software, employment of relatives, public criticism of the Town, and financial integrity. Further, the policy made no mention of consequences for non-compliance nor reporting procedures, both of which are now addressed in the updated version. These changes provide for a significantly enhanced Code that will allow management to better enforce appropriate workplace behaviour.

Financial Considerations:

There will be no financial impact to the Town to implement these policy changes.

Alternatives Reviewed:

The policies could remain unchanged, however, this is not recommended as the existing policy language does not adequately address many scenarios or behaviour that would be deemed inappropriate, making it more challenging for management to enforce. Additionally, Policy S101-03 had many similarities to Policy S101-16 and combining the two reduces duplication and redundancy.

Strategic Plan Relationship: Strong Organization

These policy changes will provide staff with a clearer understanding of how to appropriately represent the Town, engage with their co-workers, and will be relied upon to establish and enforce acceptable conduct in the workplace.

Consultation:

Policies from the City of Welland, the City of Port Colborne, the Town of Niagara-on-the-Lake, and the Region of Niagara were referenced during the draft of these policies. The Senior Leadership Team was also consulted and provided Human Resources with feedback.

Other Pertinent Reports/Attachments:

Appendix "A" – Updated Workplace Violence, Harassment, and Discrimination Policy

Appendix "B" – Updated Employee Code of Conduct

Appendix "C" – Existing Workplace Violence and Harassment Policy

Appendix "D" – Existing Employee Code of Ethics

Appendix "E" – Respectful Workplace 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: Workplace Violence, Harassment and Discrimination Policy	Policy No: S101-16
Committee approval date:	May 6, 2019
Council approval date:	May 6, 2019
Revision date(s):	-
Department/Division:	Health and Safety

1. Purpose

The purpose of this policy is to encourage appropriate and respectful behaviour in the workplace and ensure that staff are aware of and understand that any act of discrimination, workplace violence, workplace harassment and workplace sexual harassment is considered a serious offence for which necessary action, up to and including immediate suspension and/or termination of employment, will be imposed. This policy also serves to advise staff of available recourse if they are subjected to, or become aware of, situations involving any of the aforementioned behaviour.

2. Policy Statement

The Town of Pelham is committed to fostering a workplace based upon mutual respect where all employees contribute toward and benefit from a work environment free from violence, harassment and bullying. This policy applies to all work-related functions and to all forms of communication including electronic communications.

In compliance with the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*, the Town will make best efforts to ensure that no employee is subjected to discrimination, workplace violence, workplace harassment or workplace sexual harassment, whether it is from a supervisor, coworker, or non-employee such as a volunteer, trainee or visitor.

Town employees, including volunteers, will not engage in any



behaviour or conduct that is contrary to this policy. Staff will promptly report all incidents of behaviour or conduct that is contrary to or inconsistent with this policy to their supervisor, manager, director, and Human Resources.

3. Definitions

"Complainant" - the person who believes they have experienced Discrimination, Workplace Violence, Workplace Harassment, or Workplace Sexual Harassment.

"Discrimination" - any distinction, whether intentional or not, based on Prohibited Grounds under the Ontario *Human Rights Code* which has the effect of imposing burdens, obligations, or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to others. The behaviour can be direct (i.e. denying jobs based on colour, race, sex, or disability) or systemic (i.e. utilizing job testing that is culturally biased, or height or weight restrictions for particular positions).

"Poisoned Work Environment" - a hostile, negative or intolerable work environment created by comments or actions in the workplace. Such comments and actions are also a form of harassment.

"Prohibited Grounds under the Ontario *Human Rights Code*" - refer to those personal attributes recognized as the most common targets of harassing and discriminatory actions. For offensive behaviour to be considered Discrimination the focus of the comment or conduct must be directed towards one or more of these aspects of a person's background:

Age	Ancestry
Citizenship	Colour
Creed or Religion	Disability



Ethnic or National Origin	Record of Offences (federal/provincial)
Marital/Family Status	Receipt of Public Assistance
Place of Origin	Race
Sex, Including Pregnancy and Gender Identity	Sexual Orientation

“Respondent” - the person alleged to have discriminated against, disrespected, harassed, sexually harassed, or acted violently towards the Complainant.

“Worker” - a person who performs work for or supplies services to the Town for monetary compensation.

“Workplace” - any land, premises, location or thing at, upon, in or near which a Worker works.

“Workplace Harassment” - engaging in a course of vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome.

Examples of Workplace Harassment include, but are not limited to:

- Using profane or abusive language;
- Using language that is intended to demean or humiliate a person;
- Calling someone names that are degrading;
- Making insulting gestures or playing practical jokes that may cause a person to feel awkward or embarrassed;
- Circulating or posting pictures or other materials that may be perceived as offensive.

“Workplace Sexual Harassment”

- Engaging in a course of vexatious comment or conduct against a Worker in a Workplace because of sex, sexual orientation,



gender identity, or gender expression, where the comment or course of conduct is known or ought reasonably to be known to be unwelcome;

- Making sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of Workplace Sexual Harassment include but are not limited to:

- Unnecessary touching, including bumping or rubbing;
- Making unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, appearance, sex or clothing;
- Leering or whistling;
- Displaying pornographic or sexually suggestive materials in the workplace;
- Playing practical jokes of a sexual nature that may cause a person to feel awkward or embarrassed;
- Outright demands for sexual favours.

"Workplace Violence"

- The exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker;
- An attempt to exercise physical force against a Worker, in a Workplace, that could cause physical injury to the Worker;
- A statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker, in a Workplace, that could cause physical injury to the Worker.

Examples of Workplace Violence include, but are not limited to:



- Shaking a fist at someone, finger pointing, destroying property, throwing objects;
- Leaving threatening notes or sending threatening emails;
- Stalking someone;
- Hitting, shoving, standing excessively close to someone in an aggressive manner, intimidating body language, pushing, kicking, or physically restraining someone.

Workplace Violence may come from many different sources including strangers or those with no ties to the Workplace, members of the public, other employees, or intimate relationships outside of work, such as partners, family, and friends. Violence that occurs outside the normal workplace, but which has an impact on the working environment, including working relationships, may also be considered violence in the Workplace.

4. General Provisions

The Test for Harassment

It does not matter whether the Respondent intended to harass someone. The test for harassment is whether the individual in question knew or ought reasonably to know that the comments or conduct were unwelcome by the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case the behaviour must immediately stop.

To be guilty of harassment, the Respondent does not necessarily have to have power or authority over the Complainant. Harassment can occur amongst colleagues, between supervisor and employee and between employee and supervisor. Respect in the workplace is everyone's responsibility. Any acts that demean, harm or exclude are counter to the Town's workplace culture and should be addressed promptly.

What Is Not Harassment?



The *Occupational Health and Safety Act* states that a reasonable action taken by an employer or supervisor relating to the management and direction of Workers in the Workplace is not Workplace Harassment. Therefore, Workplace Harassment must not be confused with legitimate, reasonable management actions that are part of the normal work functions, including but not limited to:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- Imposing discipline for workplace infractions;
- Requesting medical documents in support of an absence from work;
- Enforcement of workplace rules and policies.

Workplace Harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between coworkers, so long as that disagreement is communicated professionally and respectfully.

Complaint Procedure

Complainants who experience Discrimination, Workplace Harassment, Workplace Sexual Harassment, Workplace Violence, or any other bullying or disrespectful conduct are encouraged to make it known to the Respondent immediately that the behaviour is offensive. If addressing the issue with the Respondent(s) directly is not possible, or if after doing so the misconduct continues, the Complainant's supervisor, manager, director, and Human Resources should be notified immediately.

A unionized Worker may consider seeking the assistance of their union. Any unionized Worker who wishes to report a complaint of Discrimination, Workplace Harassment, Workplace Sexual Harassment, Workplace Violence or who has been accused of a possible violation of this policy is entitled to union representation throughout the process of addressing the matter.



The Town will address all complaints under this policy seriously and as promptly and discreetly as possible, with due regard for the substantive and procedural rights of all parties. Complaints may be dealt with in a number of ways including early dispute resolution, mediation, or a formal investigation.

If a Worker fears their safety is at risk because of Workplace Violence, there is a process to exercise the "Right to Refuse" unsafe work. Any Worker who wishes to exercise this right must immediately notify their supervisor, manager, director, or Human Resources of their concerns and complete the Work Refusal Form located on the common drive. This form is to be submitted to Human Resources.

All complaints submitted to the Town under this policy must be initiated within the applicable time frame prescribed by the Ontario *Human Rights Code*.

In addition to the internal procedures set out in this policy, Workers retain the right to file a complaint with the Human Rights Tribunal under the Ontario *Human Rights Code* or to the police under the *Criminal Code of Canada*, should they wish to do so.

Investigation

Where a complaint is submitted under this policy, the Town has sole discretion to determine if an internal or external investigator will be used to conduct a formal investigation. This determination will depend, in whole or in part, on the nature of the allegations and the parties involved.

All investigations, whether conducted by an internal or an external investigator, may include conducting interviews of relevant individuals, including but not limited to the Complainant and Respondent, to ascertain all relevant facts and circumstances, and reviewing any relevant documentation and/or records. The investigator may record the interviews electronically and/or in writing, may make detailed



notes of the investigation and may document the findings of the investigation in writing. The investigator will maintain all notes and records in a confidential file.

Once the investigation is complete the investigator will prepare a detailed written report of the investigation findings. This report will be provided to the Respondent's department head and/or the Chief Administrative Officer. If an external investigator is utilized, the report must also be provided to Human Resources, which will advise the Complainant and the Respondent of the results of the investigation.

If the investigator determines that a complaint under this policy is not supported or substantiated, no documentation of the complaint will be placed in or with the employment file of the Respondent.

The Town will make best efforts to ensure that the investigation is completed and its results communicated to the Complainant and the Respondent in a timely manner. However, the length of time required to complete an investigation and notify the parties of its outcome will vary depending upon the circumstances of the complaint.

Confidentiality

All persons involved in the complaint process including the Complainant, the Respondent, any supervisor, director, manager or Human Resources staff to whom the complaint has been reported, any individuals interviewed by the investigator and the investigator will at all times maintain confidentiality as practicable and appropriate in the circumstances of the case and except where disclosure of names is necessary for purposes of investigating the complaint or administering disciplinary measures in relation to the complaint.

No Retaliation or Reprisal

All persons involved in the complaint process will ensure that the Complainant and any witnesses are not penalized or subjected to prejudicial treatment as a result of making a complaint or providing



information during an investigation. Any form of retaliation or reprisal is considered a serious violation of this policy. In accordance with the Town's Whistleblower Policy S600-11, such actions will be subject to disciplinary action.

Disciplinary Measures

If it is determined that any Town employee has been involved in conduct toward another employee that amounts to Discrimination, Workplace Violence, Workplace Harassment or Workplace Sexual Harassment or that is otherwise bullying or disrespectful, the Town will take immediate disciplinary action. Such discipline may involve reprimands or suspensions and depending on the severity of the situation, may result in more serious actions up to and including termination of employment.

Notwithstanding the foregoing, it is important for all Town employees to realize that unfounded allegations of conduct that is prohibited by this policy cause both the Respondent and the Town of Pelham significant damage. If it is determined by the Town that a Complainant has knowingly made false or bad faith complaints, the Town will take immediate disciplinary action. As with any case of dishonesty, disciplinary action may include immediate termination of employment.

5. Annual Sign-Off

Chief Administrative Officer: _____

Dated: _____



Policy Name: Employee Code of Conduct	Policy No: S600-03
Committee approval date:	-
Council approval date:	September 3, 2013
Revision date(s):	-
Department/Division:	Human Resources

1. Purpose

The purpose of this Code of Conduct is to establish a general standard to ensure all Town of Pelham employees share a common basis of acceptable conduct in performing their duties. The Code of Conduct promotes public confidence that Town staff operate from a base of integrity, transparency, honesty, and courtesy.

2. Policy Statement

The Town of Pelham is committed to the fundamental principles of integrity, transparency, honesty, and courtesy as a matter of good governance. To keep this confidence and trust, employees must be above reproach in their professional dealings. Every employee is expected to comply with the Code of Conduct and all other policies and procedures that govern employee behaviour.

This policy applies to all Town of Pelham employees (including full-time, part-time, casual, temporary, seasonal, and students). This policy shall be applied in conjunction with any applicable collective agreement, legislative requirements and/or standards identified by an employee's professional affiliation.

3. Definitions

"Confidential Information" – includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial, or scientific information and any other information collected, obtained, or derived for or from Town records that must be kept confidential under the



Municipal Freedom of Information of Privacy Act, R.S.O. 1990, c. M. 56 (MFIPPA), or the Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A (PHIPA).

"Conflict of Interest" – refers to any situation in which a Town employee has private interests that could compete with or that be perceived to compete with their duties and responsibilities as an employee. It can also be a situation in which an employee uses their position for private gain or expectation of private gain, or when an employee uses their position to benefit the private interest of their Family, friends, or organizations in which the employee, their Family, or friends have a financial interest.

"Family" – for the purposes of this policy, Family means the spouse, common-law partner, child(ren), parent(s) and sibling(s), including parent(s) and sibling(s) in law, of any Town employee.

"Fraud" – includes any array of acts characterized by intentional deception. Dishonest, illegal, or fraudulent activities include, but are not limited to:

- Forgery or alteration of documents;
- Misrepresentation of information by an individual;
- Misrepresentation of information on documents;
- Misappropriation of funds, securities, supplies or any other assets;
- Unauthorized use, disappearance, or destruction of Town property, equipment, materials, or records;
- Improper handling or reporting of money transactions;
- Authorization or receipt of payments for goods not received or services not performed;
- Authorization or receipt of payment for hours not worked;
- Any inappropriate expense claim made, which is unrelated or related to Town business or the employee's job responsibilities;
- or
- Any apparent violation of Federal, Provincial, or local laws.



"Gift or Benefit" – means cash, fees, admission fees, advances, vouchers, invitations, services, hospitality, travel and accommodation, entertainment or other thing or consideration, given, donated, transferred or otherwise conveyed to an employee, unless the giver, donor, transferor, or conveying person receives payment or other or other consideration of goods property, of equal or greater value to the value of what was so provided.

"Personal Information" – as defined in s. 2(1) of *MFIPPA*, is recorded information about an identifiable individual, and includes:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- Information relating to the education or the medical, psychiatric, psychological, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- Any identifying number, symbol, or other particular assigned to the individual;
- The address, telephone number, fingerprints, or blood type of the individual;
- The personal opinions or views of the individual except if they relate to another individual;
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the individual; and
- The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.



"Private Interest" – private (or personal) interest means a relationship, obligation, duty, responsibility or benefit unique to the employee or a person related to the employee.

"Privileged Information" – any information protected by a statutory or otherwise legally recognized right against disclosure, including but not limited to information subject to solicitor-client privilege, litigation privilege and/or settlement privilege.

4. General Provisions

4.1 Disclosure of Confidential or Personal Information

Employees may not disclose or use Confidential Information, Privileged Information or Personal Information. Such information is only to be disclosed, used or exchanged as necessary to perform one's duties and in accordance with the provisions of *MFIPPA*, *PHIPA*, Town policy, or other legislative requirements. Where an employee is uncertain as to whether information may be disclosed, they are to seek guidance from their supervisor.

4.2 Private Interests

No employee in the course of their duties shall seek to advance a Private Interest, directly or indirectly. Examples of advancing a Private Interest include but are not limited to:

- Influencing or attempting to influence the Town to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.
- Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when the person or corporation has had, or may reasonably be expected to have, any business, commerce or trade dealings with the Town or the person or corporation is seeking any decision, act, advice,



comment, endorsement or anything whatsoever from the Town, its employees or Town Council.

4.3 Receipt of Gifts or Benefits

Employees shall not seek or accept any Gifts or Benefits or other favours of any kind from any external person or business organization that influences or could be perceived to influence the performance of the employee's duties, except as provided below:

- Acceptance of Gifts or Benefits such as baseball hats, t-shirts, books etc. at a nominal dollar value (\$50 or less);
- Attendance at social events such as a conference, convention, symposium, forum, panel discussion, dinner, viewing, reception or similar event, and the gift or benefit is offered by the entity responsible for organizing and presenting the event and unsolicited by the employee; or
- Charitable donations or fundraising for the benefit of the community.

Where an employee is uncertain whether a Gift or Benefit is reasonable to accept, they are to seek guidance from their supervisor.

4.4 Professionalism

Employees must be professional in their actions and appearance and courteous and objective in all of their interactions with persons in receipt of Town services or programs, including community agencies, contractors, suppliers and the general public. Town employees are ambassadors and are expected to reflect a professional image at all times.

As with external relations, employees must also be professional and courteous with their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others. Examples include lack of common courtesy, gossip, unsolicited remarks, inappropriate pictures or jokes, profanity, excessive noise or perfume/cologne, or demonstrating lack of respect for others' opinions



or personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner. For further information, refer to the Workplace Violence, Harassment, and Discrimination Policy S101-16.

4.5 Additional Employment

Employees may not engage in outside work or business activity which:

- Uses unique knowledge or information related to their employment with the Town resulting in a Conflict of Interest;
- May negatively influence or affect them in carrying out duties related to their employment with the Town;
- Takes place while on duty with the Town;
- Derives some form of personal benefit or advances a Private Interest by virtue solely of their employment with the Town;
- Is performed in a way as to appear to be an official act of or to represent the Town;
- Interferes with the delivery of Town services by the employee or others;
- Involves the use of Town resources; or
- Competes and/or poses a conflict of interest with services provided by the Town.

An employee who is or is considering becoming involved in additional employment where a perceived Conflict of Interest may exist, arise or develop, must notify their manager in writing, outlining the nature of such work. Written permission must be received prior to the acceptance of such employment. Documentation of the request and approval shall be kept in the employee's Human Resources file. The Town reserves the right to withdraw approval at any time.

4.6 Political Activity

Employees may exercise their civic right to run for public office, in accordance with legislative requirements. Where an employee wishes to run for a political office (i.e. Pelham Town Council) they must first seek a leave of absence (in accordance with Town policies and/or collective agreements) for the period between the day of nomination and ending on voting day, pursuant to the *Municipal Elections Act*,



1996, S.O. 1996, c. 32. If the employee is elected, they must resign their employment with the Town prior to assuming their new duties.

While conducting their duties on behalf of the Town, employees must appear to be politically neutral. They are to avoid expressing their personal views on matters of public controversy, Town policy or administration if the comment is likely to impair public confidence in the Town. Where an employee is uncertain whether their actions or comments are appropriate, they shall seek guidance from their supervisor.

4.7 Membership on Boards and Committees

Employees shall not be involved with an agency, board or commission if such service might affect the objectivity with which they must discharge their duties. Employees who are appointed to an agency, board or commission in an advisory capacity as part of their employment shall not vote on any matter before the body, where the employee may personally benefit from participating. In the instance that a real or apparent Conflict of Interest arises, the employee must declare this and refrain from participating in the issue.

4.8 Use of Town Property

Town employees may not use or permit the use of Town property including facilities, equipment, supplies or other resources for activities not associated with the proper performance of their duties. However, Town employees may on occasion use a cell phone or computer issued to them by the Town in relation to personal matters. All personal use of Town-issued cell phones and computers must be infrequent and brief. It must also be reasonable, ethical and professional and must not interfere with employment duties, Town policies or procedures, and/or the business functions of the Town. The Town may at any time restrict or prohibit personal use of Town-issued cell phones and computers by any or all employees.

4.9 Intellectual Property



The intellectual property rights in any work produced by an employee in the course of employment at the Town are the exclusive property of the Town, unless there is a written agreement stating otherwise between the Town and the employee. No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the Town, without express authority from the Town.

4.10 Software

The Town forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for Town purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use.

4.11 Employment of Relatives

Human Resources will ensure that employment related decisions, concerning existing or potential Town employees, are free from any real or perceived improper influence based on Family relationships and significant social relationships. At the same time, it is recognized that existing Family and significant social relationships with Town employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the Town.

No employee shall be in a direct reporting relationship or be placed in a position of influence over an employed Family member or person with whom that employee has a significant social relationship. Employees who become involved in a spousal relationship, significant social relationship, or who become Family over the course of their employment may continue as employees if no direct reporting relationship exists between such employees. If there is a direct reporting relationship, a decision will be made, in consultation with



Human Resources, as to appropriate next steps. For more information please refer to the Hiring Policy S600-07.

4.12 Public Criticism of the Town

Employees are expected to support policies, programs and decisions of the Town and not publicly criticize the Town as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

4.13 Financial Integrity

Employees who maintain the Town's financial and accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the Town. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the Town, or any unrecorded bank accounts, are strictly prohibited. No employee shall undertake any Fraud. No employee shall establish or maintain secret or unrecorded cash funds or other assets of the Town for any purpose or conceal any transaction from the Town's internal or external auditors. No employee shall use Town funds for any personal use at any time.

5. Reporting and Compliance

Any violation of this policy may result in disciplinary action, up to and including termination of employment and legal prosecution. Serious breaches of this policy must be reported in accordance with the Town's Whistleblower Policy S600-11 and reporting procedure. Employees who report breaches in good faith will be protected from reprisal in accordance with the terms of that policy.



The Employee Code of Conduct supports but does not replace the use of good judgment regarding personal and professional conduct. The absence of a specific policy, regulation or Code of Conduct provision does not dismiss employees from the responsibility of exercising the highest standards of conduct in all situations. It does not alter or replace Town of Pelham policies already in place that may be more specialized and specific (i.e. the Workplace Violence, Harassment, and Discrimination or the Whistleblower policies).

Employees are expected to comply with the Town of Pelham's Employee Code of Conduct, policies and procedures as a condition of employment. Employees are responsible for seeking clarification from their supervisor, manager, director or Human Resources should questions arise.

6. Attachments

Whistleblower Policy S600-11



Policy Name: Workplace Violence and Harassment Policy Statement	Policy No: S101-16
Committee approval date:	May 6, 2019
Council approval date:	May 6, 2019
Revision date(s):	-
Department/Division:	Health and Safety

1. Purpose

The purpose of this policy is to ensure that individuals are aware of and understand that acts of workplace violence and harassment are considered a serious offence for which necessary action, up to immediate suspension and/or termination of the perpetrator, will be imposed. It will also ensure individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence or harassment. Those subjected to acts of workplace violence and/or harassment are encouraged to access assistance through the complaint procedure below.

2. Policy Statement

The Town of Pelham shall ensure that no employee is subjected to violence or harassment whether it is from a supervisor, co-worker, or non-employee such as volunteer, trainee or visitor. This policy is also in full force and effect for all work related functions and in all forms of communication including cyber communications.

The Town of Pelham's staff will not engage in any behaviour that is contrary to this policy. They will report all incidents of workplace violence and harassment promptly to their supervisor, manager or department head. As well, they will commit to a zero tolerance of violence and harassment in the workplace.

3. Definitions

Workplace Violence:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**Workplace Harassment:**

Engaging in a course of vexatious comment or conduct, which causes irritation or annoyance that is known or ought to reasonably have been known as unwelcome. Examples of harassment include but are not limited to:

- Using profane or abusive language;
- Using language that is intended to demean or humiliate a person;
- Calling someone names that are degrading;
- Making insulting gestures or playing practical jokes that may cause a person to feel awkward or embarrassed;
- Circulating or posting pictures or other materials that may be perceived as offensive.

Sexual Harassment:

Unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the intended recipient of the conduct. Examples of sexual harassment include but are not limited to:

- Unnecessary touching, including bumping or rubbing
- Making unwelcome remarks about a person's body, sex or clothing
- Leering or whistling
- Displaying pornographic or sexually suggestive materials in the workplace
- Playing practical jokes of a sexual nature that may cause a person to feel awkward or embarrassed
- Outright demands for sexual favours

4. General Provisions

If an employee fears their safety is at risk because of workplace violence, there is a process to exercise the "Right to Refuse" unsafe work. First, you should always try to tell the offender to stop being offensive. If it continues, notify the supervisor, manager or department head of your concerns and a positive resolution will be made for the employee's best interest.

Complaint Procedure:



Employees who experience harassment or violence are encouraged to make it known to the offender immediately that the behaviour is offensive. If addressing the issue with the individual(s) directly is not possible, or if after doing so, the harassment or violent behaviour continues, the supervisor, manager or department head should be notified.

The manager/department head will conduct an investigation of the complaint to assess the facts and suggest appropriate action(s), if any, that are to be taken. If the complaint is a result of the action of the manager/department head, a Third Party Investigator will conduct the investigation.

In addition to the above-noted internal procedures, there are other options available to employees. Employees may make a formal complaint to the Human Rights Commission; or to the police under the Criminal Code.

Consistent with procedures under the Ontario Human Rights Code, all complaints filed under this policy must be initiated within the time frame outlined in the Ontario Human Rights Code.

Disciplinary Measures:

If it is determined that any employee has been involved in harassing or violent behaviours toward another employee, immediate disciplinary action will be taken. Such disciplinary action will involve, at a minimum, a formal warning and may result in immediate dismissal without further notice.

It is important to realize that unfounded allegations of sexual harassment may cause both the accused and the Town of Pelham significant damage.

If it is determined by the Town of Pelham that any employee has knowingly made false statements regarding an allegation of harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate termination of employment.

Confidentiality:

All parties involved in any investigation or resolution of a harassment incident are expected to maintain confidentiality throughout the process.

Non-Retaliation

All persons involved in the processing of a complaint will ensure that the alleged victim and witnesses will not be penalized nor subjected to prejudicial treatment as a result of making a complaint. Disciplinary action will be taken



against any person who takes any reprisal against a person who reports workplace violence.

5. Attachments

Signature: _____

Dated: _____



Town of Pelham Human Resources Policies: Solutions Manual

Policy Title:	Code of Ethics	
Last Updated:	September 3, 2013	S 600-03

HOW MIGHT WE:

How Might the Town of Pelham ensure its employees adhere to the highest standards of professionalism, integrity and impartiality?

KEY FACTS:

Employment Standards:

There is no standard regarding a *Code of Ethics* in the *Employment Standards Act, 2000*.

Municipal Elections Act:

The Town of Pelham will comply with all guidelines relating to *Political Activity* as outlined by the *Municipal Elections Act, 1996*.

SOLUTION STATEMENT

All municipal employees are expected to act in the best interests of the Town of Pelham.

Use of Municipal Property:

The Town of Pelham's property shall not be used by Town employees for personal use unless prior approval is secured from the Department Director/CAO in writing.

Political Activity:

There are two types of Political Activities:

1. Supporting or opposing a political candidate and/or political party. For instance, door to door campaigning, placing a sign on your lawn, or making phone calls on behalf of a candidate.
2. Seeking nomination or being a candidate in an election.

The Town of Pelham discourages its staff members from direct involvement in local municipal and regional election campaigns. Employees are strictly prohibited from the following:

- engaging in any form of political activity at the workplace or during work hours, with the exception of voting in an election;

Policy Title:		Code of Ethics
Last Updated:	September 3, 2013	S 600-03

- wearing or displaying at the workplace anything that supports or opposes a candidate or party;
- using corporate resources, including supplies, equipment, email or services for the purposes of any political activity; and
- soliciting funds for a party or candidate.

An employee may involve himself/herself in a non-municipal election campaign unless it will affect their performance in job duties. Employees may exercise their civic right to run for public office, as long as they can make appropriate arrangements to effectively discharge their duties during the course of their political involvement; taking a leave of absence in accordance with the provisions of the *Municipal Elections Act, 1996*. It is the duty of The Town of Pelham to remain objective and neutral regarding election campaigns.

Gifts and Benefits:

Elected officials and Town employees shall not accept money or other considerations or favors from anyone other than the Town for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities, or favors valued at \$50 or more which might be perceived or interpreted as an attempt to influence their official actions because of their official position.

Gifts valued at over \$50 shall become the property of the Town of Pelham. Employees are under an obligation to consult with their Department Directors/CAO/Council as appropriate regarding accepting specific gifts and benefits.

The gifts policy does not apply to gifts received for speaking/presenting or work performed at conferences, professional associations or non-profit community groups.

Compliance:

The Code must be observed by all employees and Supervisors are obliged to ensure that employees are aware of the Code.



Solution Title:	Respectful Workplace Policy	
Council Approved:	May 5, 2014	<u>S101-03</u>

HOW MIGHT WE:

How Might the Town of Pelham provide a respectful workplace where all employees contribute toward and benefit from a respectful workplace that is free from discrimination, harassment or bullying?

KEY FACTS:

Definitions:

- **Complainant** means the person who believes that they are a victim of discrimination, disrespectful conduct, harassment, or violence and this term will be used to refer to this person whether or not a formal complaint has been filed.
- **Discrimination** is any distinction, whether intentional or not, but based on prohibited grounds* which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.
- **Disrespectful conduct** is the vexatious or malicious verbal, nonverbal or behavioral actions (overt or covert) by any individual or group of individuals that a reasonable person would find offensive, patronizing, intimidating, humiliating, threatening, disparaging, abusive, coercive, belittling, sabotaging, isolating, an abuse of authority, or an unjustified punishment that has an adverse impact on the employee.
- **Harassment** means a course of comment or conduct directed toward an individual or group of individuals that is known or ought reasonably to be known to be unwelcome or unwanted. This includes comments or actions which are insulting, degrading, humiliating, malicious, or offensive. Single actions of sufficient severity may constitute harassment.
- **Respondent** means the person alleged to have discriminated against the complainant.
- **Violence** means any threat or act of aggression arising out of or during the course of work resulting in physical or psychological damage, pain or injury to another.

Responsibilities and Rights:

- Employees have a right to a positive and respectful work environment;
- Employees are responsible to manage their conduct in accordance with this policy and associated procedures;

Solution Title:	Respectful Workplace Policy	
Council Approved:	May 5, 2014	<u>S101-03</u>

- Employees also have the responsibility to address issues directly with the individual(s) to achieve early resolution before escalating the matter to a complaint investigation;
- Employees have the responsibility to report acts of disrespectful conduct in accordance with Responsibility for Employee Complaint Management protocols appended hereto;
- Consistent with procedures under the Ontario Human Rights Code, all complaints filed under this policy must be initiated within six months of the incident occurring;
- Employees are entitled to representation during any stage of a formal/informal complaint procedure, which representative could be a fellow employee, friend or lawyer (at the employee's expense).

Confidentiality:

- It is recognized that it can be extremely difficult to come forward with a complaint against a colleague, and that it can be devastating to be wrongly accused or convicted of harassment. The Corporation recognizes the interests of both the complainant and the respondent in keeping the matter confidential and expects that all parties will respect this confidentiality.

Fairness for All:

- Complainants should feel free to bring complaints forward, and those against whom allegations are made should have a full and fair opportunity to respond to such allegations.

False, Vexatious, or Bad Faith Complaints:

- It is a misapplication of this policy to make a false report against another employee;
- False, vexatious or malicious complaints are defined as those complaints which are determined to be unfounded at the time they were made;
- Purposeful misapplication of the complaint processes by anyone is a form of disrespectful misconduct and will lead to consequences appropriate in the circumstances, which may include discipline up to and including termination.

Informing, Educating and Training:

- Copies of this policy and any accompanying procedures or explanatory information about the policy shall be made readily available;



Solution Title:	Respectful Workplace Policy	
Council Approved:	May 5, 2014	<u>S101-03</u>

- A copy of this policy shall be included in an employee or elected official orientation package;
- Training for all supervisors and/or managers regarding the content, expectations and application of the policy shall be conducted;
- All employees shall be made aware of this policy and an educational overview of its application shall occur on a regular basis, through the Human Resources Specialist.

Properly Discharged Supervision:

- It is a supervisor's or manager's right, and not disrespectful conduct, to exercise his or her responsibilities as they relate to assigning tasks, reprimanding or imposing disciplinary sanctions and conducting performance management reviews or coaching sessions, provided such standards are not arbitrary and are applied in a non-discriminatory manner.

Restorative and Disciplinary Action:

- To all extents possible, where a complaint is found to have been substantiated, the primary objective is to restore a complainant to the position he or she would have been in had the discrimination not occurred. It is recognized that while substantiated acts of discrimination or harassment may be cause for disciplinary action, up to and including the possibility of discharge, it is preferable for the respondent to recognize the inappropriate conduct and commit to the standards of behaviour as outlined in this policy.

Right to Withdraw

- At any time during the complaint process, the complainant has the right to withdraw a complaint, while recognizing that the Corporation may continue to act on the matter to comply with any legal obligations.

SOLUTION STATEMENT:

The Town of Pelham is committed to ensuring that a respectful workplace is provided for all employees, and will make every attempt to ensure all complaints, investigations and related records are managed in a respectful and confidential manner and that only those persons necessary to investigate and resolve the complaint are involved in the process. Complaints and investigations shall be conducted in accordance with the Procedure pursuant to this Solution Statement.



Solution Title:	Respectful Workplace Policy	
Council Approved:	May 5, 2014	<u>S101-03</u>

***Prohibited Grounds Under the Human Rights Code:**

Prohibited Grounds refer to those personal attributes recognized as the most common targets of harassing and discriminatory actions. For offensive behaviour to be considered discrimination, or harassment, the focus of the comment or conduct must be directed toward one of these aspects of your background:

Age	Ancestry
Citizenship	Colour
Creed or Religion	Disability
Ethnic or National Origin	Record of Offences (federal or provincial)
Marital/Family Status	Receipt of Public Assistance
Place of Origin	Race
Sex Including Pregnancy and Transgender	Sexual Orientation

Subject: Tangible Capital Asset Policy Updated

Recommendation:

**BE IT RESOLVED THAT Council receive Report # 2022-0207-
Corporate Services Tangible Capital Asset Policy Update, for
information;**

**AND THAT Council approve revised Policy # S400-10 Tangible Capital
Asset immediately.**

Background:

The Tangible Capital Asset Policy (TCA) was originally established in 2009. The capitalization threshold was \$5,000. The revised 2022 TCA Policy has increased the capitalization threshold to \$10,000.

Analysis:

The total budgets 10 years ago (in 2012) including capital, operating, water and wastewater were \$21.6 M. The total budgets in 2022 including capital, operating, water and wastewater were \$41.4 M. Therefore, increasing the capitalization threshold by \$5,000 is reasonable. This is comparable to most similar size municipalities in the Niagara Region.

Financial Considerations:

The increase in capitalization threshold has no financial consideration since the budgets are prepared on a modified cash-basis.

The audited financial statements will have capital items from \$5,001 to \$10,000 now being expensed versus being capitalized and then amortized. The impact is immaterial.

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Financial Sustainability

This approach recognizes the impact of inflation and the overall growth of the Town and its financial operations.

Consultation:

External Auditors: Deloitte

Senior Leadership Team

Other Pertinent Reports/Attachments:

Revised 2022 Tangible Capital Asset Policy

Prepared and Recommended by:

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services & Treasurer

Prepared and Submitted by:

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



Policy Name: Tangible Capital Assets	Policy No: S400-10
Committee approval date:	December 5, 2022
Council approval date:	
Revision date(s):	
Department/Division:	Corporate Services

Policy Statement:

The objective of the policy is to ensure that Tangible Capital Assets (TCA) are identified, valued, recorded and managed by The Corporation of the Town of Pelham (the "Town"). All Tangible Capital Assets purchased by the Town regardless of funding source or account are the property of the Town unless expressed in writing otherwise. Tangible Capital Assets purchased must be for the benefit of the Town.

The Town follows Canadian generally accepted accounting principles as set out by the Public Sector Accounting Board (PSAB) of the Canadian Institute of the Chartered Accountants (CICA). These principles provide consistency and comparability across organizations. PSAB Handbook Section 3150 establishes the standards on how to account for and report Tangible Capital Assets. Compliance is required for financial statements prepared for fiscal years beginning on or after January 1, 2009.

Scope:

All tangible properties acquired by the Town, either through donation, construction, or purchase, that qualifies as a tangible capital asset is included in the scope of this policy.

Tangible Capital Assets are non-financial assets having physical substance that:

- Are held for use in the production or supply of goods and services, for rental to others, for administrative purposes, or for the development, construction, maintenance or repair of other tangible capital assets;
- Have useful economic lives extending beyond an accounting period;
- Are to be used on a continuing basis
- Are not for sale in the ordinary course of business.

The following will not be recognized as tangible capital assets:

- Crown land;
- Intangible assets such as goodwill and easements;
- Assets that do not meet capitalization thresholds;



- Natural resources including trees and woodlots;
- Works of art, historical treasures (disclosed in notes to the financial statements);
- Cost of studies such as the Official Plan and Development Charge/Assessment study;
- Inventories and supplies;
- Interest expense related to financing costs incurred during the time an asset is under construction; and
- Assets held for sale.

Details of Policy:

No.	Topic
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1	Asset Recording
2	Capitalization
2.1	Thresholds
2.2	Construction-In-Process
2.3	Capital Leases
3	Asset Segments
4	Betterment
5	Valuation
5.1	Art Works
6	Amortization
7	Impairment & Write Down
8	Disposals
9	Subdivisions
10	Municipal Drains

1. Asset Recording

All departments and organizations owned or controlled by the Town are responsible for managing the assets under their control in an efficient and effective manner.

Each department with responsibility for maintaining the capital asset records are expected to maintain the following information:

- A capital asset continuity schedule identifying tangible capital assets in use at the beginning of the fiscal year, tangible capital assets purchased and disposed of during



the year, and tangible capital assets in use at the end of the fiscal year

- The date of each capital asset purchase
- The individual with carriage of the capital asset
- The location of the capital asset
- The date of disposal, proceeds on disposal and how the asset was disposed (e.g. redeployed, donated, sold, scrapped)

These records are to be filed with Corporate Services annually no later than December 15th each year.

2. Capitalization

2.1 Thresholds

The Town will record a TCA in its accounting ledgers if it meets or exceeds the dollar threshold of \$10,000 with the exception of land. All land will be capitalized regardless of its cost. See Appendix A.

2.2 Construction-In-Process (CIP)

Construction in Process represents the costs incurred to date on a TCA which is not substantially completed (<97% complete). Construction-in-process is reported as a TCA on the Consolidated Financial Statement. Construction-in-process is transferred to capital assets and amortization begins when the project is substantially completed or fully put into use. If an incomplete project is terminated or put on hold indefinitely, any costs currently recorded as Capital-In-Process must be written off.

2.3 Capital Leases

Capital leases are those that transfer substantially all the risks and rewards incidental to ownership of the asset to the Town, and would be recognized on the Consolidated Statement of Financial Position with a corresponding financial liability.

The value will equal the present value of the minimum lease payments, excluding the portion related to executory costs (costs relating to the operation of the leased tangible capital asset – e.g. insurance, maintenance costs and taxes).



3. **Asset Segments/Components**

Buildings and infrastructure assets (roads, water, wastewater and storm sewer) consist of a number of components. PSAB 3150 provides the option of accounting for such assets either as a single asset or treating each component as an individual asset

The Town records Building and infrastructure assets on a componentized basis.

Category	Segments/Components
Building	Structure, Enclosure, Electrical, Mechanical, Fire Safety, Elevator, Finishes, Sitework and Other
Roads	Base (Paved), Surface (Paved), Gravel Roads, Sidewalks, Curb and Gutter, Guiderails, Street Lights, Traffic Signals, Road Signs
Water Distribution System	Mains, Hydrants, Water Chambers, Service Lines, Stations, Bulk Water Depot, Water Meters
Wastewater Network	Gravity Mains, Manholes, Pumping Station, Sewer Laterals
Storm Sewer Network	Mains, Chambers, Manhole, Inlets, Outlets, Storm Retention Ponds

4. **Betterment**

Betterments are expenditures on Tangible Capital Assets that occur subsequent to the acquisition/construction and:

Increase previously assessed physical output or service capacity;

Lower associated operating costs;

Extend the useful life of the asset; or

Improve the quality of the output.

Betterments should meet the capitalization threshold. Any other expenditure would be considered a repair or maintenance and should be expensed in the period.

Examples of betterments that should be capitalized include: road widening, replacing entire



roof, replacing entire HVAC systems, building new offices within an existing building, major parking lot asphalt resurfacing. Examples of modification that would generally not be capitalized are items such as a minor or partial resurfacing of a parking lots or partial roof replacements.

5. **Valuation**

Purchased assets are recorded at cost and contributed assets are recorded at their estimated fair value at the date of acquisition. Cost includes the purchase price of the asset and all the directly attributable expenses in the acquisition, construction, development and or betterment of the asset required to install the asset at the location and in the condition necessary for its intended use. Construction costs are capitalized at cost as work progresses.

The administrative costs associated with raising any debt required to finance the acquisition of a TCA will be capitalized. Any associated interest charges paid for the debt financing will be expensed.

Capital grants received are not netted against the cost of the related tangible capital asset.

The acquisition date is the earlier of:

- i) The date the asset is physically received by the City; or
- ii) The date legal ownership of the asset passes from the seller to the purchaser.

5.1 **Art Works**

Works of art and historical treasures are not recognized as tangible capital assets in financial statements but the existence of such property must be disclosed and reported. Expenditures for preservation, cleaning and restoration related to such property are expensed in the period incurred.

6. **Amortization**

All Tangible Capital Assets (except for land) must be amortized over its useful life on a straight line basis as noted in Appendix A. Half year amortization is charged in the year of acquisition and disposal. Assets under construction are not amortized until the asset is available for productive use.

Tangible Capital Assets acquired are amortized based on the date the asset is placed in service or the constructed asset being substantially completed.



7. Impairment & Write Down

When tangible capital assets are taken out of service, destroyed or replaced due to change in law, obsolescence, scrapping or dismantling, the department head must notify the Deputy Treasurer of the asset description and effective date. The Finance staff is responsible for adjusting the accounting records to reflect the write-downs.

8. Disposals

The department Directors are responsible for approving all request for disposals after determining that:

- There are no other potential users of the tangible capital asset within the department;
- Consultation has occurred with other departments that may also use the tangible capital asset and wishes to accept it for future use.

In the event a tangible capital asset cannot be redeployed the department responsible for record keeping will facilitate either a donation, sale or other form of disposal. All items for sale are posted on the GovDeal websites and goes through a bidding process. Items are sold to the highest bidder.

The disposition of land, building and or infrastructure requires Council approval. In the event such a disposition is to occur, Corporate Services is to be notified.

The difference between the net proceeds on the disposal of a tangible capital asset and the net book value of the asset is accounted for in the Consolidated Statement of Operations as a Gain or Loss on the Sale of Tangible Capital Assets.

9. Subdivisions

Assets that meet the definition of Primary Services and Secondary Services of the Subdivision Agreement are effectively controlled by the Town once the Plan of Subdivision is registered. These assets will be recorded by the Town at the cost provided by the Developer's Consulting Engineer in the Completion Certificate(s).

10. Municipal Drains

Municipal drains will not be considered a land improvement and therefore will not be considered a tangible capital asset.



APPENDIX "A"

TCA Useful Life

Asset Class	Asset Sub Class	Useful Life
Land	All Types	N/A
Land Improvements		
	Athletic Field	20
	Ball Diamond	20
	Basketball Court	20
	Bleachers	20
	Fencing Gates	20
	Landscaping	20
	Outdoor Lighting	20
	Pickleball Court	20
	Pool - Outdoor	20
	Skateboard Park	20
	Sprinkler / Irrigation System	20
	Tennis Court	20
Buildings		
	HVAC/Electrical/Mechanical	15
	Masonry Load Bearing Frame	45
	Park Pavilions	20
	Portable Structures	25
	Roof Replacement	30
	Salt/Sand Domes	25
	Steel Frame	50
	Wood Frame	40
Computer Hardware		
	Desktops	4
	Laptops	4
	Printers	4
	Servers	4
Computer Software	All Types	5
Library	Collections	15



Licensed Vehicles		
	Light Duty (<4,500 kg)	7
	Medium Duty (4,501 kg - 9,000 kg)	12
	Heavy Duty (>9,000 kg)	15
	Fire Trucks	20
Linear Assets		
	Bridges - Concrete	50
	Bridges - Structure	75
	Fire Hydrants	40
	Major Culvert - Concrete	40
	Major Culvert - Steele	30
	Paths/Trail - Dirt	10
	Paths/Trails - Asphalt	20
	Paths/Trails - Brick or Stone	40
	Pumping Station - Civil Works (Concrete Structures)	40
	Road - Asphalt	20
	Road - Base	50
	Road - Gravel	15
	Sanitary Manholes	75
	Sanitary Sewers - Concrete	60
	Sanitary Sewers - Metal	50
	Sanitary Sewers - PVC	60
	Sanitary Sewers - Service Connections/Lateral	50
	Sidewalk - Concrete	30
	Small Culverts - Plastic	25
	Small Culvert - Metal Corrugated	30
	Storm Drains - Cast Iron	30
	Storm Drains - Metal Corrugated	30
	Storm Sewers - Concrete	40
	Storm Sewers - PVC	50
	Street Lighting - Concrete Pole	50
	Street Lighting - Lamps (High Pressure Sodium)	50
	Street Lighting - Metal Pole	50
	Street Lighting - Wood Pole	50



	Traffic Lights - Control Signal	25
	Traffic Lights - Lamp Arms	25
	Traffic Lights - Pole	30
	Valve and Chambers	40
	Water Main - Concrete	60
	Water Main - Metal/Cast Iron	50
	Water Main - PVC	60
	Water Main - Service Connections	60
	Water Meters	15
Machinery and Equipment		
	Fire Services Equipment	10
	Fueling Systems	25
	Generator	25
	Ice Making Equipment	20
	Ice Surfacing Machine	15
	Instrumentation	15
	Kitchen Equipment	15
	Maintenance Equipment	15
	Mower	15
	Playground Equipment	20
	Refrigeration Equipment	20
	Road Maintenance Equipment	15
	Scoreboard/Clock	25
	Security Equipment	10
	Snow Removal Equipment	15
	Sound and PA System	15
	Telecommunication Equipment	10
	Tractor	15
	Transformer	25
Office Furniture and Equipment		
	Office Equipment	5
	Office Furniture	10
Work-In-Process		
	Construction in process	N/A

Subject: Town Hall Building Addition December Update**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2022-0271-Public Works – Town Hall Building Addition December Update, for information.

Background:

On October 17th, 2022, staff presented to council report #2022-0242-Public Works – Town Hall Building Addition Update. The report provided information on the construction progress of the Town Hall Building Addition project and also included information regarding additional costs that have been incurred due to geotechnical issues with the site. The report identified that the foundation had to be redesigned due to geotechnical issues, which resulted in additional costs as the new design included much more material that was to be excavated and more stone to be brought on-site. At the time of the report, the final value of the additional costs of undertaking the foundation redesign was unknown but an estimate was provided. Staff was instructed to return to Council at a later date to provide an update on the additional cost once finalized. This report is written to satisfy said direction.

Analysis:

On November 15th, 2022, the Contractor provided the Contract Administrator (CA) with the change order outlining the total costs associated with the works required for the foundation redesign which included excavation of excess soil, stone backfill, and additional concrete for the foundation and footings. An additional 1,680 tonnes of stone was required to complete the foundation works, and an equivalent amount of excess soil was excavated and removed from the site. The excess soil was tested prior to being excavated and was deemed to be suitable for reuse.

To reduce further costs associated with the disposal of excess soil, Town staff identified an opportunity to reuse the excess soil at Hillside Cemetery (Hillside). Currently, Town staff store equipment at Hillside that is used to maintain the grounds. The area where the equipment is stored is visible to the public. Staff identified an opportunity to create a berm using the excess soils that would act as an aesthetic visual barrier between the equipment storage area and the rest of Hillside. Therefore, Duffin Contracting was contracted to grade the soil into a berm. The berm will be seeded in the springtime when weather permits.

Financial Considerations:

The change order for the additional foundation works was certified by the CA on November 17th, 2022, and is in the amount of \$78,176 plus HST. The cost to grade the excess soil into a berm at Hillside was \$1,595. Therefore, the overall cost of the foundation redesign including additional excavation, granular, and concrete, as well as the grading work at Hillside is \$79,771. This is an additional cost to the original project tender amount of \$1,824,000. The additional amount will be funded from the facilities reserves account.

There may be additional costs that are incurred throughout the duration of the project due to the scheduling impact of the foundation redesign. These costs will be communicated to Council if they arise.

Town staff are working closely with the contractor and the architect to identify additional opportunities for cost savings and mitigate the impact of the foundation redesign on the project budget.

Alternatives Reviewed:

As stated in the previous report to Council, the alternative to not proceeding with the foundation redesign was to cancel the project as the foundation is directly responsible for the structural integrity of the building. The structural engineer reviewed the information provided to them by the geotechnical engineer and prepared a foundation design that would have minimal impact on the project schedule. There were no alternatives associated with the foundation redesign.

The alternative to reusing the soil at Hillside Cemetery was to dispose of it at a landfill, which would result in additional costs in the amount of at least \$120,000. Given the need for a storage area at Hillside Cemetery, and the difference in costs between the two alternatives, staff was not in favour of disposing of the excess soil at a landfill.

Strategic Plan Relationship: Strong Organization

The foundation redesign is necessary for the successful completion of the Town Hall Building Addition project. The addition will provide permanent public washrooms, an indoor community event space, and a storage room, which will greatly improve the community events at Peace Park and Town Hall. The landscaped berm at Hillside Cemetery will improve the aesthetics of the cemetery by hiding the equipment used by Town staff to maintain the grounds.

Consultation:

Consultation was undertaken with Grguric Architects Inc., Soil-Mat Engineers & Consultants Inc., Hallex Engineering Ltd, and the Director of Corporate Services during the preparation of this report.

Other Pertinent Reports/Attachments:

2022-0242-Public Works – Town Hall Building Addition Update

2022-0174-Public Works – Capital Projects Budget Exceedance

Prepared and Recommended by:

Lucas Smith, B. Eng., E.I.T.
Engineering Technologist

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Subject: Update on the Sulphur Springs Drive Emergency Road Rehabilitation Project

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0276 Update on the Sulphur Springs Drive Emergency Road Rehabilitation Project, for information.

Background:

In October 2022, Public Works Operations staff identified a failure on Sulphur Springs Drive, located approximately 300 m south of Roland Road. Operations staff continued monitoring the roadway's condition and failure over several weeks. The failure resulted in erosion of the side slope and loss of the east shoulder of the roadway (see attached Appendix A for photographs of the failure dated October 24th). Based on the amount of erosion that had taken place, it was determined that the roadway in its [then] present condition was unsafe for vehicular and pedestrian traffic and was ordered closed on October 8th by the Director of Public Works in accordance with the Town's Delegation of Certain Powers and Duties by-law (By-Law Number 4307 (2021) and amending by-law 4387 (2021). The road closure occurred between Roland Road and approximately 500 m south of Roland Road. Local access to properties within the road closure was maintained and emergency services were notified.

On November 7th, staff prepared a memo to Council informing members of the closure and the intended action by staff. This report is to provide an update to Council on the status of the repair and the cost of completing the work.

Analysis:

Staff worked with Duffin Contracting to develop an emergency repair strategy to repair the roadway and reopen it to traffic as safely and quickly as possible. Duffin Contracting was in the final stages of completing the Sulphur Springs Drive Rehabilitation project at Site 2 and was prepared to mobilize quickly to this site.

The proposed repair included the installation of a ditch inlet catchbasin on the west side of the roadway. It included the installation of a new 18-inch culvert, geo-grid reinforced roadway embankment, and a reinforced east bank supporting the road.

The estimated cost to complete the roadway restoration was \$82,000 (plus applicable taxes).

The roadway was closed to traffic on October 28th with the restoration works commencing immediately. The work was completed on November 17th and reopened to traffic. (See Appendix A for photographs showing construction progress).

Financial Considerations:

The estimate provided by the staff at the beginning of the project was \$82,000 (plus applicable taxes). The work proceeded as planned and on schedule which resulted in an actual project cost of \$82,000 (plus applicable taxes).

The roadway has been reopened to both vehicular and pedestrian traffic. However, due to the fact that there were trees removed as part of the construction (forming a natural barrier between the roadway and the adjacent slope), staff will investigate the possibility of adding a guide rail system as an added roadside safety measure. If a guide rail is required it will add an additional \$5,800 (plus applicable taxes to the project).

Alternatives Reviewed:

There were no alternatives reviewed in the preparation of this report as it is for information purposes only.

Strategic Plan Relationship: Risk Management

Having a safe and reliable transportation network is fundamental to managing and mitigating risk for the Town. This emergency repair project was necessary for the safety of pedestrian and vehicular traffic. In addition, repairing this section of the roadway was critical to ensuring access for emergency and service vehicles and maintaining suitable emergency response times for the residents on Sulphur Springs Drive.

Consultation:

Other Pertinent Reports/Attachments:

Appendix A – Project Photographs
Memo to Council dated November 7th, 2022

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

APPENDIX A – SITE PHOTOGRAPHS SULPHUR SPRINGS DRIVE EMERGENCY REPAIR



Photographs showing erosion and failure of the existing roadway.



Photographs showing erosion treatment on the bank and road reconstruction using geo-reinforcement.



Photograph showing roadway reconstruction and backfill.



Photograph showing completed emergency repair.

Subject: 2022 Tree Maintenance Program and July 20, 2022
Storm Summary Report

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-0272 – 2022
Tree Maintenance Program and July 20, 2022 Storm Summary report
for information.**

Background:

In 2021 Council approved the Tree Maintenance Policy S802-01 to provide a process that addresses the maintenance and use of trees in municipal parks, municipal rights-of-way and other municipal owned lands with a goal of promoting a healthy and robust tree canopy within the Town of Pelham.

This report serves to fulfill the requirements of the Policy S802-01 to annually inform Council of the results of the Tree Maintenance program including the status of tree works and pruning programs, tree removals, tree planting, opportunities and emerging issues.

Analysis:

Tree Maintenance Operations

In 2022 the total approved Operating Contracted Services Budget for Tree Maintenance in the Town of Pelham is \$307,500. The two largest components include \$150,000 allocated to the Spongy Moth Management Program, and \$125,000 allocated to Tree Maintenance which includes: planned pruning, tree removals, stump grinding, ISA tree inspection, and emergency response. The remaining \$32,500 is allocated to tree planting. The total Beautification budget for 2022 is \$1,018,720 of which 30% is directly related to tree maintenance.

The Town of Pelham's contracted service provider completed the pruning of one hundred thirty six (136) boulevard trees predominantly on College Street, Emmett Street and Maple Street.

A total of forty nine (49) International Society of Arboriculture Tree Risk Assessment Qualification inspections (ISA TRAQ) were completed throughout the municipality based on resident requests.

Municipal staff completed three hundred twenty-three (323) resident pruning requests, as well as completing the elevation pruning on Leslie Place, Longspur Circle, Willowdale Court, and the Steve Bauer Trail between Highway 20 and Hurricane Road. Other works by municipal staff included stump grinding at thirty (30) locations, as well as completing 2/3 of the urban tree inventory utilizing an ArcGis data collector application.

Twenty three (23) municipal trees were removed in 2022. Fourteen (14) of the trees removed were 900mm in diameter at breast height or greater. Eight (8) of the trees removed were between 400mm and 900mm in diameter at breast height, the remainder were under 400mm. The total number of trees required to be planted according to the Tree Maintenance Policy S802-01 based on their diameter is eighty two (82).

At the time of authoring this report one hundred thirty three (133) trees have been planted in 2022. Seventy seven trees (77) were planted beside the multi-use path along Rice Road, north of Port Robinson Road. Public Works staff planted fifty six (56) trees throughout the municipality, which includes the twenty five (25) trees previously reported to be planted at the end of 2021, depending on weather, through Public Works Report #2021-0207.

Trees removed during construction projects are not included in this report and are replaced as part of the capital project as per contract.

In 2023, tree pruning will focus on Section 7, of Schedule-A, in accordance to Policy S802-01. This is generally the North/East corner of Fonthill. Streets include, but not limited to, Chestnut Street, Elm & Burton Street, and Stonegate Place.

Threats to the Urban Canopy

The periodic Spongy Moth infestation continues to threaten the tree canopy within the Town of Pelham. The results of upcoming egg mass surveys and 2023 defoliation forecasts will be communicated to Council as per Policy S802-03.

Oak Wilt is an emerging potential threat to the Town of Pelham's urban forest and rural woodlots. Although it has not been linked to tree loss in Canada, the Canadian Food Inspection Agency has confirmed that insect samples taken near the Ontario/USA border have been found carrying Oak Wilt DNA.

Oak wilt is a vascular disease affecting oak trees, caused by the fungus, *Bretziella fagacearum*. The fungus is spread by insects, such as bark or sap beetles,

which carry the fungus spores on their bodies and contact wounds on healthy trees. The fungus may also travel from infected trees to healthy trees through interconnected root systems. The fungus grows on the outer sapwood of an oak tree, restricting the flow of water and nutrients through the tree and causing the foliage to wilt. While some trees can recover from the infection, the fungus can also eventually cause the tree to die.

There is no cure for oak wilt-infected trees. Prevention measures to control the spread of oak wilt include a moratorium on pruning oak trees between April and August, as this is the most vulnerable time for overland spreading of spores. Identifying and removing diseased trees immediately, and severing root connections between diseased and healthy ones are also effective measures to reduce the spread of the disease.

Similar to the integrated pest management approach employed to reduce tree mortality caused by the spongy moth infestation, staff will continue to monitor the spread of disease, as well as guidance and information provided by the Invasive Species Center of Ontario.

Extreme weather and high wind events continue to pose the most significant threat to the urban canopy in Pelham. The majority of large-diameter tree removals were the result of a severe weather incident on July 20, 2022. Response to the severe weather incident placed significant pressure on the Beautification Operating Budget. Although the incident was concentrated on a relatively small area of Pelham, the cost of the cleanup to date has totaled \$120,000. Some minor works that remain outstanding at the Hillside Cemetery are to be completed in 2023. A summary of the storm's intensity and damage, undertaken by the Niagara Region Community Emergency Management Coordinator has been attached to this report as Appendix A.

Pelham Urban Area Tree Canopy Evaluation Study

In May of 2022 the Town of Pelham engaged GM BluePlan Engineering Limited to provide an estimate of the total tree canopy coverage within the Town's Urban Boundary Areas in Fenwick and Fonthill.

Both satellite and elevation information were combined with Niagara Region and Town of Pelham data to perform a complex calculation, resulting in the production of two GIS files representing the approximate tree canopy coverage complete with area information in meters squared. The technical memo explaining the study methodology is attached to this report as Appendix B.

The area of the Fonthill Urban Boundary under study was 7,889,916m². The canopy cover determined through GIS data analysis is 2,461,000m². The Fonthill Urban

Boundary tree canopy cover is 31.2%. The map Fonthill showing tree canopy area is shown in Appendix C.

The area of the Fenwick Urban Boundary under study was 2,513,242m². The canopy cover determined through GIS data analysis is 885,000m². The Fenwick Urban Boundary tree canopy cover is 35.2%. The map of Fenwick showing canopy area is shown in Appendix D.

Combined, the canopy cover within Pelham's urban boundary is 32.2%. Rural areas of Pelham were not included in this study. Land in agricultural production, although critical to society, may not necessarily add to the tree canopy as they tend to have lower tree coverage in favour of open fields for crops or agricultural buildings.

A significant amount of the urban tree canopy in Fonthill and Fenwick is due to the presence of urban street trees. When new subdivisions are approved, the Town requires developers to plant a minimum one street tree per lot and a minimum of two street trees per lot on corner lots. In addition, when commercial and institutional developments are approved, landscaping requirements are part of those approvals which includes tree plantings. The tree planting requirements from developments help to maintain and improve the Town's urban tree canopy cover. Landscaping in the urban environment is an important aesthetic that contributes to our sense of place and the urban tree canopy provides a number of environmental benefits including contributing positively to carbon sequestering and minimizing the impact of the urban heat island effect.

Financial Considerations:

There are no financial considerations attributed to this report.

Alternatives Reviewed:

No alternatives were considered in the authoring of this report. The requirement to prepare an annual information report to Council outlining the results of the Tree Maintenance Program is dictated in section 4.7 of the Tree Maintenance Policy S802-01.

Strategic Plan Relationship: Strong Organization

The tree canopy within the municipal boundary is vital to the high quality of life within the Town of Pelham.

Consultation:

GM BluePlan Engineering Limited provided the Pelham Urban Area Tree Canopy Evaluation report and maps.

The Niagara Region Community Emergency Management Coordinator provided the Pelham Severe Weather Incident Summary Report.

The Director of Planning contributed to the drafting of this report.

The Supervisor of Beautification contributed to the drafting of this report.

Other Pertinent Reports/Attachments:

Appendix A – Canopy Study Technical Memo

Appendix B – Map of Fonthill showing canopy cover

Appendix C – Map of Fenwick showing canopy cover

Appendix D – Severe Weather Incident Report – Niagara Region CEMC

Prepared and Recommended by:

Ryan Cook, Dipl.M.M., CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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



Pelham Severe Weather Incident July 20, 2022

Background

On July 20 2022, a line of severe thunderstorms moved west to east through Niagara Region. While most of the line resulted in minor damage, Pelham reported significant damage to electrical infrastructure, some buildings, and trees. The initial damage was believed to be from Balfour between Memorial and Canboro Road, east to South Pelham Road, and then between Hurricane and Canboro Road in Pelham. Damage varied significantly within this area ranging from light wind damage (e.g., small branches down) to significant damage (e.g., electrical poles snapped in half).

Purpose

The purpose of this document is to provide a summary of this severe weather event for Regional Emergency Management records. It will be shared with partners including the Town of Pelham, Environment and Climate Change Canada (ECCC), and the Northern Tornadoes Project (NTP).

Scope

This document focuses on the observations and actions by Niagara Region Emergency Management. Partners such as the Town of Pelham may have their own reports and summaries.

Timeline

July 18 2022 : Niagara Region Emergency Management noted the potential for severe weather on July 20, 2022.

July 19 2022: Niagara Region Emergency Management notified the Regional Emergency Operations Centre (REOC) regarding the potential for severe weather on July 20, 2022.

July 20 2022: 08:00 – Niagara Region Emergency Management begins enhanced monitoring for potential severe weather expected later in the day.

12:45 – Niagara Region Emergency Management distributed an email to the Local Area Municipal (LAM) Community Emergency Management Coordinators (CEMCs) and the REOC members. The email stated “Severe weather is expected today in southern Ontario. Based on the current forecast models, while Niagara could see severe thunderstorm activity later this evening, the tornado risk remains in south central and southwestern Ontario. Niagara is more likely to experience a line of storms than a tornado, however, it is important to remain alert as the risk isn’t zero and some of the storms may still be capable of producing damaging winds and heavy rain. Please monitor weather watches and warnings as the situation develops.”

14:19 – ECCC issues a severe thunderstorm watch for Niagara.

Pelham Severe Weather Incident July 20, 2022



21:38 – Regional CEMC noted thunderstorm activity in Niagara with very frequently lightning. Monitors for damage reports.

21:42 – ECCC issues a severe thunderstorm warning for northern Niagara Region. Warning noted the potential for 90 km/h winds and that severe thunderstorms can produce tornadoes.

22:03 – ECCC adds southern Niagara to the severe thunderstorm warning. Some reports of damage start being shared on social media but the full extent is not known until the following morning.

July 21 2022

09:15 – Pelham CEMC alerts Niagara Region CEMC that significant damage occurred in Pelham.

10:00 – Regional CEMC surveys damage. Notes that cleanup is already underway in many areas.

Site Survey

The following provides an overview of some of the damages that were observed on the morning of July 21 2022. It should be noted that Pelham includes diverse properties that are used for residential, commercial, agricultural, and natural purposes. Some areas were not accessible due to the road network, being private property, or natural spaces (e.g., forest). This was not intended to be a full description of the damages but was intended to provide a rough overview.

Balfour St. (between Metler and Sixteen)

Multiple large branches down facing N. Top of tree torn off. Damage continued NE across the road where the property of 1957 Balfour is located.



1957 Balfour St.

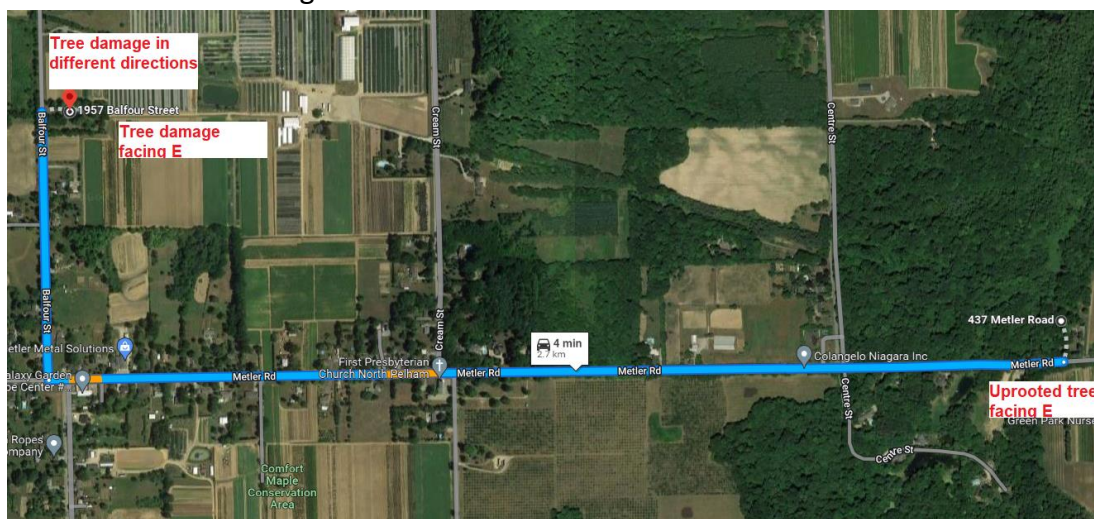
Damage was observed across the road at the residential property of 1957 Balfour St. The homeowner was home at the time of the storm. He reported watching the storm and hearing a loud continuous roar like a jet or freight train after a period of very heavy rain and possible hail. This caused him to immediately seek shelter in the interior of the house as the sound increased and the branches started to fall. Immediately following this, the wind died down significantly. The homeowner had past experiences with tornadoes and stated that the roaring sound was what motivated him to seek shelter. A healthy walnut tree was damaged on the north-side of the property with the top twisted and large branches down on the fence. The broken top of the tree faced north while other branches faced in different directions. A gazebo with patio furniture and cushions several meters away remained untouched.

Several other large branches were down approximately 60 m away on the east side of the property. These branches faced different directions. The homeowner confirmed that they had not been moved.



Across from 437 Metler

An uprooted tree was observed. The tree appeared to have been shallow rooted on a steep incline. A damaged road sign was also noted but damage appeared to have been caused by the falling tree. The tree was facing east.



Haist and Overholt

Large branch observed down by the golf course among smaller branches. The large branch was facing east.

1796 Pelham

Damage to trees and power lines was observed around Pelham and Hollow. Power lines were sagging to the ground. Large branch on roof of the house but no damage to shingles observed. Stick embedded in ground near mile marker to the right of the house. Branches were primarily facing north but some were facing other directions.



Merrittville and Holland

Tree down facing east on Merrittville and Holland. No damage that could be directly attributed to the storm aside from smaller branches was noted in the St. Johns Conservation Area between Pelham and Hollow and Merrittville and Holland.

Hurricane and Chestnut

This was one of two areas observed with significant damage. Multiple large trees and branches down in a residential area, some down on top of vehicles. Power lines were down in this area and there was some damage to streetlights. Some building damage was observed. However, most building damage aligned with where trees had fallen so damage may have been caused by the trees rather than the wind. A bent antenna was observed on one roof.

Clean up was underway but crews reported that tree damage was facing the same direction when they arrived.

Pelham Severe Weather Incident July 20, 2022



Haist and Highway 20

Another area of significant damage was observed in the neighborhoods around Haist and Highway 20. The hardest hit area appeared to be on Haist north of Highway 20 along damage was noted south as well. Significant damage to electrical infrastructure was observed including multiple electrical poles were snapped and downed power lines. Large trees and large branches had fallen on some vehicles. Several homeowners reported being at home during the storm. They said that they were watching the trees bend and break during strong winds. Wind gusts increased until the strongest gust caused transformer explosions and the poles to snap. Unlike the homeowner at 1957 Balfour, they reported not hearing a roaring sound. Crews on site reported that damage was facing the same direction when they arrived.



280 Pancake Lane

Storm damage was found as far south as Pancake Lane. The homeowners were not present at the time of the storm. This was another site like 1957 Balfour in which tree damage was not in one direction. A tree in the front yard had its top (approximately 12 feet long) taken off and was lying facing E. Additional large branches were down in the front yard facing different directions.



Multiple trees were down in the backyard and appeared to have been snapped near the base of the tree or near their tops for those that were in denser vegetation. The tree shown in the image with the Muskoka chairs was facing east. The chairs were not moved at all. Large branches were down in multiple directions.



Pelham Severe Weather Incident July 20, 2022

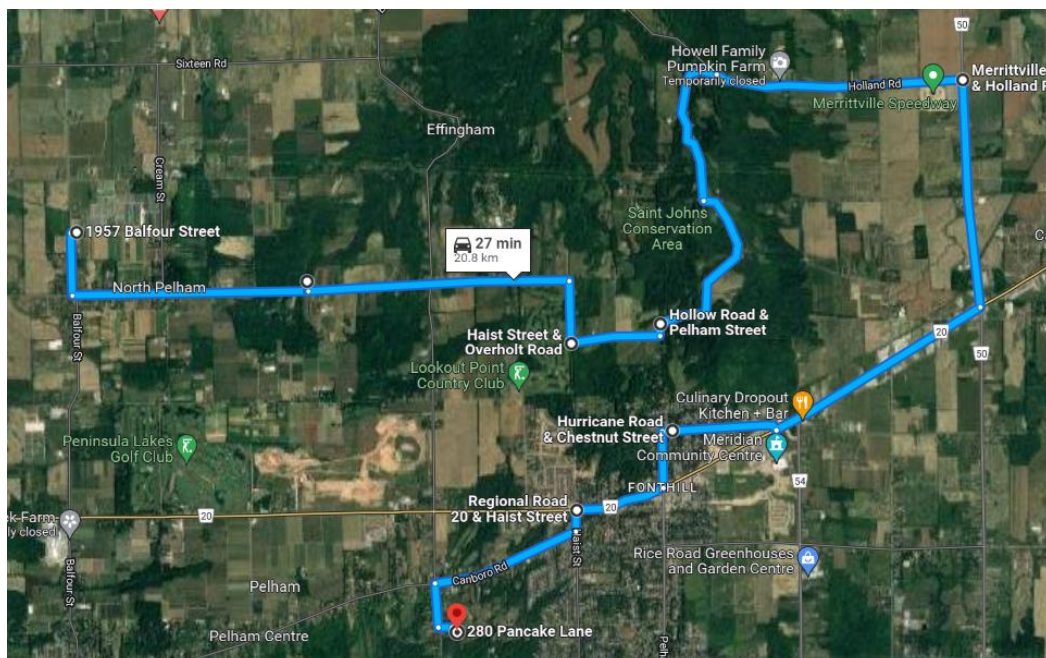


Several meters away from the tree in the image with the chairs was another tree that had been snapped near its base. This tree was facing south along with the top of another tree that was also facing south.



Summary

The July 20, 2022 severe weather incident resulted in damages over a large area in Pelham, Ontario with pockets of more severe damages occurring around Hurricane and Chestnut, and Haist and Highway 20. The observed damage was primarily to trees and electrical infrastructure, however property damage to both buildings and vehicles was observed. Cleanup was ongoing at the time of the site visit so it was not possible to see all damages caused by the storm. The areas noted in this report are visible on the map below for reference. The site visit was not intended to be a full damage survey so there are other areas that experienced damage likely from this event, although attempts were made to capture the areas with the most severe damage.





Date:	10/3/2022	File:	622088
To:	Ryan Cook		
From:	James Burn		
Project:	Pelham Urban Area Tree Canopy Evaluation		
Subject:	Processing Memorandum		

TECHNICAL MEMO

Project Background

In May of 2022, The Town of Pelham (the Town) engaged GM BluePlan Engineering Limited (GMBP) to provide an estimate of the total tree canopy coverage within the Town's Urban area boundary. Both satellite and elevation information were combined with Niagara Region and Town information to perform a complex calculation, resulting in the production of two GIS files representing the approximate tree canopy coverage complete with area information in meters squared.

Information

To perform this analysis, two primary information resources are required. The first is an overall aerial view of the subject areas and the second is elevation information to determine ground level vs. non-ground elements such as trees and buildings.

As the Region of Niagara's aerial data is generally collected after leaf fall, this was deemed as in-adequate for the purposes of determining tree locations and leaf canopy. To accomplish this, satellite data was acquired using the SkyWatch system. Two areas were defined for acquisition – one for the Fonthill urban area and one for the Fenwick urban area. For both areas, capture from the Palisades satellite at 0.5m resolution with 0% cloud cover was acquired. In addition to standard red, green and blue colour bands, this information also included the near-Infra-red band.

For elevation data, both digital **surface** and digital **terrain** model data was acquired from Ontario's open source GeoHub site. A digital surface model (DSM) represents the 3-dimensional surface of an area inclusive of elements such as buildings, trees and other structures. A digital terrain model (DTM) is similar but has been processed to remove structural elements which are deemed to be taller than ground level.

Other data used for this project include the Region of Niagara Open Data for Building Footprints and Urban Areas.

Processing Steps

Using the above data, the following process was completed to create a resulting ESRI shp file, delineating the tree canopy area. Assumptions are also documented.

CREATION OF A NORMALIZED DIFFERENCE VEGETATION INDEX (NDVI)

An NDVI is a tool that may be used to display vegetation vs. non-vegetative areas. This is done using the near infra-red information and the following equation: $(nIR - Red) / (nIR + Red)$. The result of this is shown below (Fonthill Town Hall area) with vegetative areas being displayed in yellow to red, and non-vegetative areas (roads, buildings) being displayed in blues. This provides a good indication of where “green vegetation” is located.

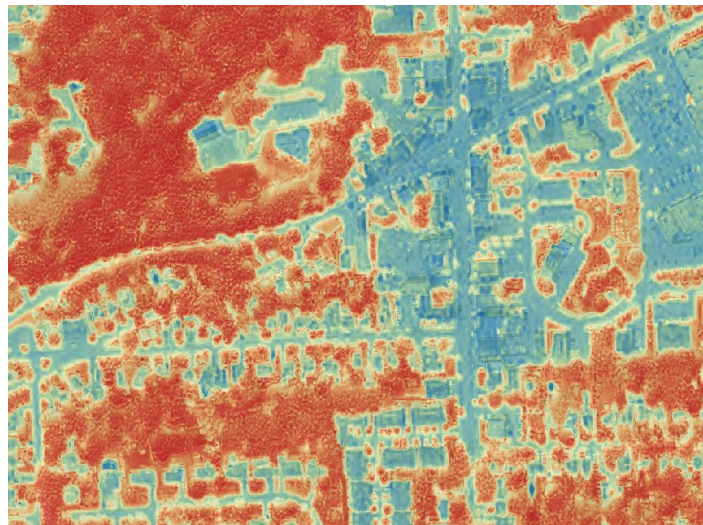


Figure 1 - NDVI

INITIAL TREE LOCATION DETERMINATION

The next step involved a review of elevation information. The while the DSM was used to determine the ground elevation, the difference between this and the DTM results in the height, above ground, of structures. After this difference was calculated, an assumption was made that any structures less than 2.5m in height did not represent a “tree” of significance.



The resulting dataset now provides an accurate assessment of elements that are greater than 2.5m in height which also allows for ground vegetation (i.e. grass) from being included as a tree. Merging this result with the NDVI result in Figure 1 begins to show a better picture of tree locations as shown in Figure 2.



Figure 2 - NDVI merged with Elevation Difference

As one can see, trees become much more easily visible. Spatial indexing allows for the determination that index values of less than 2 are most likely buildings or structures, while those greater than 2 are trees as shown in Figure 3:

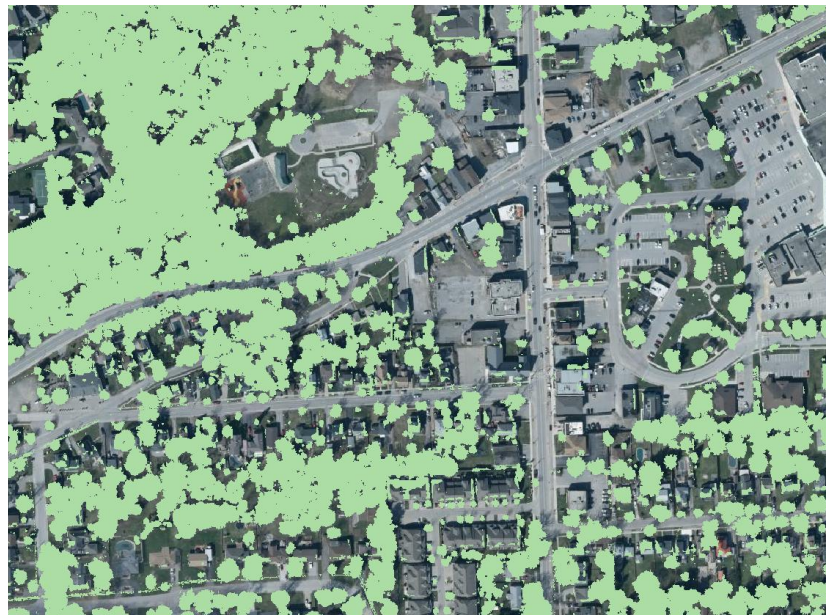


Figure 3 - Tree Canopy Indexing

VECTORIZATION

The results from the Tree Canopy Indexing were then automatically vectorized and compared with the Region's current building footprint file. An overlap analysis was run to calculate any locations that were more than 50% contained within a building envelope. These were clipped to the envelope to provide a final layer. This allows for anomalies to be removed while still allowing for tree canopy results that overhand a building as shown in Figure 4.

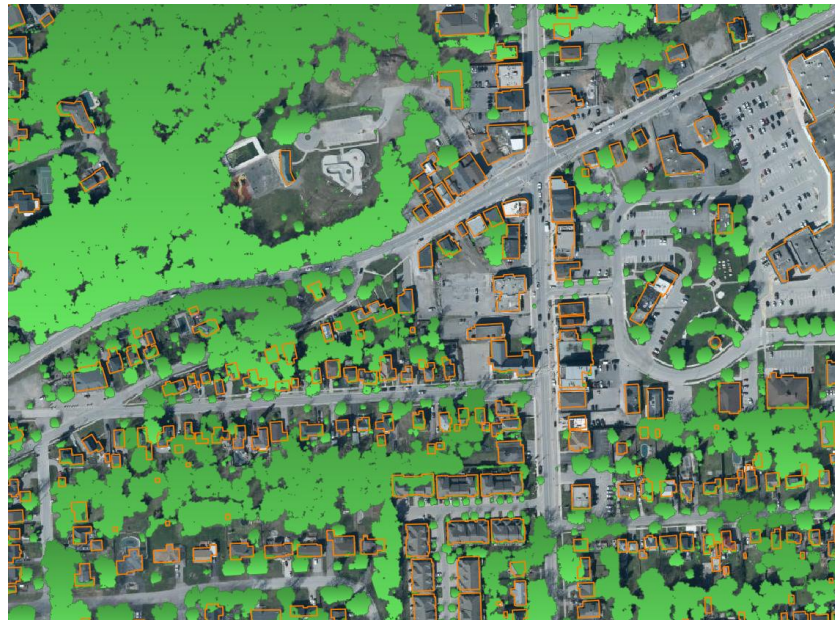


Figure 4 - Final Tree Canopy Layer

Results

As the results are digital GIS files, they by default include calculated area information. Combining these together, the following calculated tree canopy areas were determined:

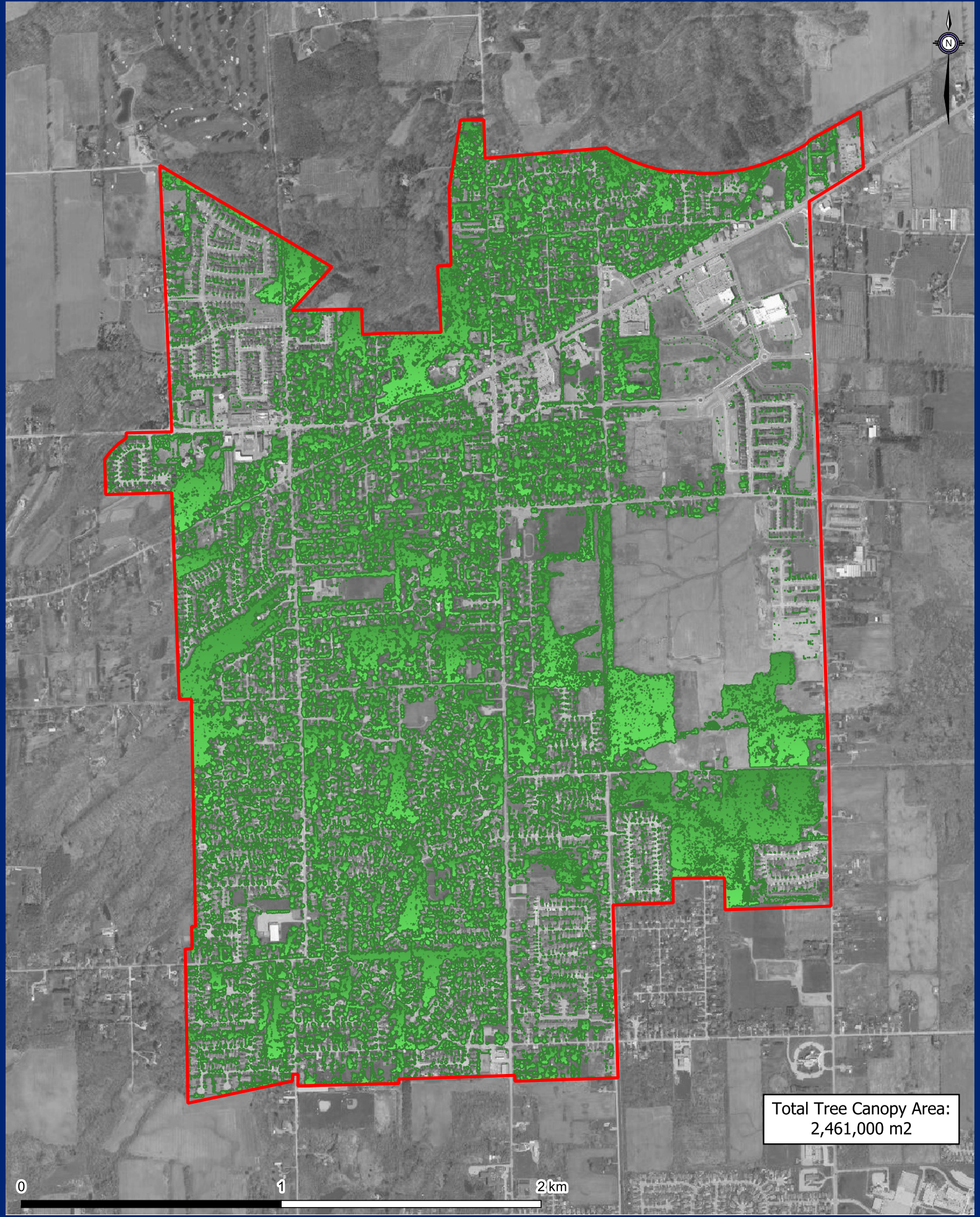
- Fonthill: **2,461,000 m²**
- Fenwick: **885,000 m²**

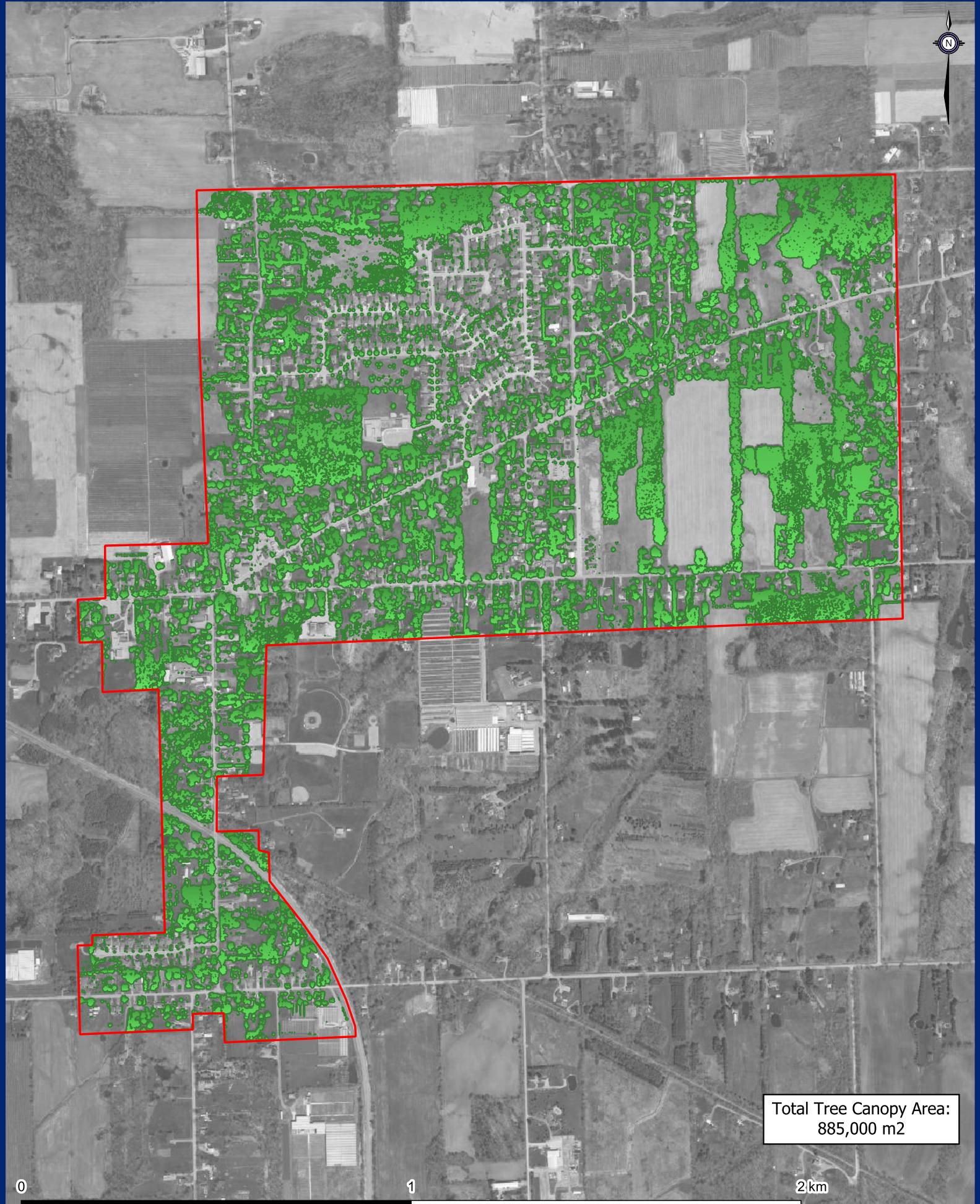
The final digital deliverables include the following:

- Fenwick
 - o Imagery
 - NDVI grid
 - NDVI merged elevation data grid
 - Resulting grid indexed greater than 2
 - o Map of Fenwick showing tree canopy area
 - o ESRI shp file of tree canopy area for Fenwick
- Fonthill
 - o Imagery
 - NDVI grid
 - NDVI merged elevation data grid
 - Resulting grid indexed greater than 2
 - o Map of Fonthill showing tree canopy area
 - o ESRI shp file of tree canopy area for Fonthill
- Satellite Acquisition
 - o Raw Imagery acquired from SkyWatch system
 - o Urban Area boundaries for Fonthill and Fenwick

Conclusion

We feel that this analysis will provide the Town with an actionable estimate of the Town's tree canopy area within the Urban Area boundary. Any questions may be sent to James Burn (james.burn@gmbblueplan.ca).





Total Tree Canopy Area:
885,000 m²

Call for Nominations: 2023 - 2027 ROMA Board of Directors

Request of Municipal Clerks: Please make this document available to all new and incumbent council members coming out of the October 24th, 2022 municipal elections. We do not have all of their email addresses at this time.

ROMA Policies and Procedures set out the requirements for the Notice and deadline for Zone Nominations. Deadline for receipt of nominations is Friday, December 23, 2022, so if an individual of your 2023 – 2027 Council wishes to run for the ROMA Board, Council (or its Committee of the Whole) will need to pass a supporting resolution at a November or December 2022 meeting.

ROMA Elections Notice

Please be advised that in accordance with the Rural Ontario Municipal Association's Policies and Procedures, this is notice of nominations for Zone Representatives to the 2023 – 2027 ROMA Board. One (1) representative will be elected for each of the ten zones. The term of the ROMA Board is four years. Candidates reflecting Ontario's diversity are encouraged to seek election to the ROMA Board.

The [2023 - 2027 ROMA Board of Directors nomination package](#) contains:

- A summary of the qualifications to serve on the ROMA Board of Directors;
- A sample Council resolution;
- An estimate of the annual time commitment required to serve on the ROMA Board and information regarding reimbursement of expenses; and
- Nomination Form.

The election will take place on Monday, January 23, 2023 at the 2023 Annual Conference. The conference is January 22 - January 24, Sheraton Hotel, 123 Queen Street West, Toronto, Ontario.

In the event the conference is held virtually due to public health restrictions, conference delegates will vote through electronic means.

Submission

A completed Nomination Form and supporting material (i.e., Council or Committee of the Whole

resolution of support) must be received no later than 12:00 p.m. on Friday, December 23, 2022. Nominations will not be accepted beyond that date.

Please forward a completed Nomination Form to the Association via email romaelections@roma.on.ca or fax at 416-971-6191 or mail to the attention of Brian Rosborough, Executive Director. Scans and photographic images of documents are acceptable. All candidates will be contacted to confirm receipt of their nomination.

ROMA's Chief Returning Officer, Peter Fay, will review and certify the nomination. A Nominations Report will be issued to the membership in advance of the conference. Information regarding the elections process will be sent at that time.

If you have any questions regarding this information, please contact Brian Rosborough, Executive Director at 416-971-9856, ext. 362, e-mail brosborough@amo.on.ca or Adam Garcia, Manager, Executive Office, 416-971-9856, ext. 356, email agarcia@amo.on.ca.

ROMA Conference

[Delegation Meetings](#)

[Hotel Information](#)

[Program](#)

[Registration](#)

[Sponsorship/Exhibitors](#)

Call for Nominations: 2023 - 2027 ROMA Board of Directors

November 11, 2022

LOCAL AREA MUNICIPALITIES**SENT ELECTRONICALLY****Re: Appointments to Niagara Transit Commission Board**

In accordance with Regional By-law 2022-38, being a By-law to Establish the Niagara Transit Commission as a Municipal Service Board, it is requested your Council recommend a nominee(s) for appointment by Regional Council to the Niagara Transit Commission Board for the 2022-2026 term of Council.

In keeping with the Governance Strategy developed through the triple-majority process, please consider the following:

- 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

In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas such as business, finance, strategic planning, or transit operations. Meetings are typically being held once a month on a Tuesday afternoon.

All 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.

If you require additional information, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

CLK-C 2022-144

From: [REDACTED]
To: [Holly Willford](#)
Subject: Advance notice for Hydro Board appointments
Date: Thursday, July 14, 2022 11:50:51 AM

Good morning, Holly

Beginning January 1, 2023, the Town of Pelham will be entitled to 2 positions on the Board of Directors of Niagara Peninsula Energy Inc. Gord Marasco's current term expires on December 31, 2022 and he is eligible for re-appointment.

Pelham will have a second representative on that Board also for a three-year term. From a corporate governance perspective, it is preferable to nominate non-elected persons.

Presently, on the Board of Peninsula West Power Inc, the term of Bob Hildebrandt expires on December 31, 2022 and according to our records, the term of Lisa Haun ends on December 31, 2023. Council can choose elected or non-elected Nominees. The normal term is three years.

I know this is complicated and I am quite willing to meet with you in person at any time, if I can be of assistance.

I would appreciate learning of the Town's nominations by December 9, 2022.

Regards,
Brian Walker
President, Peninsula West Power Inc.

July 14, 2022.

File No.: 26-OP-171748
Municipality: Regional Municipality of Niagara
Subject Lands: All lands within the Regional
Municipality of Niagara

Date of Decision: November 4, 2022
Date of Notice: November 4, 2022

NOTICE OF DECISION

With respect to a new Official Plan under
subsection 17(34) of the *Planning Act*

A decision was made on the date noted above to approve, with modifications, the new Niagara Official Plan for the Regional Municipality of Niagara, as adopted through By-law No. 2022-47.

Purpose and Effect of the Official Plan

The approval of the Regional Municipality of Niagara's new official plan, as modified, repeals and replaces the in-effect official plan and all amendments thereto. The new Niagara Official Plan, as approved, outlines a comprehensive land use policy framework to guide growth and development within the region to the year 2051, including policies and schedules related to housing; planning for employment and infrastructure; environmental and agricultural protection, among other matters.

The forty-five (45) modifications to the official plan have been made by the Minister to address provincial policy direction and government priorities related to increasing housing supply, the protection of the natural heritage system and features, aggregate resource protection and land use compatibility.

Decision Final

Pursuant to subsections 17(36.5) and (38.1) of the *Planning Act*, the decision of the Minister of Municipal Affairs and Housing regarding an official plan adopted in accordance with section 26 of the *Planning Act* is final and not subject to appeal. Accordingly, the Niagara Official Plan, as approved with modifications by the Minister, came into effect on November 4, 2022.

Other Related Applications

None.

Getting Additional Information

Additional information is available on the Regional Municipality of Niagara's website <https://www.niagararegion.ca/official-plan/> or by contacting the Ministry of Municipal Affairs and Housing:

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central
777 Bay Street, 16th Floor
Toronto, Ontario, M7A 2J3
416-585-6226

DECISION

With respect to the New Regional Municipality of Niagara Official Plan Subsection 17(34) of the *Planning Act*

I hereby repeal the Regional Municipality of Niagara Official Plan adopted by By-law 828-785-73 as approved by the Ministry of Municipal Affairs and Housing in 1973, and subsequent amendments thereto. Furthermore, I hereby approve, as modified, the Regional Municipality of Niagara Official Plan, as adopted by By-law 2022-47, subject to the following modifications, with additions in **bold underline** and deletions **~~in bold strikethrough~~**:

1. Policy 2.2.2.21 is modified so that it reads:

New *strategic growth areas* may be identified by the Region through a *municipal comprehensive review*, **including** ~~The the~~ boundary of the *strategic growth area* and its minimum density target. **Detailed planning** shall be determined through a district plan or secondary plan process in accordance with Section 6.1., ~~and incorporated through the next municipal comprehensive review.~~

2. Policy 2.2.4.2 is modified so that it reads:

Public service facilities, such as municipal works depots, police stations and fire halls, are strongly encouraged to locate within *settlement areas*. Where considered outside of settlement areas, such uses shall **conform to, and be consistent with, applicable provincial policies.** ~~be compatible with and have minimal impacts on their surroundings~~

3. Policy 2.2.5.2 b) is modified so that it reads:

b) the proposed expansion will only make available sufficient lands needed to the horizon of this Plan based on the analysis required in Policy ~~2.2.5.3 a)~~, **2.2.5.2 a)** while minimizing land consumption; and

4. New subsection 2.2.5.4 e) is added:

e) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.

5. Subsection e) of policy 3.1.5.5 is deleted and subsections f) – j) are renumbered accordingly:

Development or site alteration shall not be permitted in *key natural heritage features* that are within the *Provincial natural heritage system* or in *any key hydrologic features* outside of *settlement areas* except for:

[...]

~~e) single dwellings on existing lots of record in the Greenbelt Plan area, provided they were zoned for such as of the date the Greenbelt Plan initially came into effect;~~

[...]

6. Policy 3.1.5.7.7 is deleted:

~~Notwithstanding Policy 3.1.5.7.3, the following types of minor construction is permitted within a vegetation protection zone provided there is no alternative without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new buildings and structures for agricultural uses, agriculture related uses, or on-farm diversified uses below 200 m²;~~
- ~~b) expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m²;~~
- ~~c) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m²;~~
- ~~d) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~e) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing residential dwelling of the same size at the same location.~~

7. Policy 3.1.5.8.4 is deleted:

~~Notwithstanding Policy 3.1.5.8.2 the following types of minor construction is permitted within the *Provincial natural heritage system* provided there is no alternative, outside of a *key natural heritage feature* or *key hydrologic feature*, without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m²;~~
- ~~b) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~c) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing~~
- ~~d) reconstruction of an existing residential dwelling of the same size in the same location.~~

8. New policy 3.1.9.5 is added and subsequent policies are renumbered accordingly:

Mineral aggregate operations and wayside pits and quarries are permitted in the vegetation zone described in policy 3.1.9.2 except in accordance with Provincial policy and Section 4.3 of this Plan.

9. New policy 3.1.9.6.5 is added and subsequent policies are renumbered accordingly:

Notwithstanding policy 3.1.9.6.1 c), new or expanding mineral aggregate

operations may be permitted in significant woodlands if it has been demonstrated through the preparation of an *environmental impact study* that there will be no negative impacts on the natural feature or its ecological functions.

10. Policy 3.1.9.7.2 is modified so that it reads:

Notwithstanding Table 3-1, the requirement for an *environmental impact study* and/or *hydrologic evaluation* may be **waived** **scoped** if the proposed *development* or *site alteration* is minor and is not anticipated to have a *negative impact* on the *natural environment system* in accordance with the **policies of this plan, provincial policies and waiving requirements outlined in** the Environmental Impact Study and/or Hydrologic Evaluation Guidelines.

11. Policy 3.1.9.8.3 is modified so that it reads:

Development or *site alteration* shall not be permitted in the minimum *buffer* set out in Table 3-2, with the exception of that described in Policy 3.1.9.5.6.3 and 3.1.9.6.5 or infrastructure serving the agricultural sector, unless it has been demonstrated through the preparation of an *environmental impact study* that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.

12. Policy 3.1.9.8.4 is deleted and subsequent policies are renumbered accordingly:

Notwithstanding Policies 3.1.9.7.1 and 3.1.9.8.3, the following types of minor construction is may be permitted within adjacent lands set out in Table 3-1 and minimum buffers set out in Table 3-2 provided there is no alternative, subject to without an *environmental impact study* and/or *hydrologic evaluation* :

- a) ~~new buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 200 m²;~~
- b) ~~expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m²;~~
- c) ~~new accessory buildings to a residential use (garage, workshop, etc.) below 50 m²;~~
- d) ~~expansions to existing accessory buildings for a residential use below 50% of the size of the original building;~~
- e) ~~expansions to existing residential buildings below 50% of the size of the original building; and~~
- f) ~~reconstruction of an existing residential dwelling of the same size in the same location.~~

13. Policy 3.1.11.5 is modified so that it reads:

Notwithstanding policies **3.1.9.6.2 and** 3.1.11.1 to 3.1.11.4, policies related to *other woodlands* do not apply to new or expanding *mineral aggregate operations*.

14. Policy 3.1.21.1 b) is modified so that it reads:

The proposed *development* or *site alteration* activities will not jeopardize the survival, recovery and conservation of species at risk ~~listed protected~~ in Schedule 1 of the Species at Risk Act or in Ontario Regulation 230/08, including their residences and critical habitat.

15. Policy 4.1.1.5 is modified so that it reads:

The removal of topsoil in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Further, the placement of fill in *specialty crop areas* and *prime agricultural areas* is prohibited except for normal farm practices conducted in accordance with Ontario Regulation 409/19 and the Rules for Soil Management and Excess Soil Quality Standards. Local Area Municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 of this Plan.

16. Policy 4.1.7.7 is separated into two policies and subsequent policies are renumbered accordingly:

4.1.7.7 The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.

4.1.7.8 The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses*:
[...]

17. Policy 4.2.1.15 is modified so that it reads:

The Region and Local Area Municipalities may support employment *development* and *redevelopment* serviced through sustainable private services, including dry *industrial development*, within *employment areas* where there are constraints to *municipal water and wastewater systems/services*, provided that in settlement areas, individual on-site sewage services and individual on-site water services are only used for infilling and minor rounding out of existing development.

18. Policy 4.2.2.2 is modified so that it reads:

The Region will work with the other levels of government to prioritize improvements to *major goods movement facilities and corridors* and *planned corridors* within the *Niagara Economic Gateway* to focus on:

a) within settlement areas, the development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities,

~~b) as well as~~ supporting economic diversity and promoteing increased opportunities for cross border trade, movement of goods, and tourism.

19. Policy 4.2.2.3 is modified so that it reads:

Lands within the *Niagara Economic Gateway* are preferred for the **identification planning** of future *employment areas* **in accordance with policy 4.2.3.2. and Lands within the Niagara Economic Zone and the Niagara Economic Centre are preferred for provincially significant employment zones.**

20. Policy 4.2.3.1 is modified so that it reads:

Future employment areas **are shown conceptually as set out** in Appendix 2, **have been identified** due to their location within the Niagara Economic Gateway and proximity to major goods movement facilities and corridors, and/or near planned corridors.

21. Policy 4.2.3.2 is modified so that it reads:

Future *employment areas* are outside of existing *settlement areas* and **shall may be identified for planned for** long-term **protection planning, provided lands are not designated** beyond 2051.

22. Policy 4.2.3.4 is deleted and subsequent policies are renumbered accordingly:

~~The Region will determine, in consultation with the Local Area Municipalities, the boundary, land uses and minimum density target of future *employment areas* as part of a district plan or secondary plan process, or equivalent, per Section 6.1 and provide urban design guidelines per Section 6.2.~~

23. Policy 4.2.3.5 is modified so that it reads:

The Region will work with Local Area Municipalities to review and evaluate any proposal to **identify protect** future *employment areas* using the following considerations:
[...]

24. New policy 4.2.4.10 is added:

Notwithstanding policy 7.12.2.5, development applications within a two kilometre radius of the Cytex Canada Inc. facility in Niagara Falls shall be subject to policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local official plan.

25. New policy 4.3.2.6 is added:

Asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses shall not be permitted in the Niagara Escarpment Plan Area.

26. New subsection 4.5.2.1(b)(ii) is added and subsequent subsections are renumbered accordingly:

This section consolidates policy direction integrated throughout this Plan that supports economic prosperity.

The Region will endeavour to:

a) attract employers and workers to the region by:

[...]

b) improve the region's infrastructure to attract new investment, support existing businesses to grow, and build resiliency by:

[...]

(ii) establishing priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of employment areas and other areas of significant commercial activity and to provide alternate routes connecting to the provincial network.

[...]

27. Policy 5.1.1.1 is modified so that it reads:

The Region's *transportation system* will be implemented as per the recommended actions and schedules of the Region's Transportation Master Plan **in accordance with relevant provincial policies and plans such as A Place to Grow: Growth Plan for the Greater Golden Horseshoe; Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe; and the Metrolinx's Regional Transportation Plan.**

28. New policy 5.1.1.9 is added:

In all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will also be subject to MTO approval. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway, interchange or intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.

29. New policy 5.1.6.1 is added and subsequent policies are renumbered accordingly:

Major goods movement facilities and corridors shall be protected for the long term. Development proposals for sensitive land uses in proximity to major goods movement facilities and corridors shall be subject to policies 4.2.4.2 and 4.2.4.3.

30. Policy 5.1.6.1 is modified so that it reads:

The Region, in partnership with **the Province and** Local Area Municipalities, will develop and implement a Goods Movement Study that is consistent with the recommendations of the Region's Transportation Master Plan, and the **Strategic Goods Movement Network and associated policy directions of Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe and** Freight-Supportive Guidelines.

31. Policy 5.2.3.4 is modified so that it reads:

Individual water supply and sewage disposal systems are permitted outside the urban areas provided the site conditions are suitable for the long-term provision of such services with no negative impacts. **Lot creation on individual on-site sewage services is only permitted if there is confirmation of sufficient reserve sewage**

system capacity for hauled sewage.

32. New policy 5.2.4.16 is added:

The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.

33. Policy 6.1.3.3 is deleted:

The Glendale District Plan recognizes and provides direction for the four special study areas: Niagara Regional Native Centre, Eco Park, Southwest Glendale, and Niagara College.

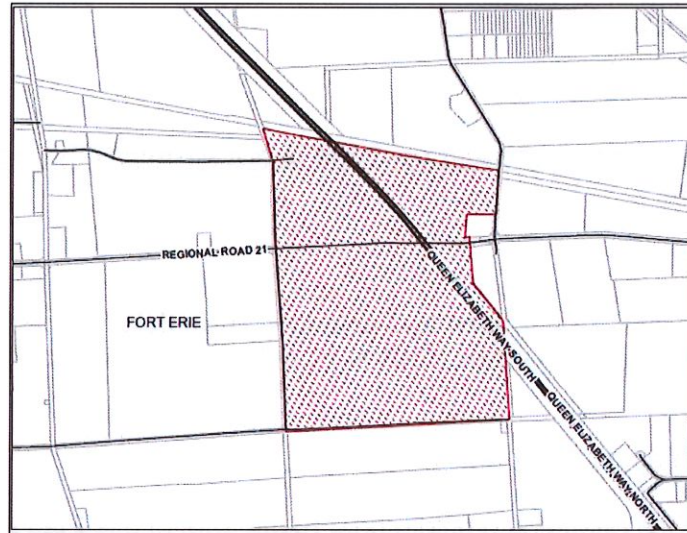
34. Policy 7.12.2.5 is modified so that it reads:

Development applications deemed complete prior to the date of this Plan's approval shall be permitted to be processed, and a decision **be** made, under the Local and Regional Official Plan policies, **as well as Provincial policies** that existed when the application was deemed complete.

35. New policy 8.2.6 is added:

The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of a north-south and east-west linkage within the regional natural heritage system and shall be planned for in the following manner:

- a) **New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape, including through the north-south connection across the QEW identified as a linkage in Schedule C2.**
- b) **To ensure that connectivity is maintained, the Town of Fort Erie, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.**



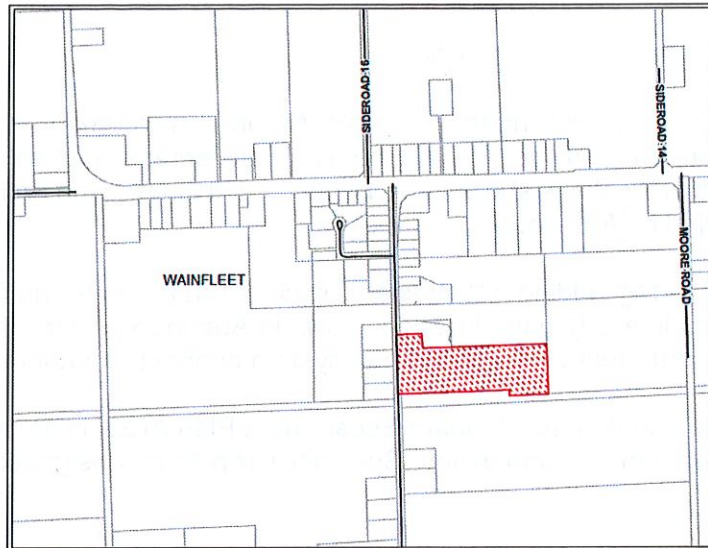
36. Policy 8.9.1 is modified as follows:

Notwithstanding the other policies of this Plan, the lands shown on the associated map are regulated under the Niagara Escarpment Planning and Development Act and subject to a decision on deferral UA-04 from the Ministry of **Northern Development, Mines**, Natural Resources and Forestry (**MNDMNRF**). Should ~~the~~ **MNDMNRF** issue a decision to re-designate the subject lands in the Niagara Escarpment Plan from Escarpment Protection Area to Urban Area, the urban area boundary for the City of St. Catharines may be expanded and shown as Designated Greenfield Area and District Plan Area on Schedule B, and Urban Area on the remaining schedules where applicable, without amendment to this Plan. The land use development shall follow the direction of the Glendale District Plan and the policies of section 6.1.3 of this Plan. The associated forecasted growth resulting from this re-designation will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.

37. New policy 8.11.3 is added:

The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of an east-west linkage within the regional natural heritage system and shall be planned for in the following manner:

- a) New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape.
- b) To ensure that connectivity is maintained, the Township of Wainfleet, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.



38. The definition of "Existing Use" in Chapter 9 is modified so that it reads:

Existing Uses (Greenbelt Plan Area only): uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established

Existing Uses (Niagara Escarpment Plan Area only): shall have the same definition as "existing use" in the Niagara Escarpment Plan.

39. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified, with respect to two proposed settlement area boundary adjustments identified in Appendix 1 of this Decision, by aligning the settlement area boundary of the City of St. Catharines with the Greenbelt Plan Area Boundary as per O.Reg. 59/05, so that the urban boundary does not expand over the Greenbelt Plan Area.
40. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 of the Niagara Official Plan are modified by adding to the Urban Area of the Town of Fort Erie a portion of the site identified as SABR #1151 in the Region's "Urban Settlement Area Assessment Review and Comments" document, and identifying it as "Designated Greenfield Area" in Schedule B – Regional Structure, as shown in Appendix 2 of this Decision.
41. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified by adding to the Urban Area of the City of Niagara Falls the sites identified as #1125 and #1126 in the Region's "Urban Settlement Area Assessment Review and Comments" document, and identifying it as "Designated Greenfield Area" in Schedule B – Regional Structure, as shown in Appendix 3 of this Decision.
42. Schedule B is modified by aligning the boundary of the Grimsby Protected Major Transit Station Area (PMTSA) and the Beamsville PMTSA, in the locations identified in Appendix 4 of this Decision, with the existing settlement area boundary so that no portion of the PMTSA extends beyond the settlement area boundary.

43. Schedules C1 and C2 are modified as follows:

Schedule C1 is modified by applying the Region's "Natural Environment System" overlay to all the lands that are currently covered by the "Natural Heritage System for the Growth Plan" overlay in the two locations shown in Appendix 5 of this Decision (in the Town of Fort Erie and Township of Wainfleet).

Schedule C2 is modified by adding a "Linkage" depicted with a purple line (similar to the other linkages in Schedule C2) in the location shown in Appendix 5 of this Decision, in order to identify the north-south natural heritage system connection under the QEW.

44. Schedule F is modified so that the "Niagara Escarpment Plan Area" is depicted as a hatched overlay to allow for the underlying "Specialty Crop Area" designation to be visible.

45. Schedule J1 is modified as follows:

Text/ Label modifications:

~~Proposed~~ ~~Unfunded~~ Higher Order Transit Station

~~Conceptual Planned~~ ~~Potential~~ Corridor

~~Conceptual Planned~~ ~~Potential~~ Interchange

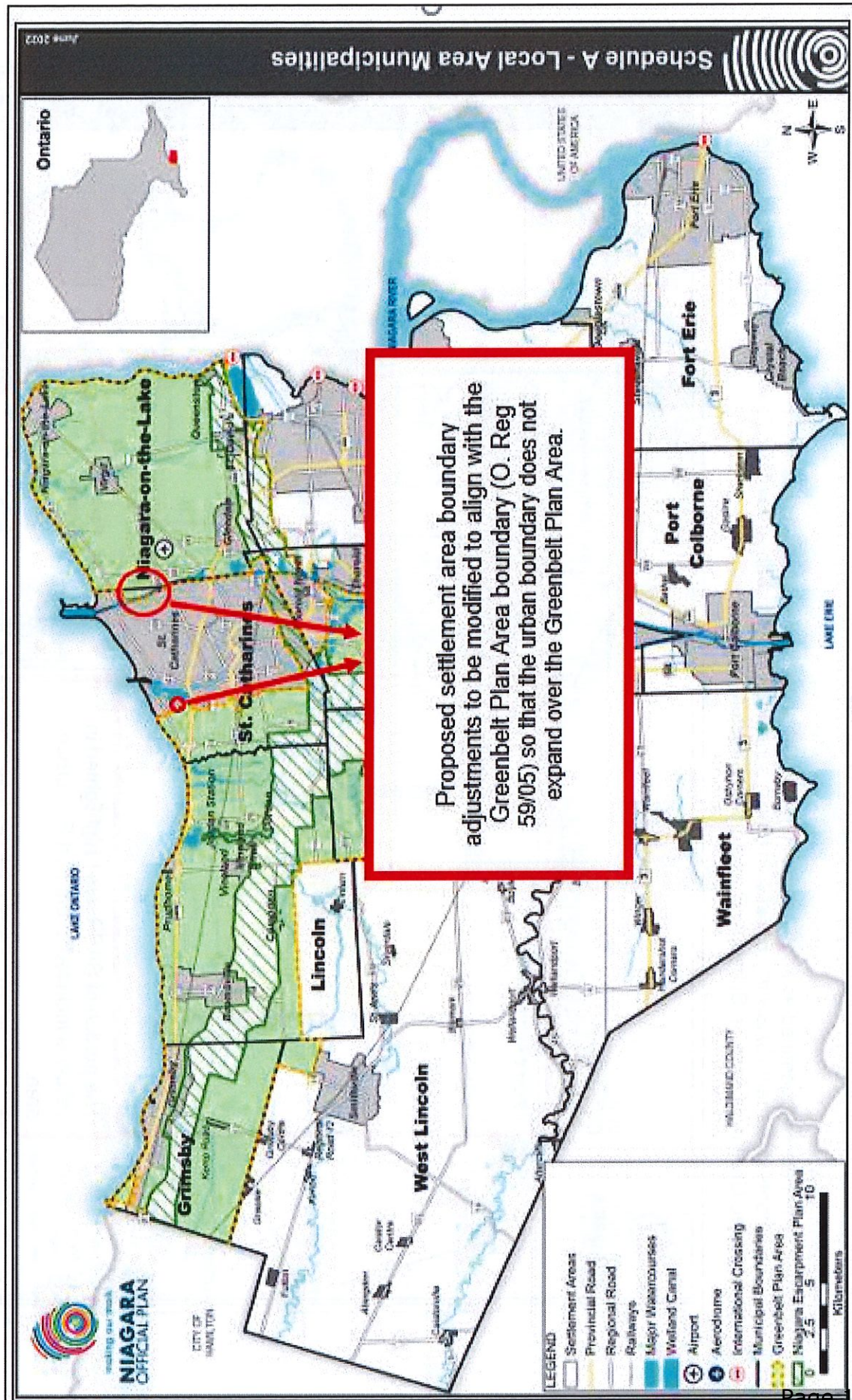
Mapping modification:

The portion of Highway 20 from Thorold Townline Road (RR 70) westerly, past Highway 58 to the Canadian Nation Railway line (just west of Highway 58) is modified to be shown as a "Provincial Road".

Dated at Toronto this 4th day of November, 2022



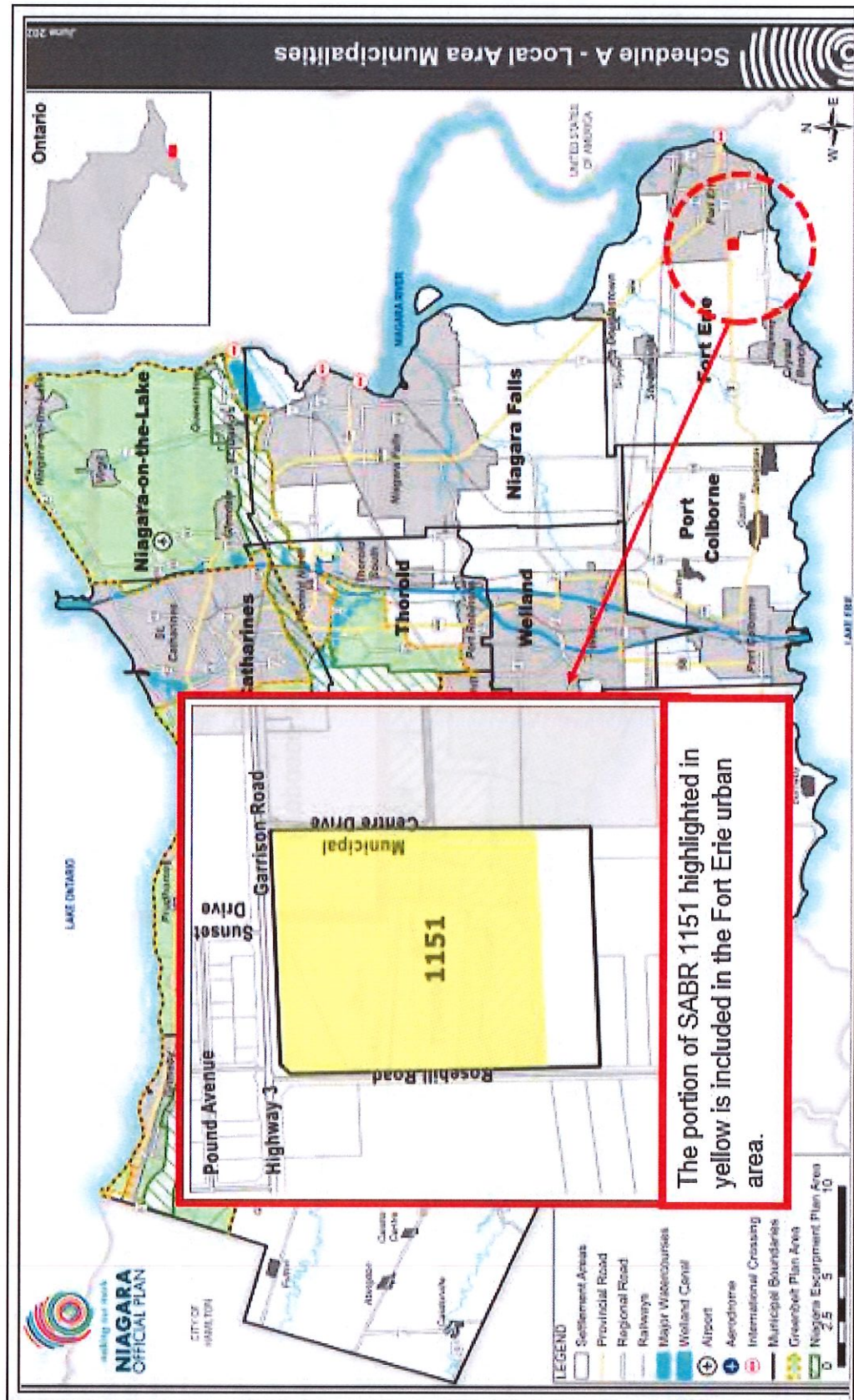
Hannah Evans, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing



Appendix 2

Modification # 40

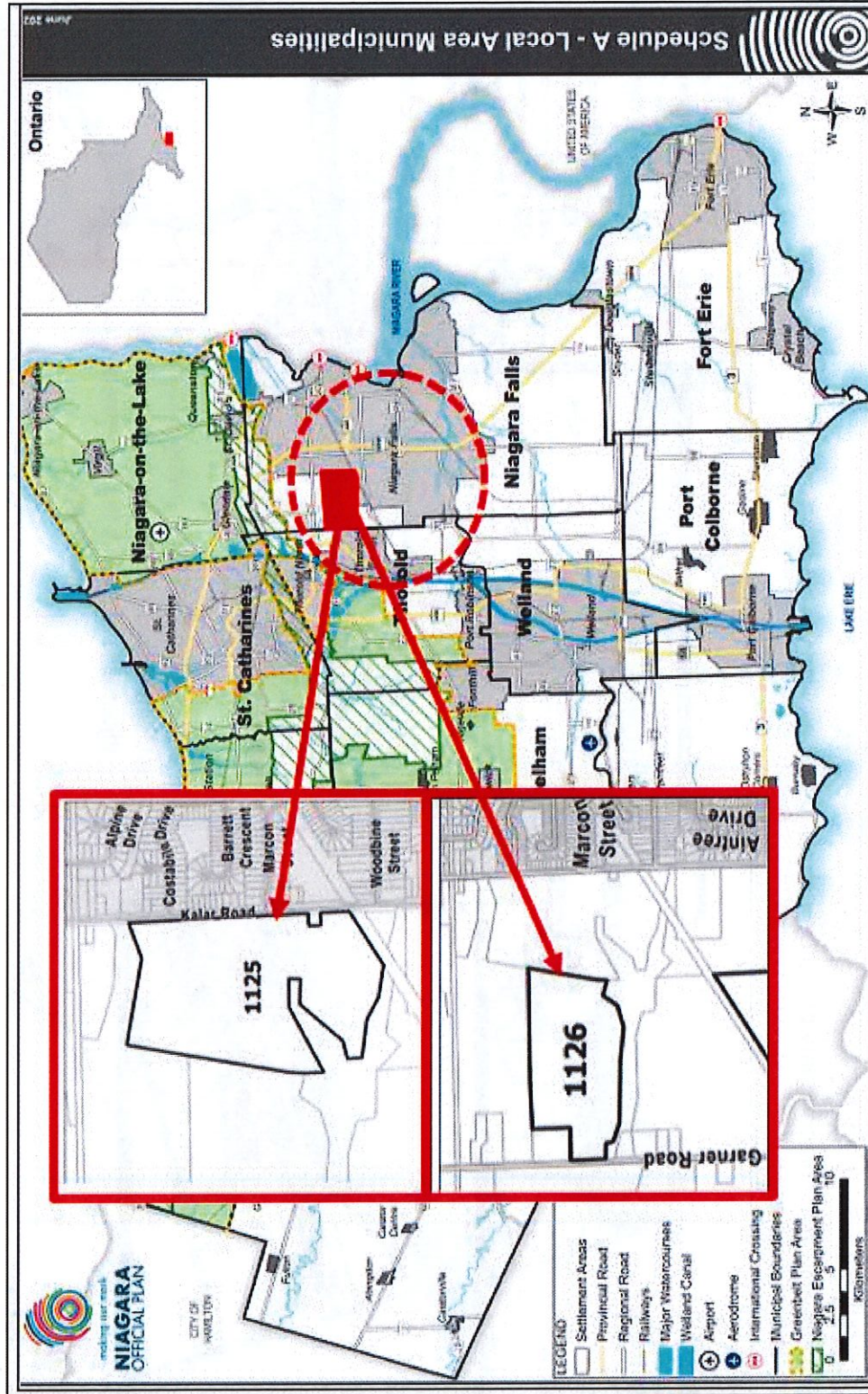
The portion of the site identified as #1151 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1151) shown below is included in the Urban Area of the Town of Fort Erie and identified as "Designated Greenfield Area" in Schedule B – Regional Structure



Appendix 3

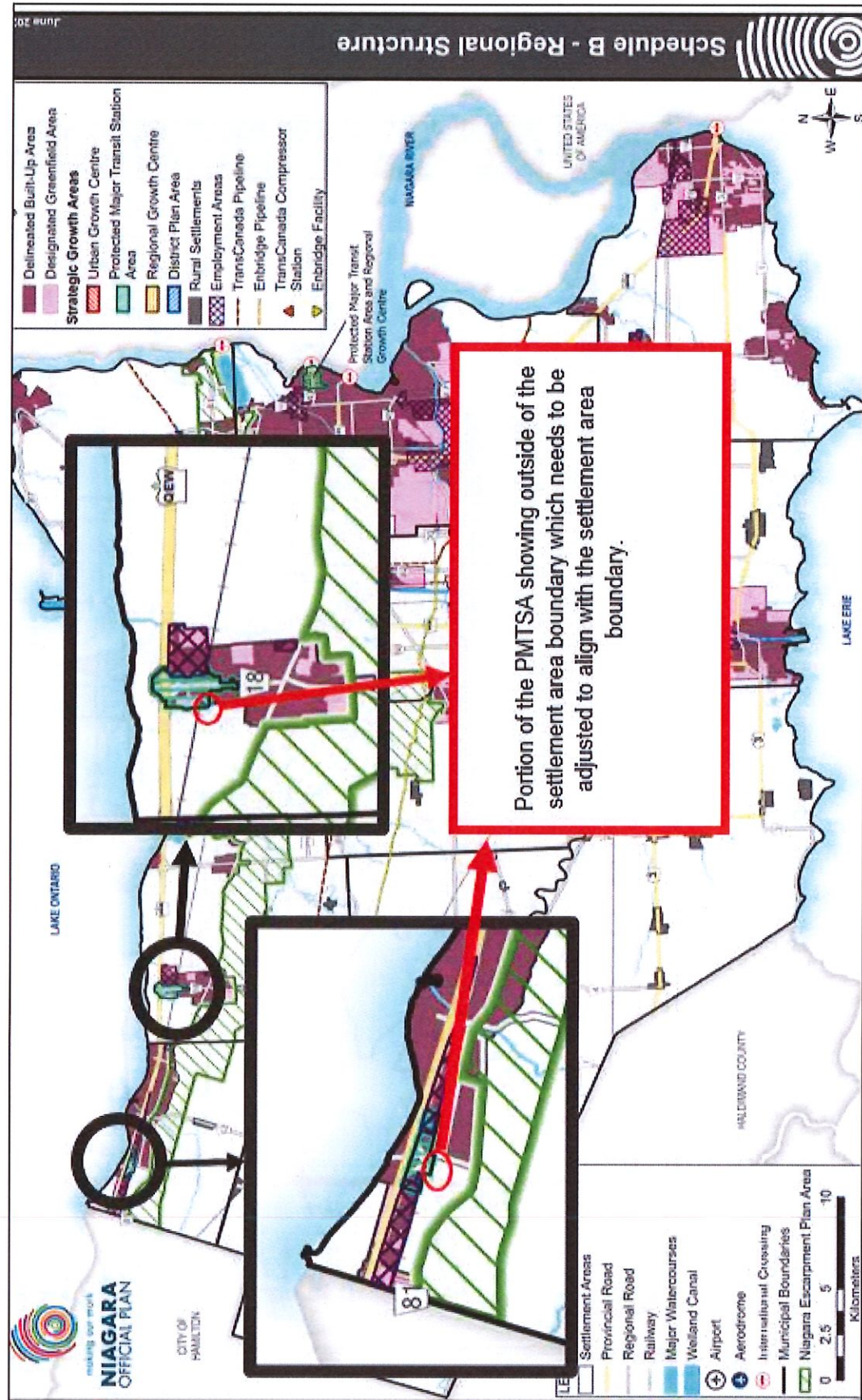
Modification #41

The sites identified as #1125 and #1126 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1125 and SABR #1126) shown below are included in the Urban Area of the City of Niagara Falls and identified as "Designated Greenfield Area" in Schedule B – Regional Structure



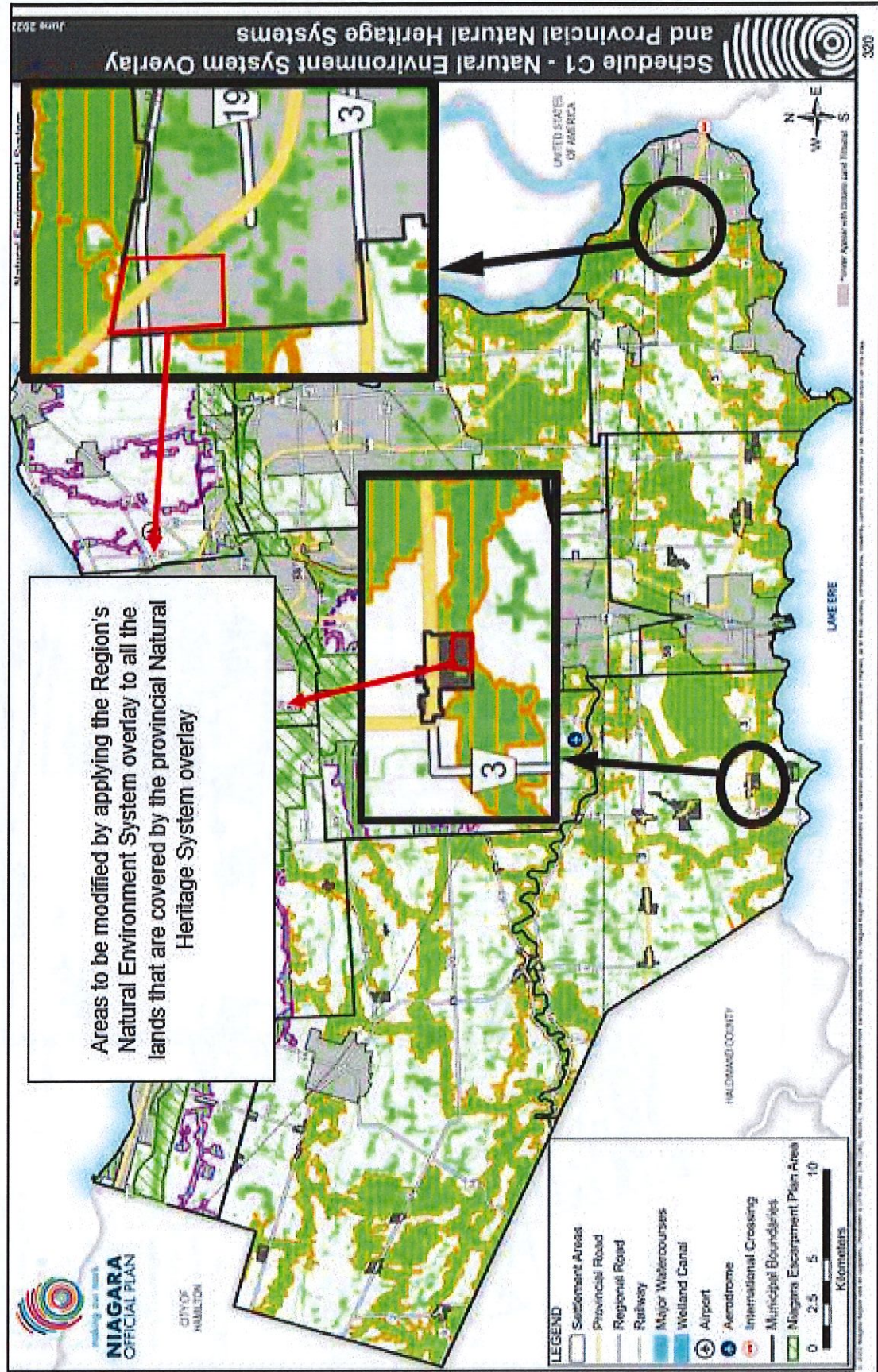
Appendix 4

Modification #42 The boundary of the Grimsby and Beamsville PMTSA should be adjusted to align with the settlement area boundary as shown below

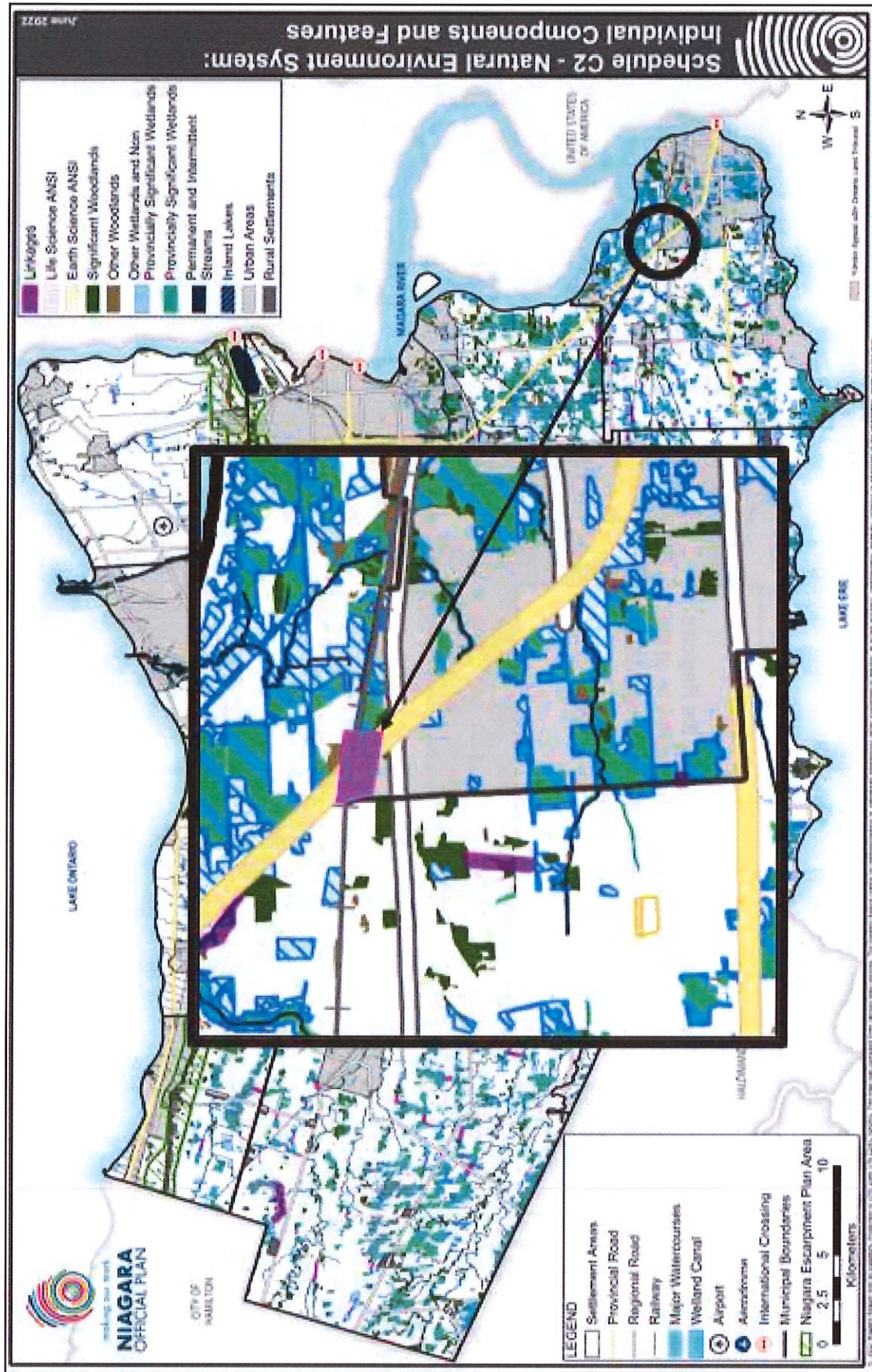


Appendix 5

Modification # 43 Modifications to Schedules C1 and C2 as follows:
Schedule C1 is modified by applying the Region's Natural Environment System Overlay to all the lands that are covered by the provincial Natural Heritage System overlay in the two locations shown below



Schedule C2 is modified by adding a “Linkage” in order to identify the north-south natural heritage system connection under the QEW, along the train tracks, as illustrated below:



November 11, 2022

CL 17-2022, September 22, 2022

LOCAL AREA MUNICIPALITIES

NORFOLK COUNTY

ESSEX COUNTY

SENT ELECTRONICALLY

Motion Respecting Active Transportation and Migrant Workers

Regional Council, at its meeting held on September 22, 2022, passed the following motion:

Whereas approximately 4,000 seasonal workers from Mexico, Central America, and the Caribbean spend up to eight months a year living and labouring in Niagara, forming the backbone of Niagara's billion-dollar agricultural industry;

Whereas the population of these farmworkers is significant, being roughly equal in number to the population of people aged 20 to 65 who live in the township of Wainfleet;

Whereas seasonal agricultural workers are not only our constituents, work colleagues, neighbours, and friends, they have inherent rights and freedoms to travel freely and safely in this community that must be recognized and supported;

Whereas migrant workers and other travellers face numerous transportation barriers that restrict their ease of movement including, but not limited to, lack of access to various modes of transportation and housing and workplaces in rural settings that are isolated and along rural roads that do not have dedicated space for pedestrians or cyclists to separate them from vehicle traffic; and

Whereas most migrant farm workers are vulnerable road users who walk or use bicycles as their primary modes of transportation and are at statistically higher risk of injury and death on Niagara's roads.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region **DEMONSTRATE** leadership in addressing migrant workers' historic and ongoing exclusions by supporting their rights to safe mobility in and around Niagara;

2. That Niagara Region **ESTABLISH** policies and protocols that ensure migrant workers are included in consultations related to transportation plans, as well as other Regional initiatives that affect them, and that barriers to consultation, such as language, work hours, and lack of transportation be recognized and addressed;
3. That Niagara Region **ADOPT** policies to improve the participation, mobility and safety of migrant workers;
4. That Niagara Region **LEVERAGE** its data on farm businesses and migrant worker residences, garnered by virtue of its agreement with the federal government through the Seasonal Agricultural Workers Program, for consultation and transportation planning purposes;
5. That Niagara Region and the 12 Local Area Municipalities **CONTINUE** to work together on implementing active transportation initiatives that link both regional and municipal roads, as identified in Transportation's Bikeways Master Plan in the Transportation Master Plan, to allow for a continuous network for all road users; and
6. That this motion **BE CIRCULATED** to all local area municipalities in Niagara and the Counties of Essex and Norfolk.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2022-143

November 11, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2023 Budget and Requisition – Niagara Transit Commission
Report NTC 20-2022

The Niagara Transit Commission, at its meeting held on November 1, 2022, passed the following motion:

That Report NTC 20-2022, dated November 1, 2022, respecting 2023 Budget and Requisition – Niagara Transit Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2023 Niagara Transit Commission (NTC) gross operating budget of \$75,975,876 and net budget of \$55,052,950 as per Appendix 1 of Report NTC 20-2022, **BE APPROVED**;
2. That the net budget of \$55,052,950 **BE APPORTIONED** between the local municipalities as per Appendix 2 determined in accordance with the methodology approved in PW 55-2021 and subject to update based on final 2023 current value assessment;
3. That the additional special levy estimate of \$1,931,540 **BE LEVIED** on the municipalities in accordance with Appendix 2 subject to final update in accordance with the Municipal Transfer Agreement (MTA);
4. That the 2023 Niagara Transit Commission budget **BE FORWARDED** to Regional Council Budget Review Committee of the Whole (BRCOTW) on January 19 for approval and subsequent calculation of the Special Levy tax rates for each municipality;
5. That in order to ensure continuity of transit services on January 1, 2023, the General Manager **BE AUTHORIZED** to implement the organizational chart endorsed in Confidential Report NTC 17-2022, which now reflects the Shared Services strategy approved in Confidential Report NTC 18-2022, all of which is accommodated within the \$36,762,584 labour related cost included in the 2023 Operating Budget; and
6. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report NTC 20-2022 is attached for your information.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-145

CC: Carla Stout, General Manager, Niagara Transit Commission
Leah Tracey, Executive Assistant/Communications Advisor

Subject: 2023 Budget and Requisition – Niagara Transit Commission

Report to: Niagara Transit Commission Board

Report date: Tuesday, November 1, 2022

Recommendations

1. That the 2023 Niagara Transit Commission (NTC) gross operating budget of \$75,975,876 and net budget of \$55,052,950 as per Appendix 1 **BE APPROVED**;
2. That the net budget of \$55,052,950 **BE APPORTIONED** between the local municipalities as per Appendix 2 determined in accordance with the methodology approved in PW 55-2021 and subject to update based on final 2023 current value assessment;
3. That the additional special levy estimate of \$1,931,540 **BE LEVIED** on the municipalities in accordance with Appendix 2 subject to final update in accordance with the Municipal Transfer Agreement (MTA);
4. That the 2023 Niagara Transit Commission budget **BE FORWARDED** to Regional Council Budget Review Committee of the Whole (BRCOTW) on January 19 for approval and subsequent calculation of the Special Levy tax rates for each municipality;
5. That in order to ensure continuity of transit services on January 1, 2023, the General Manager **BE AUTHORIZED** to implement the organizational chart endorsed in Confidential Report NTC 17-2022, which now reflects the Shared Services strategy approved in Confidential Report NTC 18-2022, all of which is accommodated within the \$36,762,584 labour related cost included in the 2023 Operating Budget; and
6. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The purpose of this report is to seek Board approval of the 2023 operating budget, which is the first of the new Niagara Transit Commission (NTC) in accordance with Article 7 of the Municipal Service By-law (MSB).
- Due to the many limitations in supporting the operation being live January 1, 2023, the 2023 budget is based on a consolidation of the 2022 operating budgets of the local area municipalities with adjustments for capital strategies, inflation, and one-time funding based on the assumptions used in the past as described in the Analysis.

- In addition to the approval of the budget, the report estimates the one-time 2023 levy for employment obligations of the employees transferred from the Cities of Niagara Falls and Welland and the St. Catharines Transit Commission. The funds are estimated in accordance with the proposed terms of the MTA which is in the process of being finalized and will be set aside in reserve and used in accordance with the terms of the MTA once finalized.
- There is no new capital budget being proposed for the NTC for 2023. However, there are currently 38 capital projects in-flight approved by the Cities of Niagara Falls and Welland and the St. Catharines Transit Commission that will be transferred to and completed by the NTC in accordance with proposed terms of the MTA (including the need for Provincial/Federal consent as applicable for the transfer of any related funding agreements). The NTC will also complete any reporting and compliance requirements associated with Provincial and Federal funding contributions for these transferred capital projects.
- The NTC budget will be presented to Regional Council on January 19, 2023 for consideration and approval in accordance with the Council approved timetable in accordance with Article 7.3 of the MSB.

Financial Considerations

The recommended 2023 Operating budget is provided in Appendix 1 with gross expenses of \$75,975,876 and a net special levy of \$55,052,950. The 2023 NTC budget is based on the 2022 base budgets of the twelve local area municipalities with adjustments as follows:

Table 1 (Millions): 2022 Base Budgets in Comparison to 2023 NTC Budget

Special Levy Requisition Component	Local – Service Hour Allocation	Regional – Assessment Allocation	Local – Direct Municipal Allocation	Total
2022 Base Budget	\$29.33	\$16.16		\$45.50
Inflation Estimate	0.99	0.47		1.47
Capital Reserve Strategy	2.17			2.17
2022 On-Demand Service Enhancements	0.46			0.46
Debt Servicing	0.24	0.02		0.26
2022 Farebox Decline Mitigated with Unsustainable Reserves			5.70	5.70
Farebox Recovery	(0.50)			(0.50)
Total	\$32.70	\$16.65	\$5.70	\$55.05

The estimate previously provided with the Triple Majority process was based on 2020 transit budgets and was estimated at a \$48,568,788 net special levy. The increase of \$6,484,162 is due to the following:

Table 2 (Millions): Triple Majority Strategy in Comparison to 2023 NTC Budget

Special Levy Requisition Component	Local – Service Hour Allocation	Regional – Assessment Allocation	Local – Direct Municipal Allocation	Total
Financial Strategy Estimate	\$31.52	\$17.05		\$48.57
Inflation / Savings	0.49	(0.40)		0.09
Deferred Provincial Gas Tax Phase-out	(0.32)			(0.32)
Service Enhancements	1.28			1.28
Debt Servicing	0.24			0.24
2022 Farebox Decline Mitigated with Unsustainable Reserves			5.70	5.70
Farebox Recovery	(0.50)			(0.50)
Total	\$32.70	\$16.65	\$5.70	\$55.05

In addition, a one-time special levy of \$1,931,540 estimated in accordance with the MTA for employment obligations associated with transferred and terminated employees, will be levied for 2023, bringing the total special levy for the NTC for 2023 to \$56,984,490. This special levy will fund a portion of the employment obligations associated with employees transferred to the NTC. The remaining costs of the employment related liabilities will either be adjusted by the NTC in future year levies or be included in the NTC base budget in accordance with the terms of the approved MTA.

Analysis

This first budget of the NTC has been prepared in accordance with the provision of the Municipal Service By-law and specifically Article 7.2 and prepared in accordance with the policies in Schedule A of the By-law in particular the Budget Planning By-law.

Operating Budget

As noted above, the 2023 NTC budget is a consolidation of 2022 local area municipal budgets with adjustments for inflation, capital financing and previous one-time uses of funding.

- **Inflation:** A 2% inflationary adjustment has been made to 2022 base budgets. In addition, inflationary adjustments have been made as per the terms of contractual agreements that dictate the prescribed calculation of inflation for 2023 assumed contracts.
- **Capital:** Capital needs of the NTC are significant, which requires a balance between operational budget affordability and capital sustainability. The triple majority strategy included the strategy to build up capital reserves and reserve PGT entirely for capital for long-term asset sustainability. The following strategies are included in the proposed 2023 budget, however a \$10.5 million gap in funding exists for the 10 year forecast and therefore capital will be realigned to available funding.
 - a) Phasing in \$6.5 million of required annual transfers to capital reserve over 3 years (\$2.17 million in 2023) as per triple majority strategy.
 - b) Continue to use \$1.61 million in Provincial Gas Tax (PGT) for operating budget. Triple majority strategy had started to phase this out of operating for capital in 2023 however due to other pressures the phase out is proposed to begin in 2024 instead offering savings of \$320,000.
 - c) In 2022, municipalities saw a decline in farebox revenues, which many mitigated with one time use of reserves totaling \$5.7 million. These reserves were funded from PGT or Safe Restart Funding (SSRF) which is not sustainable given the SSRF was a one-time provincial contribution and PGT is only \$6.8 million annually. Therefore, these one-time sources of funding have been removed from the 2023 NTC budget and the budget reflects the decline in revenue.

Additional items creating pressure in the 2023 budget are:

- Service enhancements adopted by the local area municipalities since 2020 and including 2022 in year enhancements.
- Changes in estimate of debt servicing costs for capital financing decisions made by the local area municipalities since 2020.

The budget includes labour related costs that accommodate the approved organization chart and corporate and administrative services supported by a shared services agreement that will be entered into with the Region. In accordance with the Budget Planning By-law the staff complement in Table 3 is provided for in the recommended

NTC budget and includes both headcount (number of employees which may include part time employees) as well as full time equivalents which converts headcount based on full time hours for each position as per the Budget Planning By-law. Modification to the staff complement in future budgets will be considered in accordance with Budget Planning By-law Section 4.8:

Table 3: NTC Staff Complement

Function	Head Count	Full Time Equivalents Temporary	Full Time Equivalents Permanent
Administration	5	0	5
Planning & Performance	27	1	23
Fleet	63	1	59.7
Operations	343	0	321.4
Shared Services	16	3.3	12.1
Totals	454	5.3	421.20

Capital Budget

The capital forecast below includes 'in-flight' capital projects totaling \$69.26 million gross and zero net that are being transferred to the NTC in accordance with the MTA as well as the ten year total of capital projects driving the capital financing strategy built into the operating budget. The ten year forecast will be part of future year budgets for approval as the NTC will focus efforts in 2023 on the 'in-flight' projects transferred. All of the strategies noted above are required to support the following ten year forecast but still result in a \$10.5 million funding gap which will require modification to the capital forecast if funding does not become available:

Table 4 (Millions): NTC Capital Forecast

Source	Gross 2023	10 year forecast 2024-2033	Total
In-flight	\$52.26		\$52.26
Additional Niagara Falls	2.00		2.00
In Flight Welland Facility		15.00	15.00
TOTAL IN FLIGHT PROJECTS	\$54.26	\$15.00	\$69.26
10 Year forecast		189.58	189.58
Growth forecast	0.00	40.80	40.80
TOTAL GROSS CAPITAL	\$54.26	\$245.38	\$299.65

Source	Gross 2023	10 year forecast 2024-2033	Total
Total External Funding (ICIP/PGT/DC's)	(54.26)	(169.90)	(224.16)
Net FUNDING (Reserves)	\$0.00	\$75.49	\$75.49

Note: Capital forecast table has removed 2034 for the forecast horizon as depicted in the presentation at the Niagara Transit Commission Special Meeting September 27, 2022.

The table above specifically itemizes two in-flight projects separately. One project being a Niagara Falls project for farebox harmonization still requiring additional provincial approval and the other a project for the existing Welland transit operations facility where timing has been modified to a future year to allow for a full facilities needs assessment and review to be completed by the NTC in 2023.

Any modification to the capital strategies included in the operating budget will increase the current funding gap and will jeopardize the NTC's ability to meet the Municipal contribution portions of the required Investing in Canada Infrastructure Program (ICIP) projects (see report NTC 19-2022 Investing in Canada Infrastructure Program – Intake 3). The NTC has been lobbying the Federal government for \$10.1 million for one-time transition capital and consulting projects to help fill some of the funding gaps.

The Region's recently approved DC by-law will support growth capital costs effective January 1, 2023 when the local area municipalities will cease to collect development charges for transit.

Opportunities and Risks

Throughout 2023, as staff are brought on board and the NTC becomes operational, a line by line review of the NTC's budget will be completed so that any mitigation opportunities in addition to the following are incorporated into future NTC budgets:

- Service level increases deferred to 2024 as per the triple majority strategy
- Increased farebox revenues by \$0.5 million in increased 2023 farebox revenues
- Using \$1.61 million in PGT for operating, phasing out over 3 years starting in 2024

As with any budget, there are risks that need to be managed throughout the year. The following risks are highlighted specific to the NTC:

- Increased student demand driving increases in service and costs

-
- Inflation in excess of 2% such as fuel and insurance, however, it is recommended that real inflationary pressures be managed post budget once operational staff onboard and the NTC has line of sight to all pressures and opportunities
 - Cost of insurance and claims costs due to changes in deductibles and differences in municipal funding practices
 - Strategic supports not having adequate resourcing
 - PGT used in operating limits the NTC's capital program

Alternatives Reviewed

No additional alternatives are provided other than those noted above regarding phasing of capital funding. In 2023 a line by line review of the NTC's budget will be completed and may identify alternative mitigation strategies for use in 2024.

Other Pertinent Reports

N/A

Prepared by:

Helen Chamberlain, CPA, CA
Director, Financial Management and
Planning/Deputy Treasurer

Recommended by:

Carla Stout
General Manager

Submitted by:

Bruce Zvaniga
Commissioner
Public Works

This report was prepared in consultation with Heather Talbot, Financial and Special Projects Consultant, Corporate Services, Matt Greenfield, Program Financial Specialist, Corporate Services, and Donna Gibbs, Director, Legal and Court Services, Corporate Services.

Appendices

Appendix 1	2023 NTC Operating Budget by Operating Expenditure
Appendix 2	2023 NTC Requisition by Municipality

2023 NTC Operating Budget by Operating Expenditure

Operating Expenditure	Total \$M
Labour Related Costs	36,762,584
Administrative	2,559,299
Operational and Supply	16,169,149
Equipment, Vehicles, Technology	9,182,304
Transfers to Capital Reserve	2,166,667
Debt	2,206,673
Shared Services	6,929,201
Total Gross Expenses	75,975,876
Revenues	(19,909,420)
Transfers from 2022 Encumbrance Reserve	(1,013,506)
Total Net Special Levy	55,052,950
One-Time Levy Estimate	1,931,540
2023 Special Levy	56,984,490

2023 NTC Requisition by Municipality

Municipality	Service Hour Allocation	Regional Assessment Allocation¹	Direct Municipal Allocation	Total Net Special Levy	One-Time Levy	2023 Special Levy
St. Catharines	13,927,190	4,253,082	2,370,000	20,550,272	1,220,633	21,770,905
Niagara Falls	9,000,394	3,506,595	2,054,974	14,561,963	423,140	14,985,103
Welland	4,104,835	1,381,264	1,275,000	6,761,099	287,767	7,048,866
Niagara-on-the-lake	1,145,274	1,439,735	0	2,585,009		2,585,009
Port Colborne	407,022	531,016	0	938,038		938,038
Pelham	407,022	711,489	0	1,118,510		1,118,510
Thorold	1,061,711	713,700	0	1,775,411		1,775,411
Fort Erie	1,831,377	1,044,527	0	2,875,904		2,875,904
Grimsby	407,022	1,272,758	0	1,679,779		1,679,779
Lincoln	407,022	1,020,420	0	1,427,442		1,427,442
West Lincoln	0	530,128	0	530,128		530,128
Wainfleet	0	249,394	0	249,394		249,394
Total	32,698,867	16,654,109	5,699,974	55,052,950	1,931,540	56,984,490

¹ Estimate based on 2022 Municipal assessment and is subject to update for final 2023 current value assessment.



ROYAL CANADIAN LEGION

Branch 613 Talbot Trail

141 Hwy. 20 E., P.O. Box 42 Fonthill, ON L0S 1E0

Tel: 905-892-6293 Fax: 905-892-9470

November 14, 2022

Pelham Town Hall
20 Pelham Town Square
Fonthill, ON

Remembrance

We express our thanks and gratitude

Dear Staff:

On behalf of our veterans, their families and the members of Branch 613, I wish to thank you for allowing us to place poppies and collection boxes at your place of business during the period October 26, 2022 to November 11, 2022 inclusive.

By allowing us to do so, we have been able to conclude a successful Poppy campaign for 2022. The monies collected from the collection boxes will allow us to continue to provide assistance to veterans and their families as well having funds available to support cadet and youth programs.

In closing, we thank you again for your support and unless we hear from you otherwise, we look forward to your participation in our 2023 Poppy campaign.

All the best to you and your colleagues,

Yours truly,

Jim Garner
2022 Chairperson, Branch 613 Poppy Campaign.

From: William Reilly
Sent: 24 November 2022 18:00:52
To: jmiller@pelham.ca
Subject: NPEI 2023 Board of Directors Appointments

Good Evening Mayor Junkin & Members of Council

First and foremost, congratulations to you all on your election and re-election bids! Well earned and deserved.

Secondly, my name is William Reilly and I'm writing to you all this evening in regards to your two future board appointments with Niagara Peninsula Energy Inc through your Peninsula West Power Inc. seats commencing in January of 2023.

I'm currently finishing my third year on the board of directors at Niagara Peninsula Energy Inc. I've really enjoyed my three years there, and have gained a mountain of new knowledge and information. I have come to learn that your former appointee, director Gordon Marasco, will not be returning to the board and his seat will need to be replaced as well. My seat was for only three years, and requires reappointment. I also realize these positions can be hard to find people to both volunteer their names for and to actually have the time to fulfill the commitment. Their meetings & workshops tend to happen mostly in the morning during regular business hours, and being self-employed myself I have the flexibility to attend. I have a perfect attendance record which NPEI can confirm at your request.

The reason for my email this evening, is that on December 5th you will need to decide who will fill these seats which brings me to an idea if the will of Council would consider, and that idea would be to ask Council to consider re-appointing me to one of those two seats. One of the seats this year is a seat that Lincoln, Pelham, and West Lincoln all share and the decision who is appointed to that seat rotates between each municipality every three years. Besides having previous experience serving on this board, I also would like to highlight one of the key issues found within our strategic plan workshop was board of directors turnover. It can be difficult to maintain consistency when there's change in continuity within leadership and especially with this board turning over at almost every election make it even more difficult. Plus there is literally a mountain of new information, training, education, changes in Provincial legislation, etc required to carry out the duties on this board which can be overwhelming for some. I've always had a dedication for continuing my education, and would love the opportunity to serve another three years on this board with my newly gained knowledge and willingness to learn more. I also believe it would also be in the best interest of all of NPEI's rate

payers given my previous knowledge and experience serving on this board to ensure the right decisions continue to be made during these challenging and difficult times, and should the will of Council decide to wait on filling in the second board position, appointing myself would allow the board to maintain some continuity within it's current leadership until that decision is made.

Lastly, I also serve on NPEI's Finance and Governance committees as well as the board. And some of my other responsibilities outside of this board is being on the board of directors for the Employment Help Centre, A commissioner for the inaugural Niagara Transit Commission, and a Ward 3 Councillor from West Lincoln where I'm currently the chair of Planning Building and Environment. I've served on many boards and have had many roles in my time, those are just a few. And in 2019, I was named one of Niagara top 40 under the age of 40 Business Achievement Awards recipients which I believe demonstrates my passion to serve and my commitment to excellent customer service.

Anyways, I won't take up much more of your time. Thank you for the consideration, and potential opportunity. Should anyone have any questions for me regarding this request, please do not hesitate to reach out to me. I can be reach at [REDACTED]

Have a wonderful night, and thank you again.

William Reilly

Committee of Adjustment**Minutes**

Meeting #: CofA 07/2022
Date: Tuesday, July 5, 2022
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Bernie Law

Members Absent Sandra Marsh
Brenda Stan

Staff Present Holly Willford
Sarah Leach
Lindsay Richardson
Andrew Edwards
Derek Young

1. Attendance

Applicants, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

2.1 Land Recognition Statement

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

Ms. Sarah Leach, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

5. Applications for Minor Variance

5.1 A30/2021P - 350 Canboro Road

Purpose of the Application

Application is made for relief of Section 7.7(a) "Maximum (Accessory) Lot Coverage" – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

Representation

The Agent, Michael Mirynech of 2M Architects and Planner, Scott Puillandre were electronically present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicants Comments

The Agent, Mr. Mirynech advised that a previous application for the subject property was submitted and withdrawn with the intent to reduce the scale of the proposal and re-locate the placement of the garage closer to the existing dwelling. Mr. Mirynech asked for clarification regarding the proposed condition requesting a stage 1-2 archaeological assessment. Mr. Mirynech stated that there is an existing multiple vehicle garage on the site. He further stated that the site has already been disturbed and the proposed garage would be built on top of where the existing garage stands. Ms. Lindsay Richardson, Policy Planner, responded that the condition was recommended given the anticipated significant ground disturbance. Ms. Richardson stated that as the garage is proposed to be developed on the existing site, the condition would not be recommended

in similar circumstances. She stated that removal of the condition is for the Committee to consider.

Mr. Mirynech advised that excavation would have occurred on the existing footings. A Member asked for confirmation that the proposal will be constructed on the existing footprint. Mr. Mirynech indicated that the proposed garage is larger than the current structure but will be constructed directly on top of the existing footings. Mr. Mirynech and Mr. Puillandre requested that the condition of a stage 1-2 archaeological assessment be removed.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that there were no pre-registered members of the public for the subject application. Ms. Leach checked the clerks@pelham.ca email address at 4:19 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By John Klassen

Seconded By Bernie Law

THAT the public portion of meeting be closed.

Carried

Member Comments

All Members indicated that they agreed with the request to remove the proposed condition of a stage 1-2 archaeological assessment.

Moved By John Klassen

Seconded By Bernie Law

THAT application for relief of Section 7.7(a) “Maximum (Accessory) Lot Coverage” – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as no adverse impacts on massing or streetscape are anticipated.**
2. **The general purpose and intent of the Zoning By-Law is maintained.**
3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land because it will facilitate the construction of a detached garage to accommodate for the homeowner's storage and recreational use.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **No objections were received from commenting agencies or abutting property owners.**
7. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

1. **That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and shall not be approved for living accommodations or plumbing within the accessory building.**

Carried

5.2 A6/2022P - 119 Lametti Drive

Purpose of the Application

Application is made for relief of By-law 3705(2016), Section R2-254(f) "Minimum Rear Yard" – to permit a minimum rear yard of 5.3m whereas the by-law requires a minimum rear yard of 7.5m.

Representation

The Applicants, Jefferson Stephens and Diane Redekop were electronically present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Applicant, Mr. Stephens indicated the application is made to legally re-construct the existing deck.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that there were no pre-registered members of the public for the subject application. Ms. Leach checked the clerks@pelham.ca email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Bernie Law

Seconded By John Klassen

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member asked if the proposed deck would be the same as the existing deck. Mr. Stephens stated the existing deck was built when the original building permit was open, but had not been included in the building permit. Mr. Stephens further indicated that the proposal is a direct replacement of the deck with the intent to ensure proper permits are received.

A Member suggested that the deck will better match the elevation of the existing patio door.

A Member expressed support of the application indicating that the existing deck should be replaced with a better constructed deck to ensure safety. Mr. Stephens responded that it is the intention of the Applicants to rebuild

the deck properly with appropriate engineering done for the new foundation.

A Member asked if a condition is required for the demolition of the existing deck. A Member clarified that demolition is addressed through the condition requiring all necessary building permits be obtained prior to construction.

Moved By Bernie Law

Seconded By John Klassen

**Application for relief of By-law 3705(2016), Section R2-254(f)
“Minimum Rear Yard” – to permit a minimum rear yard of 5.3m
whereas the by-law requires 7.5m, is hereby: GRANTED;**

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given the lot context.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because as it will permit the legal reconstruction of the existing rear yard deck while maintaining adequate rear yard amenity areas.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

1. **That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official.**

Carried

5.3 A7/2022P - 904 Church Street

Purpose of the Application

Application is made for relief from Section 9.2(g) "Minimum Rear Yard" – to permit a minimum rear yard of 3.66m whereas the by-law requires a minimum rear yard of 7.5m.

Representation

The Applicants, Richard Froese and Gary Froese were electronically present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Applicant offered no additional comments.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that there were no pre-registered members of the public for the subject application. Ms. Leach checked the clerks@pelham.ca email address at 4:38 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Moved By Bernie Law

Seconded By John Klassen

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member stated that the proposal was a nice addition.

A Member stated the proposal was a good example of an intensification project. The Member expressed concern that the sanitary sewer system and water system in the Village of Fenwick may not be able to support an influx of such proposals. The Member further noted that the Region of Niagara does have money in the Capital budget for the refurbishing of pumping and water stations to accommodate this need. The Member reaffirmed that the Niagara Region did not comment on this proposal.

Moved By John Klassen

Seconded By Bernie Law

Application for relief of Section 9.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 3.66m whereas the by-law requires a minimum rear yard of 7.5m. is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated on adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will permit the construction of a new attached 2-storey garage and second dwelling unit, which is in keeping with the housing and intensification policies of the Province, Region and Town. The proposed addition is compatible with the existing dwelling and the built form, maintaining the residential character of the area.**

5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.
 2. Submit an updated Lot Grading & Drainage Plan to demonstrate that drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

Carried

6. Applications for Consent

6.1 B6/2022P - 645 Canboro Road

Purpose of the Application

Application is made for consent to convey 0.22 hectares of land (Part 1), to be added to the abutting property to the east (Part 3), to rectify existing

encroachments. Part 2 is to be retained for continued residential use of the dwelling known municipally as 645 Canboro Road.

Representation

The Agent, Leigh Whyte of PLW Consulting and the Applicants, Robert and Roger Moores were electronically present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One

Applicants Comments

The Agent, Mr. Leigh Whyte, stated that the estate which owns the property to the west is being divided amongst three beneficiaries, including the parcel to the east. Mr. Whyte stated the boundary adjustment is proposed to create a buffer from the existing residence. Mr. Whyte indicated the lands are within a settlement area and could be developed in the future and therefore a buffer is desired.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that there were no pre-registered members of the public for the subject application. Ms. Leach checked the clerks@pelham.ca email address at 4:46 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Moved By Bernie Law

Seconded By John Klassen

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no additional comments.

Moved By Bernie Law

Seconded By John Klassen

Application is made for consent to convey 0.22 hectares of land (Part 1), to be added to the abutting property to the east (Part 3), to rectify existing encroachments. Part 2 is to be retained for continued residential use of the dwelling known municipally as 645 Canboro Road; is hereby; GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Region of Niagara, Planning and Development Services

- 1. That the owner of 645 Canboro Road (Part 2) apply to and receive approval from the Niagara Region for a Septic Permit Application to install a new Class 4 Sewage System to service the existing dwelling on the Property to the satisfaction of the Region of Niagara.**

To the Satisfaction of the Director of Public Works

- 1. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.**

To the Satisfaction of the Secretary-Treasurer

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 3 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall**

be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.

2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the final certification fee of \$411, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

This decision is based on the following reasons:

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. No objections to this proposal were received from commenting agencies or neighbouring property owners.
4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

7. Minutes for Approval

Moved By Bernie Law

Seconded By John Klassen

THAT the Committee of Adjustment minutes dated May 4, 2022, be approved.

Carried

8. Adjournment

The meeting was adjourned at 4:50 pm

Moved By John Klassen

Seconded By Bernie Law

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for August 2, 2022 at 4:00 pm.

Carried



Don Cook, Chair



Assistant Secretary-Treasurer, Sarah Leach

Minutes of a Meeting of the Lincoln Pelham Union Public Library Board
Tuesday 18 October 2022. 7:00PM
At Maple Acre Branch 781 Canboro Road Fenwick, ON

Present: Donna Burton (Co-Chair), Donna Edwards, Nicole Nolan (Co-Chair), Ruth Gretsinger, Catherine McPherson, Anna Murre, Councillor JD Pachereva, Councillor Marianne Stewart, Jennifer Thiessen

Staff: Julie Andrews (CEO), Amy Guilmette (Director, Customer Experience), Susan DiBattista (Director of Community Engagement), Kate Palmer (Administrative Assistant, Recorder)

Regrets: Joanna Kocsis, Greg Lewis, Gwendoline MacDougall, Councillor Adam Russell, Madison Smith, Terry Teather

Absent:

1. D. Burton (Co-Chair) called the meeting to order at 7:06pm and read the Land Acknowledgement Statement.

2. Approval of Agenda

Add 10.1 New Business - Departed Board Members to the Agenda.

22-48	Moved: D. Edwards	Seconded: Councillor JD Pachereva
	Be it resolved that the agenda for the meeting of October 18, 2022, be approved as amended. Carried.	

3. Conflict of Interest Declarations

No conflict of interest was declared.

4. Request to lift Consent Agenda Items for separate consideration

D. Burton requested that 5.3, 2022 Summer Programs and Outreach Report, be lifted from the consent agenda.

5. Consent Agenda to be considered in Block:

5.1 Pelham Charitable Trust Financial Summary

5.2 Draft Minutes of the Board of Directors meeting held September 20, 2022

5.3 2022 Summer Programs and Outreach Report

5.4 Statistical Snapshot – October 2022

5.5 CFLA-FCAB Fall 2022 Update

22-49	Moved: R. Gretsinger	Seconded: J. Thiessen
	Be it resolved item 5.3 be lifted from the Consent Agenda for discussion and that all other items listed on the Consent Agenda be approved. Carried.	

6. Items for separate consideration if any

5.3, 2022 Summer Programs and Outreach Report. S. DiBattista spoke to her report and addressed any questions.

7. Library Reports

7.1 CEO Report for October 18, 2022

J. Andrews spoke to the CEO Report and addressed any questions.

22-50	Moved: C. McPherson	Seconded: Councillor M. Stewart
	Be it resolved that the CEO Report for October 18, 2022, be approved. Carried.	

8. Finances

8.1 September 30, 2022 - Consolidated Financial Report

A. Guilmette spoke to the Consolidated Financial Report Ending September 30, 2022 and addressed any questions.

22-51	Moved: Councillor JD Pachereva	Seconded: R. Gretsinger
	Be it resolved that the Lincoln Pelham Public Library Consolidated Financial Report ending September 30, 2022, be approved. Carried.	

9. Library Board Reports

9.1 Pelham Art Festival Report

No Report.

9.2 Lincoln Councillor's Report (JD Pachereva and A. Russell)

JD Pachereva mention that the Town of Lincoln helped secure over \$2.2 million in funding that is being invested in various Lincoln community projects to support tourism and community infrastructure.

9.3 Pelham Councillor's Report (M. Stewart)

Councillor M. Stewart shared a map of the site where the new Fonthill Branch may be located at the Meridian Community Centre (MCC). Discussion ensued and Councillor M. Stewart addressed any questions.

9.4 Maple Acre Friends Report (M. Smith)

A. Guilmette mentioned that the Friends will be hosting a Waffle Brunch on Saturday, November 5th from 9am – 12pm at the Fenwick Firehall. Tickets are \$10 per person and can be purchased in advance at Maple Acre or at the door on the day of the event.

9.5 Town of Pelham Seniors Advisory Committee Report (G. MacDougall)

No report.

22-52	Moved: D. Edwards	Seconded: A. Murre
	Be it resolved that the Board Reports be received as information. Carried.	

10. Business Arising

10.1 Departed Board Members

Donald Brown and Tim Wright have submitted their resignation to the Board.

11. Closed Session: to discuss matters pertaining to an identifiable individual

22-53	Moved: A. Murre	Seconded: R. Gretsinger
	Be it resolved that the Board move into closed session at 7:45pm to address items that pertains to an identifiable individual be approved. Carried.	

22-54	Moved: J. Thiessen	Seconded: C. McPherson
	Be it resolved that the Board move out of closed session at 8:30pm and be directed to accept the recommendations of the closed session. Carried.	

12. Next Library Board meeting date: November 15, 2022, at 7pm via Zoom Video Conferencing

13. Adjournment

22-55	Moved: Councillor JD Pachereva
	Be it resolved that the meeting be adjourned at 8:42pm. Carried.

Library Board Co-Chair _____ Date: _____

Library Board Co-Chair _____ Date: _____

Secretary/Treasurer _____ Date: _____

Subject: Town of Pelham Selection Process for Deputy Mayor

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0274 Town of Pelham Selection Process for Deputy Mayor, for information;

AND THAT Council direct staff to proceed with option _____ to select a Deputy Mayor for the Town of Pelham.

AND THAT Council direct the Clerk to bring the matter of Deputy Mayor selection to the next regular meeting of Council, being December 19th, 2022.

Background:

On November 21, 2022 Council received a Selection Process for Deputy Mayor Report and passed the following resolution:

Moved: Councillor Niznik

Seconded: Councillor Wink

BE IT RESOLVED THAT Council receive Report #2022-0269-Clerks Selection Process for Deputy Mayor, for information;

AND THAT Council Direct staff to return to Council on December 5, 2022 to determine an option to proceed with to select a Deputy Mayor for the Town of Pelham.

Carried

The resolution directed staff to bring the matter of selecting a Deputy Mayor back to Council on December 5, 2022.

Analysis:

For full analysis, please see report titled Selection for Deputy Mayor dated November 21, 2022 [attached].

The Town of Pelham historically appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

The following options are viable approaches for this Council should it be desirable to change the mechanism for selecting the Deputy Mayor:

Option 1

Continue with status quo. Council for the Town of Pelham adopts a Deputy Mayor By-Law at the start of the term. This by-law appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

Option 2

Council elects the Deputy Mayor at the next meeting of Council being December 19, 2022 as Deputy Mayor for a one (1) year term. This allows for the possibility that a member of Council may be selected and elected multiple times. This option allows for the possibility of up to four (4) Councillors to hold the appointment of Deputy Mayor.

Option 3

Council elect the Deputy Mayor at the next meeting of Council being December 19, 2022, bi-annually, a Deputy Mayor for a two (2) year term. A member of Council may be selected and elected multiple times. This option allows for the possibility of up to two (2) ward Councillors to hold the position of Deputy Mayor.

Option 4

Council elects the Deputy Mayor for the full, four (4) year term at the next meeting of Council being December 19, 2022.

Staff Recommendation

While examples of all four options can be found in Ontario, staff believe that Options 2 or 3 would best serve the Town's present and future governance needs.

Financial Considerations:

There are no financial impacts associated with options 1-4 listed above with respect to selecting a Deputy Mayor.

Alternatives Reviewed:

See options 1 and 4 listed above.

Strategic Plan Relationship: Strong Organization

Reviewing the method of selecting a Deputy Mayor leads to a strong organization by ensuring the Town of Pelham has strong leadership while encouraging the development of potential future heads of council – unofficial succession planning.

Consultation:

Various Ontario Municipalities and the Senior Leadership Team.

Other Pertinent Reports/Attachments:

Report titled Selection for Deputy Mayor dated November 21, 2022

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

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

Subject: Selection Process for Deputy Mayor

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0269-Clerks Selection Process for Deputy Mayor, for information;

AND THAT Council Direct staff to return to Council on December 5, 2022 to determine an option to proceed with to select a Deputy Mayor for the Town of Pelham.

Background:

On October 3, 2022 Council received a Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor Report and passed the following resolution:

Moved: Councillor Stewart

Seconded: Councillor Hildebrandt

BE IT RESOLVED THAT Council receive Report #2022-0224 Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, for information;

AND THAT Council authorize and direct staff to investigate the cost of a Ward Boundary and Council Composition Report from Watson & Associates for Council's consideration within the 2023 Budget process;

AND THAT Council direct staff to include a report for the new Council's consideration at their inaugural meeting for determination of the process to appointing a Deputy Mayor at the December 5, 2022 Council meeting.

Carried

The resolution directed staff to include a report at the inaugural meeting to determine a method to select a Deputy Mayor for the Town of Pelham. The purpose

of this report is to generate discussion of options amongst elected officials. It is anticipated that Council will either make a change or maintain the status quo, and in either event that a Deputy Mayor will be appointed at the December 5, 2022 Council meeting.

Analysis:

As stated in the October 3, 2022 report, staff reached out to all municipalities within Ontario to determine how other municipalities select a Deputy Mayor. 82 responses were received and it has been determined there are three (3) methods being commonly practiced to select a Deputy Mayor, being:

Method Type	No. of Municipalities Adopting The Method
1. Elected at Large by the Electorate (By position or elected member with the most votes within the election)	42
2. Elected / Appointed by Mayor or Council	21
3. Rotation	19

The Town of Pelham historically appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term. This method is consistently being used within the Niagara Region and appears to be the third most common practice among Ontario municipalities. Having said that, the most popular approach within Ontario is having the electorate select the Deputy Mayor, either by position or by appointing whichever elected official receives the most votes (options 1 or 2 above).

Whatever methodology appeals most to Council, this topic and process will be reviewed in an upcoming 2023 report that will be commissioned from Watson and Associates. That report will address both Ward Boundaries and Council Composition. Accordingly, changes, if any, to the manner of choosing the Deputy Mayor are likely to only apply during this term of Council.

The following options are viable approaches for this Council should it be desirable to change the mechanism for selecting the Deputy Mayor:

Option 1

Continue with status quo. Council for the Town of Pelham adopts a Deputy Mayor By-Law at the start of the term. This by-law appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

Option 2

Council elects the Deputy Mayor at the next meeting of Council being December 5, 2022 as Deputy Mayor for a one (1) year term. This allows for the possibility that a member of Council may be selected and elected multiple times. This option allows for the possibility of up to four (4) Councillors to hold the appointment of Deputy Mayor.

Option 3

Council elect the Deputy Mayor at the next meeting of Council being December 5, 2022, bi-annually, a Deputy Mayor for a two (2) year term. A member of Council may be selected and elected multiple times. This option allows for the possibility of up to two (2) ward Councillors to hold the position of Deputy Mayor.

Option 4

Council elects the Deputy Mayor for the full, four (4) year term at the next meeting of Council being December 5, 2022.

Staff Recommendation

While examples of all four options can be found in Ontario, staff believe that Options 2 or 3 would best serve the Town's present and future governance needs. From a corporate perspective, the Town administration has benefited greatly from increased emphasis upon succession planning. It goes to follow that an equivalent process in the political realm could be equally beneficial.

At present, Pelham's Deputy Mayor has no specific powers, no elevated status, no special or additional compensation and a very limited function. While those topics are not the focus of this report, they are theoretical options. Importantly, the position of Deputy Mayor can be more than merely ceremonial; it can also be a training ground for future heads of council. Any option which allows for multiple persons with leadership aspirations to gain experience in the role strengthens the potential training and talent pool of community leaders, which in the long-term should support continued excellence in municipal leadership for the community.

Financial Considerations:

There are no financial impacts associated with options 1-4 listed above with respect to selecting a Deputy Mayor.

Alternatives Reviewed:

See options 1 and 4 listed above.

Strategic Plan Relationship: Strong Organization

Reviewing the method of selecting a Deputy Mayor leads to a strong organization by ensuring the Town of Pelham has strong leadership while encouraging succession planning.

Consultation:

Various Ontario Municipalities and the Senior Leadership Team.

Other Pertinent Reports/Attachments:

Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor Report

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

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

Subject: Proposed January 2023 Council Meeting Schedule

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0273 – Clerks - Proposed January 2023 Council Meeting Schedule;

AND THAT the appended January 2023 Council Meeting Schedule be approved;

AND THAT the Clerk be directed to present the full 2023 Council Meeting Schedule following disposition of the proposed Procedural By-law.

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 third Monday of the month, with Policy and Priorities Committee or Committee of the Whole to follow. The Procedural By-law further calls for Council to meet on the second Monday of the month for Public Meetings under the *Planning Act*.

On July 25, 2022, Council approved the 2023 Budget Schedule. Budget meetings for January have been included in the appended schedule for ease of reference.

Council is traditionally presented a draft meeting schedule for the upcoming calendar year. A meeting schedule is established annually to accommodate Statutory Holidays, World Religious Holidays, major municipal conferences and other known events. As the framework for the Council meeting schedule is currently under Council review, staff have prepared a partial schedule. Following disposition of the proposed procedural by-law, the Clerk will present Council with a meeting schedule for the remainder of the calendar year.

Analysis:

The proposed procedural by-law seeks to amend the framework for the Council meeting schedule. If Council approves Report No. 2022-0275 2022 Procedural By-

law Update, in principle, on December 5th, 2022, the procedural by-law will be presented to Council for a first and second reading on December 19th, 2022. Following the necessary notice requirements, the procedural by-law will be presented to Council for a third and final reading on January 23rd, 2023. Staff recommend Council adopt a partial 2023 meeting schedule for January in accordance with Procedural By-law 4107(2019) while consideration of the proposed procedural by-law continues.

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. Staff have identified this structure as efficient and expedient. Through the proposed procedural by-law, Staff are recommending a similar meeting structure which provides for committee within Council. As this proposal is currently before Council, Policy and Priority Committee and Committee of the Whole have been excluded from the proposed 2023 January schedule.

Financial Considerations:

Adopting the partial 2023 Council Meeting Schedule does not have a direct financial implication.

Alternatives Reviewed:

The draft 2023 January Council Meeting Schedule has been prepared in accordance with the Town of Pelham's Procedural By-law No. 4107(2019). Council may revise the partial schedule at this time.

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 2023 January Only Council Meeting Schedule

Prepared and Recommended by:

Sarah Leach, B.A.
Deputy Clerk

Prepared and Submitted by:

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

2023 Council Meeting Schedule January Only*

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Date and Time	Purpose of Meeting
January	
Monday, January 9, 2023 Land Acknowledgement Statement: Mayor Junkin	Council
Tuesday, January 10, 2023 Land Acknowledgement Statement: Councillor Ker	Capital Budget Special Meeting
Monday, January 16, 2023 Land Acknowledgement Statement: Councillor Olson	Public Meeting Under the Planning Act <i>(if required)</i>
Tuesday, January 17, 2023 Land Acknowledgement Statement: Councillor Wink	Operating Budget Special Meeting
Monday, January 30, 2023 <i>*To accommodate Rural Ontario Municipal Association ('ROMA') Conference</i> Land Acknowledgement Statement: Councillor Eckhardt	Council Draft Water and Wastewater Budgets available for Council and Pelham Finance & Audit Committee Review*

All meeting times are in accordance with Procedural By-law #4107(2019), as amended.

The Town of Pelham municipal buildings will be closed in observation of the following holidays:

Date	Event
Sunday , Jan. 1, 2023 <i>(Recognized Monday, January 2, 2023)</i>	New Year's Day

Budget meeting dates previously approved on July 25, 2022

Subject: 2022-2026 Committee Recommendation Report

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0277 Clerks – 2022-2026 Committee Recommendation Report, for information;

AND THAT Council for the Town of Pelham confirm and establish the following Committees:

- **Statutory Committees, being:**
 - 1. Committee of Adjustment;**
 - 2. Joint Accessibility Advisory Committee (JAAC);**
 - 3. Lincoln Pelham Library Union Board; and**
 - 4. Livestock Valuer and Poundkeeper.**
- **Advisory Committees, being:**
 - 1. Pelham Finance and Audit Committee;**
 - 2. Pelham Seniors Advisory Committee;**
 - 3. Pelham Active Transportation Committee; and**
 - 4. Pelham Culture Advisory Committee (formerly known as the Pelham Art Committee).**

AND THAT Council shall appoint a Member of Council to each Advisory Committee for a two (2) year period;

AND THAT Council direct the Clerk to bring the matter of Council appointments back to Council in January 2025 to appoint a Member of Council to each Advisory Committee for a subsequent two (2) year period;

AND THAT Council direct staff to create and establish Working Groups, as the lead director and Chief Administrative Officer deem appropriate;

AND THAT Council direct staff to seek applications from interested citizens for the Committees referenced above for appointment in

January, 2023, with applications considered in closed session with appointments to occur in open session.

Background:

On September 6, 2022, Council for the Town of Pelham passed the following resolution:

Moved: Councillor Olson

Seconded: Councillor Wink

BE IT RESOLVED THAT Council receive Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation, for information;

AND THAT Council approve, in principle, restructuring Town of Pelham Ad Hoc Advisory Committees into three (3) types of committees, being:

- 1) Advisory Committees;**
- 2) Statutory Committees; and**
- 3) Working Groups;**

AND THAT Council direct staff to review the Town's current advisory committees and to prepare revised terms of reference and committee recommendations for the 2022-2026 Council Term in a report to be delivered on December 19, 2022.

A copy of the above noted report is attached to this report for Council's ease of reference.

Analysis:

The 2018-2022 Council for the Town of Pelham established seventeen (17) advisory committees for the 2018 – 2022 term, being:

- Pelham Finance and Audit Committee
- Cannabis Control Committee
- Committee of Adjustment
- Community Beautification Committee
- Joint Accessibility Advisory Committee
- Livestock Valuer and Pound keeper
- Meridian Community Centre ("MCC") Hospitality Committee
- Meridian Community Centre ("MCC") User Groups Committee

- Municipal Heritage Advisory Committee
- Pelham Active Transportation Committee
- Pelham Arts Advisory Committee
- Pelham Seniors Advisory Committee
- Pelham Summerfest Committee
- Pelham Thursday Night Experience Committee
- Utility Sustainability Advisory Committee
- Lincoln Pelham Union Public Library Board
- Mayor Youth Advisory Committee

Over the 2018-2022 term of Council, it has become clear that the Town is operating too many committees relative to its size. This spreads the volunteer base thinly, is a challenge to support adequately amongst the existing staff compliment and also creates a large demand upon a limited pool of elected officials.

The Senior Leadership Team (SLT) have reviewed the 2018-2022 Advisory Committees and recommend the establishment of the following committees, in the following structure format:

Statutory Committees

The below noted Committees are legislatively required, and therefore staff recommend Council re-endorse the creation of these committees.

1. Committee of Adjustment;
2. Joint Accessibility Advisory Committee (JAAC);
3. Lincoln Pelham Library Union Board; and
4. Livestock Valuer and Poundkeeper.

Advisory Committees

Advisory Committees regularly provide specialized and unique advice to Council. Staff recommend Council re-endorse the creation of the following advisory committees:

1. Pelham Finance and Audit Committee;
2. Pelham Seniors Advisory Committee;
3. Pelham Active Transportation Committee; and
4. Pelham Culture Advisory Committee (formerly known as the Pelham Art Committee).

Working Groups

Staff recommend Council establish Volunteer Working Groups to facilitate or execute a project, event or task. Staff recommend the following Working Groups be established by staff:

1. Pelham Summerfest Working Group;
2. MCC User Working Group;
3. Canada Day Working Group; and
4. Mayor Youth Working Group.

Having reviewed all advisory committees established during the 2018-2022 term of Council, staff recommend the following committees be discontinued, for the reasons outlined below:

Cannabis Control Committee

The Cannabis Control Committee has concluded its work and presented its final report to Council in August 2022. The majority of the legal/planning issues have either been decided or are in the hands of various courts and tribunals. Staff thank all former members of the CCC for their contribution to the community.

Community Beautification Committee

In lieu of a formal committee, staff recommend the Town of Pelham engage in a working relationship/partnership with the Garden Club within the Town. Staff have contacted and discussed this proposed relationship with the Garden Club and look forward to working with them.

MCC Hospitality Committee

This committee was originally established to assist the Town in understanding how to operate hospitality services. Since this time staff have become efficient at running and facilitating hospitality events and no longer require the aid of this committee. In addition, this committee has not met in over two years.

Municipal Heritage Advisory Committee

The role of a Heritage Advisory Committee is unclear in light of current proposed changes to the *Heritage Act*, and the changes to the development review process. Staff do not recommend proceeding with this committee, at this time. If it is the will of Council to investigate this opportunity, the issue could be revisited during the summer or fall of 2023. Planning Staff continue to routinely consider cultural heritage matters in their day-to-day work.

Pelham Thursday Night Experience Committee

Staff have advertised for this committee and have not received any applications to date. RCW staff have been directly providing this service to the community for several years without the assistance of a committee. Town staff feel confident in their abilities to continue successfully organize and execute Pelham's Thursday Nights.

Utility Sustainability Advisory Committee

The Utility Sustainability Advisory Committee has completed its work and saved the Town an immense amount of money in relation to the cost of hydro at the MCC. Furthermore, this committee has not met for over two years due to a loss of membership. During its operation there were many, if not a majority of meetings where staff outnumbered members of the public. Public Works and facilities staff will continue to investigate and implement money saving measures for utilities.

New Committee Proposal

One election issue that seemed to garner significant community support was the proposal to create an Agricultural Advisory Committee. It is noted by staff that the Town of Niagara-on-the-Lake and Haldimand County both have an Agricultural Advisory Committee. Such a committee could serve an important function as it focuses on an area and subject matter related to agricultural matters.

Two (2) Year Council Appointments to Advisory Committees

Historically, Members of Council are appointed to Advisory Committees for a four (4) year term, however staff recommend Members of Council be appointed for two (2) year terms. Staff are of the opinion this change will allow for increased succession planning, providing the Town's elected officials a more well-rounded experience and benefit the community. Additionally, should multiple Members of Council be interested in the same Advisory Committee, this option allows each a two (2) year appointment.

Financial Considerations:

None.

Alternatives Reviewed:

The establishment and creation of non-statutory Advisory Committees is solely done at the discretion of Council. Should Council wish to create a new Advisory Committee, such as an Agricultural Committee, Council may do so with a simple

amendment, which would need to be moved, seconded and carried. Staff would create draft Terms of Reference and provide to Council for approval.

Should Council wish to remove a suggested committee or re-establish one being suggested for removal Council may do so with a simple amendment, which would need to be moved, seconded and carried.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Restructuring how advisory committee are organized will build stronger communities and enhance the Town's events and festivals by promoting volunteerism and input.

Consultation:

SLT

Other Pertinent Reports/Attachments:

Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation

Draft Terms of Reference for Proposed Committees

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

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

Subject: 2022-2026 Advisory Committee Structure
Recommendation

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation, for information;

AND THAT Council approve, in principle, restructuring Town of Pelham Ad Hoc Advisory Committees into three (3) types of committees, being:

- 1) Advisory Committees;**
- 2) Statutory Committees; and**
- 3) Working Groups;**

AND THAT Council direct staff to review the Town's current advisory committees and to prepare revised terms of reference and committee recommendations for the 2022-2026 Council Term in a report to be delivered on December 19, 2022.

Background:

The review of Pelham's committee structure is a routine process which occurs at the beginning/end of each Council cycle. It generally supports the (current) strategic plan goal of supporting a strong organization through reviewing the terms of reference for committees and boards.

The current Town of Pelham Procedural By-Law 4107(2019), as amended, stipulates Council may create ad hoc committees, commonly referred to as advisory committees. Currently, the majority of Pelham's committees are advisory, which is to say that they are optional/voluntary. The Town also operates committees which are statutory (Committee of Adjustment, Accessibility Advisory, Lincoln Pelham Union Library Board, Livestock Valuer & Pound Keeper).

Advisory committees are established by Council via resolution and by-law. These committees typically have a defined area of focus, defined by their terms of reference. Frequently committees are able to develop greater levels of expertise in specific areas and then provide advice to Town Council on various options, policy initiatives and potential courses of action. As a default committees last for the entire term of Council, however they can also be designed to have shorter durations, and can end when a goal/task is accomplished or at the end of defined amount of time.

Membership requirements for advisory committees include at least one (1) Member of Council, at least one (1) Town of Pelham staff liaison and various Town of Pelham residents, stakeholders and/or field experts.

Currently the Council for the Town of Pelham has established seventeen (17) advisory committees for the 2018 – 2022 term, being:

- Pelham Finance and Audit Committee
- Cannabis Control Committee
- Committee of Adjustment
- Community Beautification Committee
- Joint Accessibility Advisory Committee
- Livestock Valuer and Pound keeper
- Meridian Community Centre ("MCC") Hospitality Committee
- Meridian Community Centre ("MCC") User Groups Committee
- Municipal Heritage Advisory Committee
- Pelham Active Transportation Committee
- Pelham Arts Advisory Committee
- Pelham Seniors Advisory Committee
- Pelham Summerfest Committee
- Pelham Thursday Night Experience Committee
- Utility Sustainability Advisory Committee
- Lincoln Pelham Union Public Library Board
- Mayor Youth Advisory Committee

Over the past term of Council, it has become clear that the Town is operating too many committees relative to its size. This spreads the volunteer base thinly, is a challenge to support adequately amongst the existing staff compliment and also creates a large demand upon a limited pool of elected officials.

Analysis:

Ad hoc committees are intended to provide important advice and guidance to Council. This is true and common practice for many of the committees established by Council, however there are several committees which do not provide advice and

guidance, rather organize, execute and oversee important projects and tasks on behalf of the Town of Pelham.

Staff recommend Council formally establish three (3) categories of committee structure: advisory committees, statutory committees and volunteer working groups. Staff recommend advisory committees be established to provide Council advice and guidance on a specific initiative or matter while volunteer working groups operate to execute important projects, events or tasks on behalf of the Town. Statutory committees are obligatory and will continue to fulfill provincial requirements.

Advisory Committees

Staff propose that advisory committees continue to be established by Council via resolution and by-law. Advisory committees shall be governed by terms of reference as approved by Council. Membership shall include at least one (1) Member of Council and at least one (1) Town of Pelham staff liaison in addition to the residents, stakeholders and/or field experts defined within the terms of reference. Advisory committees shall continue to run with the term of Council, unless Council wishes to indicate otherwise.

Staff recommend advisory committees continue to be governed by the Procedural By-law and parliamentary rules. It is important that procedures be defined and that advisory committees remain accountable and transparent to the public in their decision-making and policy recommendation processes. Parliamentary procedure provides the committees with structure and a consistent format which aids in making decisions, goals and objectives democratically.

Staff recommend that existing administrative responsibilities remain, such as record keeping, routine Council updates, publishing agendas and publishing minutes to the website and Council agenda.

Staff recommend committees such as: Cannabis Control Committee, Pelham Finance and Audit Committee and Pelham Active Transportation Committee remain in the advisory committee structure. Committees such as these have specialized knowledge and regularly make recommendations to Council. The establishment of specific advisory committees for the 2022 – 2026 Council term are subject to the approval of the incoming Council.

Statutory Committees

Statutory committees are required under legislation and/or Provincial/ Regional guidelines. The Town of Pelham's proposed statutory committees are guided by the *Planning Act, 1990*, *Public Libraries Act, 1990*, *Accessibility for Ontarians with Disabilities Act, 2005* and the Ontario Wildlife Damage Compensation Program

initiated through the Ministry of Agriculture, Food and Rural Affairs. Save and except the Livestock Valuer and Poundkeeper, statutory committees shall report to Council on their activities through meeting minutes and/or a delegation.

Staff propose that membership to statutory committees continue to be appointed by Council via by-law. Where the statutory committee is comprised on inter-municipal membership, Council shall appoint only the Town of Pelham representative(s). Statutory committees shall be governed by their approved terms of reference, their specific statute and/or the Procedural By-law; where procedures conflict, the specific statute shall prevail. Statutory committees shall continue to run with the term of Council.

Staff recommend re-categorizing the committees of: Committee of Adjustment, Joint Accessibility Advisory Committee, Lincoln Pelham Union Public Library and Livestock Valuer and Poundkeeper as statutory committees.

Working Groups

Staff recommend the establishment of Working Groups to facilitate or execute a project, event or task. More specifically, such Working Groups, when and as required, should have terms of reference be initiated by the lead department director and approved by the Chief Administrative Officer. This is in-keeping with their operational/project orientation and general lack of politicization. Membership can include Member(s) of Council, residents, stakeholders and/or field experts of the Town of Pelham. A Town staff liaison from the lead department shall be required to attend all meetings.

It is anticipated that most Working Group members would be appointed to two year terms, which are renewable. This would address the turnover experienced by many current Town Committees, where a number of residents have been most kind to volunteer their time and services, however do not necessarily want to make a four year commitment.

Working Groups would be exempt from the provisions of the Procedural By-law. Rather, they would have structural and administrative flexibility. Primarily comprised of volunteers, Working Groups would not be required to send their minutes to Council for information, as they are not providing advice. This would address the concern raised by some current volunteers that they do not want to be part of "Town bureaucracy".

An ancillary benefit is that this exemption will alleviate a significant number of council meeting agenda pages. Working Groups would be able to work on special projects, events and tasks which benefit the community on one-off, as needed

basis. This structure improves the overall functionality of the group through the implementation of a streamlined approach.

Staff recognize the importance of accountability and transparency for all committees and groups. Working Group meetings shall be required to be open to the public. Additionally, volunteer working group members shall be governed and subject to the Town's Code of Conduct.

Staff recommend committees such as: Pelham Summerfest Committee, Pelham Thursday Night Experience Committee and MCC User Group Committee operate as Working Groups. The establishment of Working Groups for the 2022 – 2026 Council term would proceed at the beginning of the new term of Council, at the discretion of the lead department head and Chief Administrative Officer.

Pitfalls in the Current System

Time Commitment

The time commitment of Members of Council and advisory committee members over the four (4) year term is significant. The Clerk's department receives numerous resignations from advisory committee members throughout the four (4) year term, occasionally resulting in a deficiency in membership requirements. A good example of this is the Utility Sustainability Advisory Committee which hasn't met in more than two years as it has been unable to achieve quorum.

Advisory committees that no longer meet the membership requirement as prescribed in the approved terms of reference must temporarily cease until membership has been filled. This is abundantly difficult for committees such as the Summerfest Committee which must continue to operate to successfully deliver the annual event.

It is anticipated that lessening the time commitment of Working Group members (i.e. Summerfest Committee) to a two (2) year term will increase volunteerism and encourage positive membership cycles which will bring fresh ideas and perspectives to the groups.

The establishment of volunteer working groups will make the attendance of Members of Council optional for such groups. Members of Council may choose to dedicate their time where they deem fit. This should help promote a work life balance for Members of Council.

Procedural Issues

Advisory committees exist to provide advice and guidance to Council. This is not practical for each existing committee. For example, the MCC User Groups

Committee meets to schedule upcoming events and ice time. They do not have information to report to Council. Additionally, the Summerfest Committee meets to facilitate and execute the annual Summerfest event. Although they periodically provide updates to Council, this is not presented as advice or guidance. It shall be noted that Working Groups are not precluded from providing Council with updates or appearing as delegates.

Council and advisory committees currently function within a framework of rules and procedures as prescribed by the Procedural By-law. This includes, but is not limited to abiding by the *Municipal Conflict of Interest Act, 1990*. When a member of an advisory committee has a conflict of interest, they are to declare it and remove themselves from consideration on the topic. This requirement is particularly difficult for committees such as the MCC User Groups Committee and Summerfest Committee. For example, such committees are comprised of stakeholders who technically may have a pecuniary interest in the matter.

Advisory committee members have routinely expressed the desire to waive the requirements of strictly following parliamentary rules and procedures. Staff recognize that parliamentary procedure is not practical for committees that operate to execute a project, event or task. There is really no choice for Statutory Committees, and Advisory Committees also require structure, but the Town can likely offer freedom from procedural rules to Working Groups.

eSCRIBE Board Manager Software

Beginning in the 2022–2026 term, staff will be utilizing the eSCRIBE board manager module to allow users to easily manage and publish committee names, member details, appointments, vacancies and applications through a unified public interface.

The board manager module will streamline administrative tasks, improving the experience of the staff and end users. Applicants will be able to apply directly online and easily access information such as vacancies, membership details and terms of references online in one convenient location. Additionally, residents can submit their application to multiple committees at one time.

Staff are hopeful the user friendly and expedient interface will increase committee participation.

This module will be utilized for both advisory committees and statutory committees.

Conclusion

This recommendation is a logical step in the evolution of the Town's governance structure. In reality, advisory committees such as the Pelham Summerfest

Committee, MCC User Groups Committee and Pelham Arts Advisory Committee never functioned as an advisory committee in the traditional sense. The addition of a proposed volunteer working group structure will address the administrative inefficiencies and recommendations of current committee members. The addition of a statutory committee category will assist in identifying committees required by legislation and/or Provincial/ Regional guidelines.

The changes recommended in this report are intended to take effect with the 2022-2026 Council term. In the interim, staff recommend Council direct the Clerk's department and lead department directors to draft terms of reference in accordance with the proposed new advisory, statutory and volunteer working group structure for the up-coming term of Council. Starting this process now will allow the establishment and recruitment of such committees to begin promptly following the beginning of the new term of Council. If Council does not direct staff to initiate this work now, it will likely defer the establishment and recruitment of committees until mid-2023.

Financial Considerations:

There are no direct costs associated with this report.

Alternatives Reviewed:

Council can determine to continue with the status quo or defer consideration of the proposed committee structures to the next term of Council.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Restructuring how advisory committee are organized will build stronger communities and enhance the Town's events and festivals by promoting volunteerism and input. The recommendations in this report were derived from the input of current committee members and the observations of Town staff representatives.

Consultation:

Senior Leadership Team

Other Pertinent Reports/Attachments:

Draft Template of the 2022-2026 Terms of Reference – Advisory/ Statutory Committees

Draft Template of the 2022-2026 Terms of Reference – Volunteer Working Groups

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

Advisory Committee Name:	Committee of Adjustment
Meeting Date and Time:	Monthly – To Be Determined
Meeting Location:	Pelham Council Chamber/ Zoom

Purpose

The Committee of Adjustment (“CofA”) is a statutory tribunal with authority delegated to it by the Council of the Town of Pelham under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to hold public hearings for the purpose of making decisions with respect to applications for: Minor Variances to the Town’s Zoning By-law; Consents and Legal Non-Conforming Uses (enlargement/ extension/ similar use).

The Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (“OLT”).

Mandate

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing for the public to submit written correspondence and/ or speak to an application;
- Giving due diligence to the consideration of each application;
- Openly having all discussions about each application and making all decisions in public at the hearing;
- Making rational decisions with appropriate conditions in accordance with Provincial legislation, policies and plans and in accordance with Regional and Town policies and plans; and
- Clearly stating the reasons for their decisions.

The Committee of Adjustment may:

- Grant or refuse a minor variance to the Town’s Zoning By-law, as amended, in respect of the land, buildings or structure or the use thereof;
- Give consent to convey or divide land when a plan of subdivision is not necessary;

- Permit the enlargement or extension of a legal non-conforming use of any land, building or structure;
- Permit the use of any land, building or structure for a purpose that is similar to the legal non-conforming use or is more compatible with the uses permitted in the Town's Zoning By-law, as amended;
- Issue a certificate of validation; and
- Issue a certificate of cancellation.

Any responsibilities not clearly identified within this Terms of Reference shall be in accordance with the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Membership:

The Committee shall be appointed by Town Council and comprised of the following:

- Five (5) resident representatives;
 - Three (3) resident representatives to sit on the panel each hearing;
- Staff Liaison, Community Planning and Development Department, as a non-voting resource;
- Staff Liaison, Public Works Department, as a non-voting resource; and
- Staff Liaison, Secretary-Treasurer and/or Assistant Secretary-Treasurer, as a non-voting resource.

Pelham residents must meet the following criteria to be eligible for appointment:

- Satisfactory Police Criminal Record Check/ Vulnerable Sector Check, at the discretion of the Clerk and/or Chief Administrative Officer;
- Resident of the Town of Pelham; and
- Must sign the Code of Conduct.

Members shall also demonstrate the following qualifications:

- A commitment to and interest in the community;
- An understanding of the planning framework and planning instruments, including but not limited to the Zoning By-law, Official Plan, the *Planning Act*, policy statements, implementation guidelines, Provincial Plans and Region of Niagara Official Plan;

- Organized, available and committed to attending all assigned Committee meetings and site visits;
- Objective and have an open mind to fully consider the evidence provided; and
- Access to a computer and email in order to receive and respond to Committee communications and information, including hearing notices and agenda packages with text and graphic files.

The meetings of the Committee of Adjustment are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Committee of Adjustment shall meet monthly at the Town of Pelham Municipal Building, Council Chamber. The meeting schedule shall be adjusted to accommodate Holidays. Additional meetings may be scheduled subject to the availability of Members and staff.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

The Committee of Adjustment shall continue to meet during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources and Budget

The Clerk's department is the designated lead department providing support for the Committee of Adjustment; however, the Committee of Adjustment also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

Meeting Protocols

The Committee of Adjustment is governed by the Town of Pelham's Procedural By-law, as amended. In the event of a conflict between the Procedural By-law and the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, prevails.

Consent

By applying to the Committee of Adjustment, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four (4) years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Remuneration

2022 Rates of Remuneration:

- Members: \$87.94 per meeting;
- Chair: \$92.95 per meeting;
- Travel allowance to be determined by a measurement of distance in kilometers in accordance with the Town's current rate for mileage reimbursement, and only to be paid in the event of a member attending site visit(s) in person.
- No additional expenses will be considered.

Committee of the Whole Approval Date:
Council Approval Date:

Statutory Committee Name:	Joint Accessibility Advisory Committee
Meeting Date and Time:	TBD
Meeting Location:	TBD

Purpose

The Town of Pelham is a member of a Joint Accessibility Advisory Committee - a partnership between seven (7) Niagara communities (Town of Grimsby, City of Port Colborne, Town of Niagara-on-the-Lake, Town of Lincoln, Town of Pelham, City of Thorold and Township of West Lincoln). Together with our respective Councils, the group shares a commitment to facilitate the identification and removal of barriers to people with disabilities and promoting equal opportunities to our citizens of all abilities.

Mandate

The mandate of the Joint Accessibility Advisory Committee is to provide input and perspective on matters related to accessibility that impact the Town, and to create a barrier-free environment for residents, job applicants, suppliers, visitors and other stakeholders entering our premises, accessing information or using our services, with respect to the following areas:

- The promotion and facilitation of a barrier-free municipality for citizens of all abilities, including persons with disabilities;
- Ensure a timely review and development of municipal policies, programs and services having an aim toward identification, removal and prevention of barriers faced by persons with disabilities; and
- Provide advice and recommendations to Council on matters relating to the *Accessibility for Ontarians with Disabilities Act, 2005*.

Membership:

The Committee shall be appointed by Council of the Town of Pelham, Town of Grimsby, City of Port Colborne, Town of Niagara-on-the-Lake, Town of Lincoln, City of Thorold and Township of West Lincoln and consist of a total of fourteen (14) members, comprised of the following:

- A minimum of six (6) members being persons with disabilities:
 - These members shall be representative of gender, ethnicity and different types of visible and invisible disability, including:

- Physical (visual, speech, hearing, deaf, brain injury, use of wheelchair);
- Cognitive (intellectual impairment);
- Perceptual (learning disability); and
- Mental health disabilities;
- Municipal Joint Consultant (currently The Herington Group LTD);

The Town of Pelham appoints two (2) representatives to this Committee, and Pelham residents must meet the following criteria to be eligible for appointment:

- Satisfactory Police Criminal Record Check/ Vulnerable Sector Check, at the discretion of the Clerk and/or Chief Administrative Officer;
- Resident of the Town of Pelham;
- Must sign the Code of Conduct; and
- Must sign Confidentiality Agreement.

The meetings of the Joint Accessibility Advisory Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Joint Accessibility Advisory Committee shall meet at least quarterly; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff.

Committees are entitled to a summer/ vacation break.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meeting during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Joint Accessibility Advisory Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Advisory Committee Name:	Lincoln Pelham Union Public Library Board
Meeting Date and Time:	TBD
Meeting Location:	TBD

Purpose

The purpose of the Lincoln Pelham Union Public Library Board, which is a corporation, is to provide governance and strategic direction on matters related to the Lincoln Pelham Public Library that impact the Towns of Pelham and Lincoln to ensure the library operates in accordance with Section 5 (1) of the *Public Libraries Act*.

Mandate

The mandate of the Lincoln Pelham Union Public Library Board is:

- Oversees all governance of the Lincoln Pelham Union Public Library;
- Bears legal responsibility for the Lincoln Pelham Public Library;
- Ensures that library operations are conducted in accordance with the current *Public Libraries Act*, R.R.O. 1990, Regulation 976 and other relevant legislation;
- Appoints the Chief Executive Officer of the library who shall attend all Board meetings except when the CEO's salary/tenure is being discussed;
- Formulates and establishes policy;
- Prepares, approves and submits an annual budget to the Town Councils of Pelham and Lincoln;
- Makes decisions, solves problems, educates Board members, and plans for the future. Monitors and evaluates material reports submitted by employees; and
- Approves all reports required by the current Public Libraries Act, R.R.O. 1990, Regulation 976, by the responsible Minister or Municipal Council.

Membership:

The Board shall be appointed by the Town Councils of Pelham and Lincoln by by-law and be comprised of:

- A total of eleven (11) members:
 - Five (5) members shall be residents of Pelham, including at least one (1) appointed member of Pelham Council (Ex-officio); and
 - Six (6) members shall be residents of Lincoln, including at least one (1) appointed member of Lincoln Town Council (Ex-officio).

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham;
- At least 18 years of age;
- Must sign the Councillor Code of Conduct;
- Must sign Confidentiality Agreement; and
- Must not be employed by the municipality or library board.

In addition, effective Board members should have:

- An understanding of the importance of the library and its role in the community;
- Knowledge of the union library's Strategic Plan;
- Ability to work as a member of the team and participate in discussions; and
- Sound and independent judgement, a sense of fiscal responsibility, personal integrity and initiative.

Ideally, applicants may have skills, interests and experience in one or more of the following areas:

- Financial Management;
- Legal and Risk Management;
- Public Sector Governance and Government Relations;
- Human Resources;
- Communications/Marketing;
- Strategic Planning; and
- Advocacy.

The meetings of the Lincoln Pelham Union Public Library Board are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Lincoln Pelham Union Public Library Board shall meet at least seven (7) times each year; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of members and staff.

Members will also be asked to serve on library committees, to liaise with community groups, represent the library at various events, or to attend developmental workshops or conferences.

A representative of the Lincoln Pelham Union Public Library Board shall appear as a delegate before the Council of Pelham no less than once per calendar year or the Board shall provide an annual report to provide an update on the progress of the Board's goals and priorities.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meet during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Lincoln Pelham Union Public Library Board, you have agreed, consented and understand all the provisions within these Terms of Reference.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Statutory Committee Name:	Livestock Valuer and Poundkeeper
Meeting Date and Time:	Not applicable
Meeting Location:	Not applicable

Purpose

To fulfil the responsibilities of the Ontario Wildlife Damage Compensation Program.

The Ontario Wildlife Damage Compensation Program provides financial assistance to eligible producers whose:

- Livestock or poultry was killed or injured as a result of eligible wildlife predation (wildlife attack); and
- Bee colonies, beehives or bee-hive-related equipment was damaged by eligible wildlife.

Mandate

The Livestock Valuer is responsible to investigate claims and determine the type of predator that is responsible.

The Livestock Valuer completes a detailed written report of their findings and submits a copy to the Town Clerk and the owner.

Membership:

Membership shall be appointed by Town Council and comprised of the following:

- Up to two (2) Town of Pelham resident representatives.

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham; and
- Must sign the Councillor Code of Conduct.

Schedule and Location of Meetings

No routinely scheduled meetings. Member(s) shall respond to calls as received.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Resources and Budget

Not applicable.

Meeting Protocols

Not applicable.

Consent

By applying as a Livestock Valuer and Poundkeeper, you have agreed, consented and understand all the provisions within these Terms of Reference.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four (4) years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Advisory Committee Name:	Pelham Finance and Audit Committee
Meeting Date and Time:	Fourth Wednesday of the Month (quarterly or as needed with the Budget Schedule) 6:00 p.m. – 7:30 p.m.
Meeting Location:	TBD

Purpose

The purpose of the Pelham Finance and Audit Committee is to provide oversight, advice and guidance to Town of Pelham (the “Town”) Council and Town staff regarding the selection of auditors, annual audited financial statements, and financial policies and reporting practices.

Mandate

The mandate of the Pelham Finance and Audit Committee is to provide oversight of, and make recommendations as required, with respect to the following areas:

1. Audit Function, including:
 - Selection and appointment of auditors; and
 - Audit results and the management letter.
2. Financial Reporting, including:
 - Regular financial reports related to operations and capital;
 - Review and recommend Operating Capital and Rate budgets; and
 - Audited financial statements and review of the Town’s Annual Plan.
3. Provide Guidance to Council and Town Staff regarding financial controls:
 - Council may direct the Pelham Finance and Audit Committee to review and report back to Council on any financial matter.

Membership

The Pelham Finance and Audit Committee shall be appointed by Town Council, and comprised of the following:

- Three (3) Town Councillors;
- Two (2) resident representatives;
- Director of Corporate Services, or designate (as a resource); and
- Secretary (as an administrative resource).

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham;
- Must sign the Councillor Code of Conduct;
- Possess a Chartered Professional Accountant designation in good standing and be a graduate of a recognized post-secondary institution;
- Be independent and willing to challenge Council and Town staff when necessary;
- An aptitude for complex organizational effectiveness and governance, and an awareness of the Town's operations;
- A general understanding of the Town's major economic, operating and financial risks;
- An understanding of the difference between the oversight function of the Pelham Finance and Audit Committee and the decision-making function of Council and Town staff; and
- Must sign Confidentiality Agreement.

The meetings of the Pelham Finance and Audit Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Pelham Finance and Audit Committee shall meet on the fourth Wednesday of the month, quarterly or as needed with the Budget Schedule from 6:00 p.m. to 7:30 p.m.; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff.

Committees are entitled to a summer/ vacation break.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's

elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meeting during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources

The Corporate Services department is the designated lead department providing support for the Pelham Finance and Audit Committee; however, the Pelham Finance and Audit Committee also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Pelham Finance and Audit Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Advisory Committee Name:	Pelham Seniors Advisory Committee
Meeting Date and Time:	Second Wednesday of the Month 2:00 p.m. – 3:30 p.m.
Meeting Location:	TBD

Purpose

The purpose of the Pelham Seniors Advisory Committee is to provide input and perspective on matters that impact the quality of life of senior residents and to provide solutions, through an age-friendly lens, to the Town of Pelham (the “Town”).

Mandate

The mandate of the Pelham Seniors Advisory Committee is to provide feedback, advice and recommendations to Town Council with respect to the following areas:

- Promote awareness of the needs of Pelham seniors to residents, local agencies, businesses and community schools;
- Encourage the Town and the community to view policies, projects and programs through an age-friendly lens;
- Engage all sectors of the community, such as service clubs, businesses and arts and cultural organizations, in developing policies and programs that meet the needs of Pelham’s seniors;
- Solicit input and act as a public forum for issues that affect seniors in the community;
- Develop and foster a coordinated approach between the Town, its residents, service providers and community organizations to make the Town of Pelham an inclusive age-friendly community;
- Monitor funding opportunities for age-friendly initiatives and programs, and encourage the Town, or other eligible agencies, to apply for this funding and provide input on funding applications;
- Foster, form partnerships and collaborate with regional organizations, provincial agencies, educational and arts and culture organizations to promote an age-friendly community; and
- Serve as a champion for the community by developing a vision, gathering momentum and encouraging action.

Membership:

The Committee shall be appointed by Town Council and comprised of the following:

- One (1) Member of Council (Ex-officio);
- Up to six (6) resident representatives;
- One (1) representative of the Pelham Active Transportation Committee;
- One (1) representative of the Joint Accessibility Advisory Committee;
- Two (2) representatives of organizations serving seniors in Pelham;
- Director of Recreation, Culture and Wellness, or designate (as a resource); and
- Secretary (as an administrative resource).

The meetings of the Pelham Seniors Advisory Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Pelham Seniors Advisory Committee shall meet on the second Wednesday of the month from 2:00 p.m. – 3:30 p.m.; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meeting during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources and Budget

The Recreation, Culture and Wellness department is the designated lead department providing support for the Pelham Seniors Advisory Committee; however, the Pelham Seniors Advisory Committee also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

This Committee is allotted an annual budget, and is subject to annual Council approval.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Pelham Seniors Advisory Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Advisory Committee Name:	Pelham Active Transportation Committee
Meeting Date and Time:	Fourth Wednesday of the Month 4:00 – 5:30 p.m.
Meeting Location:	TBD

Purpose

The purpose of the Pelham Active Transportation Committee is to champion and promote active transportation in the Town of Pelham (the “Town”) and to provide input and perspective on the policies, strategies and programs that effect the development and delivery of Town active transportation.

Mandate

The mandate of the Pelham Active Transportation Committee is to provide feedback, advice and recommendations to Town Council with respect to the following areas:

- Develop a list of priorities for the Pelham community which supports active transportation, for Council’s consideration, as part of the annual budget cycle;
- Act in an advisory capacity to Council and staff relating to Planning, development applications and Public Works transportation projects;
- Act in an advisory capacity to Council and staff relating to Planning and Public Work policy development; and
- Create and highlight opportunities for the general public to learn about, advocate for and participate in active transportation in Pelham.

Membership:

The Committee shall be appointed by Town Council and comprised of the following:

- Up to seven (7) members from the community at large (e.g., business owners, community stakeholders, residents, etc.);
- One (1) Town of Pelham Councillor (Ex-officio);
- Director of Public Works, or designate (as a resource); and
- Secretary (as an administrative resource).

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham; and
- Must sign the Councillor Code of Conduct.

The meetings of the Pelham Active Transportation Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Pelham Active Transportation Committee shall meet on the fourth Wednesday of the month from 4:00 p.m. to 5:30 p.m.; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff.

Committees are entitled to a summer/ vacation break.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meeting during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources and Budget

The Public Works department is the designated lead department providing support for the Pelham Active Transportation Committee; however, the Pelham Active Transportation Committee also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

This Committee is allotted a budget, and is subject to annual Council approval.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Pelham Active Transportation Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Advisory Committee Name:	Pelham Cultural Advisory Committee
Meeting Date and Time:	Second Wednesday of the Month 4:00 p.m. – 5:30 p.m.
Meeting Location:	TBD

Purpose

The purpose of the Pelham Cultural Advisory Committee is to promote culture in the Town of Pelham (the “Town”) and to provide input and perspective on the policies, strategies and programs that effect the development and delivery of Town culture.

Mandate

The mandate of the Pelham Cultural Advisory Committee is to provide advice to Council and Town Staff on the advancement of arts and culture in Pelham, as pursuant to the Pelham Cultural Master Plan and the Pelham Public Art Master Plan with respect to the following areas:

- The implementation of the Cultural Master Plan and Pelham Public Art Master Plan for the Town;
- Provide a forum for groups and organizations interested in preserving and/or promoting arts and cultural resources;
- Advocate on behalf of Pelham arts and cultural communities;
- Provide advice and guidance on the implementation of Pelham’s municipal arts and cultural policies and by-laws, and other corporate policies that may affect arts and culture;
- Advise on ways to increase the commitment to, and further public understanding of, arts and culture issues;
- Provide advice and guidance on the success of Pelham’s arts and culture funding, development, facility, community and public arts and cultural activity and initiatives, and recommend changes as required;
- Report to Pelham Town Council on the state of the arts and culture in Pelham and resulting social, quality-of-life and economic impacts;
- Consider issues, new trends and future needs related to the delivery of arts and cultural programming in Pelham;
- Monitor funding opportunities for arts initiatives and programs, and encourage the Town or other eligible agencies to apply for funding and provide input on funding applications; and

- Continue to review and develop Pelham Cultural Master Plan and Pelham's Public Art Master Plan.

Membership:

The Committee shall be appointed by Town Council and comprised of the following:

- One (1) Member of Council (Ex-officio);
- No less than five (5) and up to seven (7) resident representatives;
- Director of Recreation, Culture and Wellness, or designate (as a resource); and
- Secretary (as an administrative resource).

A background or interest in the following would be considered an asset:

- Visual arts;
- Urban design;
- Architecture/landscape architecture;
- Dramatic arts;
- Art/theatre education;
- Literary criticism/writing;
- Music;
- Dance; and
- Heritage.

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham; and
- Must sign the Councillor Code of Conduct.

The meetings of the Pelham Cultural Advisory Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Pelham Cultural Advisory Committee shall on the second Wednesday of the month from 4:00 p.m. to 5:30 p.m.; however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff.

Committees are entitled to a summer/ vacation break.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meeting during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources and Budget

The Recreation, Culture and Wellness department is the designated lead department providing support for the Pelham Cultural Advisory Committee; however, the Pelham Cultural Advisory Committee also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

This Committee is allotted a budget, and is subject to annual Council approval.

Meeting Protocols

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Pelham Cultural Advisory Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date:

Volunteer Working Group:	Pelham Summerfest Working Group
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Purpose

The purpose of the Pelham Summerfest Working Group is to execute the Summerfest festival in the Town of Pelham.

Mandate

The mandate of the Pelham Summerfest Working Group is to build strong communities and cultural assets, with respect to the following areas:

- Encourage a strong economic and tourism base through the creation of a hometown festival that focuses on celebrating all that is Pelham;
- Promote active lifestyles by opening streets to pedestrian traffic and creating a public gathering place;
- Engage all sectors of the community, such as Service Clubs, businesses, agriculture, sports organizations, arts, cultural, etc., in developing and promoting the festival;
- Assist in the preparation of an annual budget for approval by Town Council and to canvas for donations, sponsorships and upper-tier financial support to underwrite the festival;
- Promote and support local businesses (vendors, food, beverages, alcohol, sponsorships, etc.); and
- Build volunteerism and community.

Membership:

Membership shall consist of the following:

- Up to six (6) members from the community at large (e.g., business owners, community stakeholders, residents, etc.);
- One (1) representative from the Pelham Active Transportation Committee;
- Two (2) representatives from local Service Clubs;
- Optional – No more than three (3) Town of Pelham Councillor (Ex-officio); and
- Director of Culture, Recreation and Wellness, or designate (as a resource).

Membership is conditional upon availability of the third weekend of July.

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham or business owner within the Town of Pelham; and
- Must sign the Councillor Code of Conduct.

Applications will be considered, and membership approved, by the Director of Recreation, Culture and Wellness, or designate.

The meetings of the Pelham Summerfest Working Group are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

Pelham Summerfest Working Group meetings will be held monthly, save and except the months of June and July, when meetings will be held weekly.

Term of Working Group

The term of membership shall be a maximum of two (2) years. Members may have the option to re-apply for additional terms.

Resources and Budget

The Recreation, Culture and Wellness department is the designated lead department providing support for the Pelham Summerfest Working Group; however, the Pelham Summerfest Working Group also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

The Pelham Summerfest Working Group is allotted an annual Budget, and is subject to annual Council approval.

Meeting Protocols

Volunteer Working Groups are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Pelham Summerfest Working Group, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Director of Recreation, Culture and Wellness, in consultation with the Chief Administrative Officer, may amend the Terms of Reference, from time to time.

Director of Recreation, Culture
and Wellness

Chief Administrative Officer

Executed this _____ day of _____, 2022.

Volunteer Working Group:	MCC User Working Group
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Purpose

The purpose of the MCC User Working Group is to aid in coordinating and scheduling User Groups that have license agreements to operate in the Meridian Community Centre ("MCC").

Mandate

The mandate of the MCC User Working Group is to manage the activities of those User Groups with license agreements to operate in the MCC with Town Staff operating the MCC with respect to the following areas:

- Facilitate effective communication between licensed MCC User Groups and the Town;
- Facilitate and jointly develop an annual ice users' schedule dependent on the needs of the various licensed users and the Town;
- Facilitate and jointly develop an annual gym users' schedule dependent on the needs of the various licensed users and the Town;
- Facilitate and jointly develop an annual non-ice users' schedule for use of areas outside of the gymnasium and arenas dependent on the needs of licensed users and the Town;
- Facilitate and jointly develop an annual non-ice users' schedule for use of arenas dependent on the needs of the licensed users and the Town;
- Support each licensed MCC User Group with their special events or activities;
- Facilitate cooperation and flexibility between license users for the greater benefit of the community;
- Constructively find solutions to conflicts between licensed MCC User Groups when they arise;
- Work effectively as a team of licensed users to maximize services offered to the public and to support the activities of each other; and
- Explore and recommend policies to Council that strengthen the effectiveness of licensed User Groups in their delivery of service to the public.

Membership:

Membership shall consist of the following:

- One (1) representative from each of the licensed users in the MCC;
- One (1) member representing community Service Clubs;
- One (1) Town of Pelham Facilities department Staff;
- Optional – No more than three (3) Town of Pelham Councillor (Ex-officio);
- One (1) Town of Pelham Recreation, Culture and Wellness department staff; and
- Director of Recreation, Culture and Wellness, or designate (as a resource).

Applicants must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham or a member of a licensed User Group in the MCC; and
- Must sign the Councillor Code of Conduct.

Applications will be considered, and membership approved by the Director of Recreation, Culture and Wellness, or delegate.

The meetings of the MCC User Working Group are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

To be determined by the Director of Recreation, Culture and Wellness in consultation with the MCC User Working Group.

Term of Working Group

The term of membership shall be a maximum of two (2) years. Members may have the option to re-apply for additional terms.

Resources

The Recreation, Culture and Wellness department is the designated lead department providing support for the MCC User Working Group; however, the MCC User Working Group also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

Meeting Protocols

Volunteer Working Groups are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the MCC User Working Group, you have agreed, consented and understand all the provisions within these Terms of Reference.

Amendments to the Terms of Reference

The Director of Recreation, Culture and Wellness, in consultation with the Chief Administrative Officer, may amend the Terms of Reference, from time to time.

Director of Recreation, Culture
and Wellness

Chief Administrative Officer

Executed this _____ day of _____, 2022.

Volunteer Working Group:	Canada Day Working Group
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Purpose

The purpose of the Canada Day Working Group is to execute Canada Day celebrations in the Town of Pelham, which normally consists of one (1) focal event on July 1, in combination with smaller complementary activities, such as contests or other events.

Mandate

The mandate of the Canada Day Working Group is to assist Town Staff in planning, organizing and running the annual Canada Day celebration in Pelham, with respect to the following areas:

- Encourage a strong economic and tourism base;
- Promote and support local businesses;
- Promote active lifestyles by opening streets to pedestrian traffic and creating a public gathering place;
- Engage all sectors of the community, such as Service Clubs, businesses, agriculture, sports organizations, arts, cultural, etc., in developing and promoting the celebration; and
- Build volunteerism and community.

Membership:

Membership shall consist of the following:

- Up to six (6) members from the community at large (e.g., business owners, community stakeholders, residents, etc.);
- One (1) Service Club representative; and
- Director of Recreation, Culture and Wellness, or designate (as a resource).

Members must meet the following criteria to be eligible for appointment:

- Member from the community at large (e.g., business owners, community stakeholders, residents, etc.); and
- Must sign the Councillor Code of Conduct.

Applications will be considered, and membership approved, by the Director of Recreation, Culture and Wellness, or designate.

Membership is contingent upon availability of the Canada Day weekend.

The meetings of the Canada Day Working Group are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

Canada Day Working Group meetings will be held monthly during the months of March, April and May, and then weekly as of June.

Term of Working Group

The term of membership shall be a maximum of two (2) years. Members may have the option to re-apply for additional terms.

Resources and Budget

The Recreation, Culture and Wellness department is the designated lead department providing support for the Canada Day Working Group; however, the Canada Day Working Group also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

This Working Group is allotted an annual Budget, and is subject to annual Council approval.

Meeting Protocols

Volunteer working groups are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Canada Day Working Group, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Director of Recreation, Culture and Wellness, in consultation with the Chief Administrative Officer, may amend the Terms of Reference, from time to time.

Director of Recreation, Culture
and Wellness

Chief Administrative Officer

Executed this _____ day of _____, 2022.

Volunteer Working Group:	Mayor's Youth Working Group
--------------------------	-----------------------------

Purpose

The purpose of the Mayor's Youth Working Group is to promote youth opportunities within the Town of Pelham and to address the needs of and enrich the quality of life, health and well-being of Pelham youths. The Group also provides a youth perspective and shares information with regional youth groups, schools and organizations.

Mandate

The mandate of the Mayor's Youth Working Group is to provide a communication link between the youth of Pelham and staff with respect to the following areas:

- Identify and bring forward issues which will have an impact on Pelham's youth;
- Inform staff and other groups of important matters affecting youth;
- Act as a positive advocate for youth;
- Promote positive meaningful activities for youth in partnership with the community; and
- Actively seek input from youth on important matters.

Membership:

Membership shall consist of the following:

- Up to fifteen (15) youths:
 - One (1) youth from each grade (grades 7-12);
- Mayor of the Town of Pelham (Ex-officio); and
- Director of Recreation, Culture and Wellness, or designate (as a resource, facilitator and non-voting member).

The Mayor's Youth Working Group shall have an Executive, comprised of a Prime Minister, Deputy Prime Minister, Secretary, Promotions Minister and Communications Officer; Members shall run for these roles and will be elected by their fellow members.

Pelham residents must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham; and
- Must sign the Councillor Code of Conduct.

Applications will be considered, and membership approved by the Director of Recreation, Culture and Wellness.

The meetings of the Mayor's Youth Working Group are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

To be determined by the Director of Recreation, Culture and Wellness, in consultation with the Mayor's Youth Working Group Council's Executive; every effort will be made to accommodate the availability of the majority of its Members.

Term of Working Group

The term of membership shall be a maximum of two (2) years. Members may have the option to re-apply for additional terms.

Resources and Budget

The Recreation, Culture and Wellness department is the designated lead department providing support for the Mayor's Youth Working Group; however, the Mayor's Youth Working Group also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

This Working Group is allotted a Budget, and is subject to annual Council approval.

Meeting Protocols

Volunteer Working Groups are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

Consent

By applying to the Mayor's Youth Working Group, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Director of Recreation, Culture and Wellness, in consultation with the Chief Administrative Officer, may amend the Terms of Reference, from time to time.

Director of Recreation, Culture
and Wellness

Chief Administrative Officer

Executed this _____ day of _____, 2022.

Subject: 2022 Procedural By-Law Update

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0275 – Clerks – 2022 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.

On April 19, 2022 the Town Clerk presented a draft Procedural By-Law for Council's review. The report and drafted By-law were defeated (without reasons provided). Since this time, staff have continued to work on the proposed draft Procedural By-Law.

Analysis:

In early 2022 the Clerk, Deputy Clerk and Legislative and Committee Coordinator 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 understandable for residents and lay people.

As the proposed procedural by-law is a full comprehensive update, a comparison or redlined document identifying changes was not feasible. Therefore, the following Chart 1 below is intended to identify major changes or additions originally suggested in April 2022.

Chart 2 below is intended to identify further major changes or additions from the original by-law presented. For ease of reference, these changes have also been highlighted in yellow within the proposed document.

Chart 1 – Changes Presented in April 2022

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)	<p>Amendment: 9:00pm to 9:30pm with a provision stipulating the meeting cannot be extended past 10:00pm.</p> <p>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.</p>
Amendment	Notice of Meetings (11) and Delivery of Agenda (12)	<p>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.</p> <p>This will allow staff more time to ensure the most relevant and up-to-date</p>

		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 Meetings and to decommission Policies and Priorities Committee	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). 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. It has been difficult for staff to achieve the 300 page limit, which is both an artificial and arbitrary number.
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 at their discretion and convenience.
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)	<p>Amendment: 3 delegations to 4 delegation per meeting.</p> <p>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.</p>
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 retrieval benefit to this. Staff recommend adopting this practice in January, 2023.
Amendment	Notice of Motion (33)	<p>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.</p> <p>The suggested change will bring clarity and consistency along with transparency to the public.</p>
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 parliamentary 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	<p>Staff recommend creating Volunteer Working Groups 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.</p> <p>It is noted, committees which advise Council will continue to operate as Advisory Committees.</p>
Removal	Press Release	Staff recommend removing the reference to requiring press releases to be provided to Council in advance of publishing. Staff have largely 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 rationale 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.

Chart 2 – New Changes since April 2022 to present

Addition, Amendment or Removal	Provision	Staff Rational
Addition	Quorum (24.3)	Staff recommend providing the Clerk the power to adjourn a meeting prior to waiting 20 minutes for quorum, if the Clerk can confirm by telephone or email quorum will not be able to be achieved. This is being recommend for meeting efficiency and to respect all Members' time.
Addition	Statutory Committees (42)	Staff provided rationale for this proposed committee structure in Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation and received Council's approval in principle (attached to this report).

Meeting Time

The initial proposed Procedural By-Law suggested a meeting date and time of Tuesday starting at 5:30pm. Staff do recommend Council meet on Tuesday for reasons laid out in Report #2021-0122 Clerks -Proposed 2022 Council Meeting Schedule, however staff wish to advise Council they may choose an alternative meeting time to their liking. If Council wishes to meet during the day, staff would recommend a meeting time of either: 12:30pm, 1:30pm, 2:00pm or 3:00pm.

Council daytime meetings are not uncommon throughout Ontario. Daytime meetings can lead to a better work-life balance for Members of Council and staff.

The Clerk's Department has reviewed all delegations to Council during the 2018-2022 Council Term and determined a total of 98 delegates appeared before Council. Upon further investigation, it was determined only 20 of these were residents, not associated or affiliated with any group or organization. The 78 other delegations to Council were from advisory committees, service clubs, the Niagara Region or companies/corporate organizations.

On average, 5 residents speak to Council a year. For further details, please see below chart 3.

Chart 3 – 2018-2022 Delegation Information.

	Advisory Committees	Service Clubs	Region	Company / Corporation	Residents	Yearly Total
2018 - Total Delegates	5	0	0	3	3	11
2019 - Total Delegates	10	2	0	9	4	25
2020 - Total Delegates	11	1	0	5	6	23
2021 - Total Delegates	6	0	3	8	4	21
2022 - Total Delegates	4	1	3	7	3	18
Totals	36	4	6	32	20	98

Staff are of the opinion that daytime meeting scan still accommodate the low number of residents wishing to speak to Council as delegates. The proposed Procedural By-Law allows for a hybrid style meeting, allowing members of the public to attend Council via Zoom, and therefore the public can attend from anywhere in the world.

Currently, Town of Pelham Committee of Adjustment meetings start early afternoon and the current Clerk's Department staff have not received any complaints from the public stating they are unable to attend. Rather, many community members

regularly pre-register and attend these meetings via Zoom to speak to the Committee.

It is also noted by staff, all Council and Public Meetings under the *Planning Act* are livestreamed, recorded and posted to the Town's website and YouTube Channel. Any member of the public has ample ability to view meetings at any time.

If Council wishes to amend the meeting time for Council and Public Meetings under the *Planning Act* within the proposed Procedural By-Law a simple amendment would need to be moved, seconded and carried. The Clerk would bring the revised draft By-Law to the following meeting for first reading.

Financial Considerations:

There are no financial considerations associated with this report.

Alternatives Reviewed:

Staff reviewed approximately twenty other by-laws 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 timelier 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 – September 20, 2021

Report #2022-0083 – Procedural By-Law Update (defeated in April 2020)

Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation –September 6, 2022

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Sarah Leah, B.A.
Deputy 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 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.

"Statutory Committee" means any board or committee established under the authority of provincial and/or federal legislation. Such a committee shall be governed by the terms of their specific statute and/or a terms of reference.

"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 at 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 certainty, 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 portion 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. Opening Remarks
- d. Adoption of Agenda
- e. Disclosure of Pecuniary Interest and General Nature Thereof
- f. Presentations
- g. Department Reports
- h. Committee Input
- i. 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, Advisory Committee or Statutory 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. Notwithstanding section 24.2, if the Clerk is able to confirm, by telephone or email, Quorum cannot be achieved within the prescribed time period, the Clerk may adjourn the meeting prior to the expiry of the twenty (20) minutes.
- 24.4. 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.
- 24.5. 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

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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 Committees 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. Statutory Committees

42.1. Council shall appoint Statutory Committee members as deemed necessary, by by-law.

42.2. Notwithstanding section 42.1, where the Statutory Committee is comprised of inter-municipal membership, Council shall appointment only the Town of Pelham's representative(s), by by-law.

42.3. 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.

42.4. A Statutory Committee shall be governed by their terms of reference, specific statute and/ or the procedures outlined in Appendix "A" of this By-law, where applicable. Where procedures conflict, the specific statute shall prevail.

42.5. Statutory Committees shall abide by the Town's Code of Conduct, Policy S201-15, as amended.

42.6. If applicable, all recommendations of a Statutory Committee shall be reported to Council, in writing, and shall be subject to the approval of Council.

43. Volunteer Working Groups

43.1. The lead department's director, with the permission of the Chief Administrative Officer, may establish Volunteer Working Groups to facilitate or complete a project.

43.2. The lead department's director shall identify the mandate, role, Meeting details and membership requirements of the Volunteer Working Group. Such details shall be disclosed to the Members of Council or public upon request.

43.3. Volunteer Working Groups shall be exempt from this By-law and thereby exempt from parliamentary procedure, unless otherwise stated in this section.

43.4. Members of a Volunteer Working Group shall abide by the Town's Code of Conduct, Policy S201-15, as amended.

43.5. A staff member from the lead department shall be in attendance at

all Volunteer Working Group Meetings.

- 43.6. Volunteer Working Groups shall not give direction to staff without the approval of the lead department director. Volunteer Working Groups can make a request from staff. If request(s) can be reasonably accommodated within existing workloads and resources, staff may proceed.
- 43.7. A Council representative is not a Volunteer Working Group membership requirement. No more than three (3) Council Members may attend a Volunteer Working Group Meeting at one time.
- 43.8. Appointments to Volunteer Working Groups shall be a one- (1) year term, and shall be facilitated and approved by the director of the lead department.
- 43.9. Members of a Volunteer Working Group shall serve without remuneration.
- 43.10. Volunteer Working Groups shall be open to the public and shall not meet in Closed Session.
- 43.11. Any annual budget allocation to a Volunteer Working Group 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 Group.

44. Use of Electronic Devices

- 44.1. 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.

45. Summer Recess

- 45.1. 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.

46. Election Recess

- 46.1. 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.

47. Staff Direction

- 47.1. 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.

48. Public Notice of Meetings

- 48.1. 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.

49. Public Meetings – *Planning Act*

- 49.1. Holding of Public Meetings required by the *Planning Act*, shall be conducted in accordance with the Rules of Procedure under this By-law.
- 49.2. 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).
- 49.3. 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.
- 49.4. Any planning matter referred back to Council by the Ontario Land Tribunal, or its successor, shall not be deemed reconsideration.

50. General

- 50.1. The short title of this By-law is "The Procedural By-Law."
- 50.2. 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.
- 50.3. This By-law shall be read with all changes in number or gender as required by context.
- 50.4. 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.

51. Repeal

That By-law 4107(2019), 4217(2020), 4231(2020), 4269(2020), 4296(2020), 4362(2021) and 4422(2022) be and is hereby Repealed.

52. Effective Date

That this By-law shall become effective on _____, 2023.

Read a first and second time
This _____ day of _____, 2022

Read a third time and finally passed
This _____ day of _____, 2023

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 statutes 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;
- ii. Is debatable as to why the matter should or should not be deferred;
- iii. Is amendable as to the time or date to which the matter is to be deferred; and
- iv. 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.

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.	4 th Thursday of the month (Except 3 rd Thursday of the month in November & December)
Fort Erie	Monday	6:00 p.m.	2 nd and 4 th Monday of each month
Grimsby	Monday	8:00 p.m.	1 st and 3 rd 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.	1 st and 3 rd Monday of each month
Port Colborne	Monday	6:30 p.m.	2 nd and 4 th Monday of each month
St. Catharines	Monday	6:00 p.m.	Varying frequency
Thorold	Tuesday	6:30 p.m.	1 st and 3 rd Tuesday of each month
Wainfleet	Tuesday	7:00 p.m.	Every 3 weeks
Welland	Tuesday	7:00 p.m.	1 st & 3 rd Tuesday of each month
West Lincoln	Monday	7:00 p.m.	4 th 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.

Alternative 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 alternative 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

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)	<p>Amendment: 9:00pm to 9:30pm with a provision stipulating the meeting cannot be extended past 10:00pm.</p> <p>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.</p>
Amendment	Notice of Meetings (11) and Delivery of Agenda (12)	<p>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.</p> <p>This will allow staff more time to ensure the most relevant and up-to-date information is reflected within staff reports.</p>
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)	<p>Amendment: 3 delegations to 4 delegation per meeting.</p> <p>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.</p>

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)	<p>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.</p> <p>The suggested change will bring clarity and consistency along with transparency to the public.</p>
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 parliamentary 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	<p>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.</p> <p>It is noted, committees which advise Council will continue to operate as Advisory Committees.</p>
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)	<p>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.</p> <p>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.</p>
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.
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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

Subject: 2022-2026 Advisory Committee Structure
Recommendation

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation, for information;

AND THAT Council approve, in principle, restructuring Town of Pelham Ad Hoc Advisory Committees into three (3) types of committees, being:

- 1) Advisory Committees;**
- 2) Statutory Committees; and**
- 3) Working Groups;**

AND THAT Council direct staff to review the Town's current advisory committees and to prepare revised terms of reference and committee recommendations for the 2022-2026 Council Term in a report to be delivered on December 19, 2022.

Background:

The review of Pelham's committee structure is a routine process which occurs at the beginning/end of each Council cycle. It generally supports the (current) strategic plan goal of supporting a strong organization through reviewing the terms of reference for committees and boards.

The current Town of Pelham Procedural By-Law 4107(2019), as amended, stipulates Council may create ad hoc committees, commonly referred to as advisory committees. Currently, the majority of Pelham's committees are advisory, which is to say that they are optional/voluntary. The Town also operates committees which are statutory (Committee of Adjustment, Accessibility Advisory, Lincoln Pelham Union Library Board, Livestock Valuer & Pound Keeper).

Advisory committees are established by Council via resolution and by-law. These committees typically have a defined area of focus, defined by their terms of reference. Frequently committees are able to develop greater levels of expertise in specific areas and then provide advice to Town Council on various options, policy initiatives and potential courses of action. As a default committees last for the entire term of Council, however they can also be designed to have shorter durations, and can end when a goal/task is accomplished or at the end of defined amount of time.

Membership requirements for advisory committees include at least one (1) Member of Council, at least one (1) Town of Pelham staff liaison and various Town of Pelham residents, stakeholders and/or field experts.

Currently the Council for the Town of Pelham has established seventeen (17) advisory committees for the 2018 – 2022 term, being:

- Pelham Finance and Audit Committee
- Cannabis Control Committee
- Committee of Adjustment
- Community Beautification Committee
- Joint Accessibility Advisory Committee
- Livestock Valuer and Pound keeper
- Meridian Community Centre ("MCC") Hospitality Committee
- Meridian Community Centre ("MCC") User Groups Committee
- Municipal Heritage Advisory Committee
- Pelham Active Transportation Committee
- Pelham Arts Advisory Committee
- Pelham Seniors Advisory Committee
- Pelham Summerfest Committee
- Pelham Thursday Night Experience Committee
- Utility Sustainability Advisory Committee
- Lincoln Pelham Union Public Library Board
- Mayor Youth Advisory Committee

Over the past term of Council, it has become clear that the Town is operating too many committees relative to its size. This spreads the volunteer base thinly, is a challenge to support adequately amongst the existing staff compliment and also creates a large demand upon a limited pool of elected officials.

Analysis:

Ad hoc committees are intended to provide important advice and guidance to Council. This is true and common practice for many of the committees established by Council, however there are several committees which do not provide advice and

guidance, rather organize, execute and oversee important projects and tasks on behalf of the Town of Pelham.

Staff recommend Council formally establish three (3) categories of committee structure: advisory committees, statutory committees and volunteer working groups. Staff recommend advisory committees be established to provide Council advice and guidance on a specific initiative or matter while volunteer working groups operate to execute important projects, events or tasks on behalf of the Town. Statutory committees are obligatory and will continue to fulfill provincial requirements.

Advisory Committees

Staff propose that advisory committees continue to be established by Council via resolution and by-law. Advisory committees shall be governed by terms of reference as approved by Council. Membership shall include at least one (1) Member of Council and at least one (1) Town of Pelham staff liaison in addition to the residents, stakeholders and/or field experts defined within the terms of reference. Advisory committees shall continue to run with the term of Council, unless Council wishes to indicate otherwise.

Staff recommend advisory committees continue to be governed by the Procedural By-law and parliamentary rules. It is important that procedures be defined and that advisory committees remain accountable and transparent to the public in their decision-making and policy recommendation processes. Parliamentary procedure provides the committees with structure and a consistent format which aids in making decisions, goals and objectives democratically.

Staff recommend that existing administrative responsibilities remain, such as record keeping, routine Council updates, publishing agendas and publishing minutes to the website and Council agenda.

Staff recommend committees such as: Cannabis Control Committee, Pelham Finance and Audit Committee and Pelham Active Transportation Committee remain in the advisory committee structure. Committees such as these have specialized knowledge and regularly make recommendations to Council. The establishment of specific advisory committees for the 2022 – 2026 Council term are subject to the approval of the incoming Council.

Statutory Committees

Statutory committees are required under legislation and/or Provincial/ Regional guidelines. The Town of Pelham's proposed statutory committees are guided by the *Planning Act, 1990*, *Public Libraries Act, 1990*, *Accessibility for Ontarians with Disabilities Act, 2005* and the Ontario Wildlife Damage Compensation Program

initiated through the Ministry of Agriculture, Food and Rural Affairs. Save and except the Livestock Valuer and Poundkeeper, statutory committees shall report to Council on their activities through meeting minutes and/or a delegation.

Staff propose that membership to statutory committees continue to be appointed by Council via by-law. Where the statutory committee is comprised on inter-municipal membership, Council shall appoint only the Town of Pelham representative(s). Statutory committees shall be governed by their approved terms of reference, their specific statute and/or the Procedural By-law; where procedures conflict, the specific statute shall prevail. Statutory committees shall continue to run with the term of Council.

Staff recommend re-categorizing the committees of: Committee of Adjustment, Joint Accessibility Advisory Committee, Lincoln Pelham Union Public Library and Livestock Valuer and Poundkeeper as statutory committees.

Working Groups

Staff recommend the establishment of Working Groups to facilitate or execute a project, event or task. More specifically, such Working Groups, when and as required, should have terms of reference be initiated by the lead department director and approved by the Chief Administrative Officer. This is in-keeping with their operational/project orientation and general lack of politicization. Membership can include Member(s) of Council, residents, stakeholders and/or field experts of the Town of Pelham. A Town staff liaison from the lead department shall be required to attend all meetings.

It is anticipated that most Working Group members would be appointed to two year terms, which are renewable. This would address the turnover experienced by many current Town Committees, where a number of residents have been most kind to volunteer their time and services, however do not necessarily want to make a four year commitment.

Working Groups would be exempt from the provisions of the Procedural By-law. Rather, they would have structural and administrative flexibility. Primarily comprised of volunteers, Working Groups would not be required to send their minutes to Council for information, as they are not providing advice. This would address the concern raised by some current volunteers that they do not want to be part of "Town bureaucracy".

An ancillary benefit is that this exemption will alleviate a significant number of council meeting agenda pages. Working Groups would be able to work on special projects, events and tasks which benefit the community on one-off, as needed

basis. This structure improves the overall functionality of the group through the implementation of a streamlined approach.

Staff recognize the importance of accountability and transparency for all committees and groups. Working Group meetings shall be required to be open to the public. Additionally, volunteer working group members shall be governed and subject to the Town's Code of Conduct.

Staff recommend committees such as: Pelham Summerfest Committee, Pelham Thursday Night Experience Committee and MCC User Group Committee operate as Working Groups. The establishment of Working Groups for the 2022 – 2026 Council term would proceed at the beginning of the new term of Council, at the discretion of the lead department head and Chief Administrative Officer.

Pitfalls in the Current System

Time Commitment

The time commitment of Members of Council and advisory committee members over the four (4) year term is significant. The Clerk's department receives numerous resignations from advisory committee members throughout the four (4) year term, occasionally resulting in a deficiency in membership requirements. A good example of this is the Utility Sustainability Advisory Committee which hasn't met in more than two years as it has been unable to achieve quorum.

Advisory committees that no longer meet the membership requirement as prescribed in the approved terms of reference must temporarily cease until membership has been filled. This is abundantly difficult for committees such as the Summerfest Committee which must continue to operate to successfully deliver the annual event.

It is anticipated that lessening the time commitment of Working Group members (i.e. Summerfest Committee) to a two (2) year term will increase volunteerism and encourage positive membership cycles which will bring fresh ideas and perspectives to the groups.

The establishment of volunteer working groups will make the attendance of Members of Council optional for such groups. Members of Council may choose to dedicate their time where they deem fit. This should help promote a work life balance for Members of Council.

Procedural Issues

Advisory committees exist to provide advice and guidance to Council. This is not practical for each existing committee. For example, the MCC User Groups

Committee meets to schedule upcoming events and ice time. They do not have information to report to Council. Additionally, the Summerfest Committee meets to facilitate and execute the annual Summerfest event. Although they periodically provide updates to Council, this is not presented as advice or guidance. It shall be noted that Working Groups are not precluded from providing Council with updates or appearing as delegates.

Council and advisory committees currently function within a framework of rules and procedures as prescribed by the Procedural By-law. This includes, but is not limited to abiding by the *Municipal Conflict of Interest Act, 1990*. When a member of an advisory committee has a conflict of interest, they are to declare it and remove themselves from consideration on the topic. This requirement is particularly difficult for committees such as the MCC User Groups Committee and Summerfest Committee. For example, such committees are comprised of stakeholders who technically may have a pecuniary interest in the matter.

Advisory committee members have routinely expressed the desire to waive the requirements of strictly following parliamentary rules and procedures. Staff recognize that parliamentary procedure is not practical for committees that operate to execute a project, event or task. There is really no choice for Statutory Committees, and Advisory Committees also require structure, but the Town can likely offer freedom from procedural rules to Working Groups.

eSCRIBE Board Manager Software

Beginning in the 2022–2026 term, staff will be utilizing the eSCRIBE board manager module to allow users to easily manage and publish committee names, member details, appointments, vacancies and applications through a unified public interface.

The board manager module will streamline administrative tasks, improving the experience of the staff and end users. Applicants will be able to apply directly online and easily access information such as vacancies, membership details and terms of references online in one convenient location. Additionally, residents can submit their application to multiple committees at one time.

Staff are hopeful the user friendly and expedient interface will increase committee participation.

This module will be utilized for both advisory committees and statutory committees.

Conclusion

This recommendation is a logical step in the evolution of the Town's governance structure. In reality, advisory committees such as the Pelham Summerfest

Committee, MCC User Groups Committee and Pelham Arts Advisory Committee never functioned as an advisory committee in the traditional sense. The addition of a proposed volunteer working group structure will address the administrative inefficiencies and recommendations of current committee members. The addition of a statutory committee category will assist in identifying committees required by legislation and/or Provincial/ Regional guidelines.

The changes recommended in this report are intended to take effect with the 2022-2026 Council term. In the interim, staff recommend Council direct the Clerk's department and lead department directors to draft terms of reference in accordance with the proposed new advisory, statutory and volunteer working group structure for the up-coming term of Council. Starting this process now will allow the establishment and recruitment of such committees to begin promptly following the beginning of the new term of Council. If Council does not direct staff to initiate this work now, it will likely defer the establishment and recruitment of committees until mid-2023.

Financial Considerations:

There are no direct costs associated with this report.

Alternatives Reviewed:

Council can determine to continue with the status quo or defer consideration of the proposed committee structures to the next term of Council.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Restructuring how advisory committee are organized will build stronger communities and enhance the Town's events and festivals by promoting volunteerism and input. The recommendations in this report were derived from the input of current committee members and the observations of Town staff representatives.

Consultation:

Senior Leadership Team

Other Pertinent Reports/Attachments:

Draft Template of the 2022-2026 Terms of Reference – Advisory/ Statutory Committees

Draft Template of the 2022-2026 Terms of Reference – Volunteer Working Groups

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

Subject: 2023 User Fees and Charges

Recommendation:

**BE IT RESOLVED THAT Council receive Report # 2022-0280-
Corporate Services – 2023 User Fees and Charges, for information;**

**AND THAT Council approve, in principle, the proposed 2023 User Fees
and Charges;**

**AND THAT Council direct staff to prepare the necessary By-law for
Council's consideration at the next regular meeting, being December
19, 2022.**

Background:

Each year Town administration reviews applicable user fees and charges to ensure those fees charged by the Town assist in covering some of all the costs associated with providing a service, program, room or process that is outside of the core functions of the municipality.

Analysis:

It is recommended that the departmental increases to various services and programs be effective for 2023. By establishing an up-to-date 2023 fee schedule, staff can appropriately charge at the 2023 rates.

Financial Considerations:

Where there are changes these are proposed to address associated cost increases. The general goal of the exercise is to achieve cost recovery, rather than operate at either a "profit" or a "loss".

Alternatives Reviewed:

Council has a statutory obligation to review and approve Fees & Services on an annual basis.

Strategic Plan Relationship: Strong Organization

Adopting increases to the various departmental fees is required to assist in covering some or all the costs associated with providing a service or program.

Consultation:

The User Fees and Charges have been reviewed by all members of SLT.

Other Pertinent Reports/Attachments:

Appendix 1- 2023 User Fees and Charges

Prepared and Recommended by:

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services & Treasurer

Prepared and Submitted by:

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

Town of Pelham User Fees and Charges 2023



Overview

An experience at a summer camp or swim program,
a requirement to obtain duplicate billing information or
a new beginning obtaining a house permit,
all of these experiences and more are realized within
this guide.

User fees and charges are established to ensure that services specific to individuals are not subsidized by all ratepayers within the Town of Pelham

The Town of Pelham is proud to offer the experiences outlined in this guide at a minimal cost to the community members that require them.

The user fees and charges outlined in this document are regulated by By-law 4411 (2022).

Disclaimer

Where it is found that a fee in this schedule is different than an approved bylaw or policy, the latter shall prevail.

All fees and charges do not include applicable taxes. Where fees and charges are subject to taxes, they will be added at point of sale.

Contact

For more information about content found within this guide, please contact:



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Clerk’s Department



Corporate Services



Fire & By-Law Services



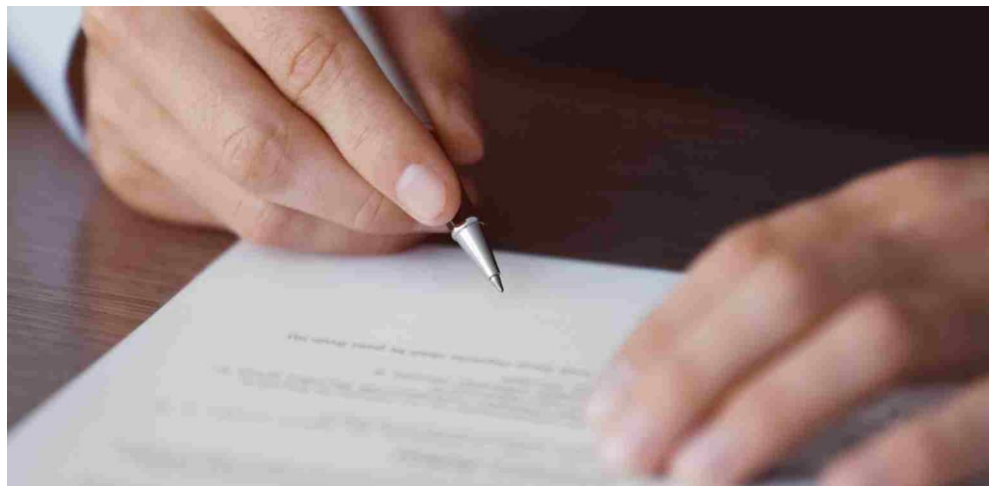
Planning & Development Services



Recreation & Cultural



Public Works



Clerk's Department

	2023
Business Licensing	
Itinerant Seller, Hawker, Peddler, Door to Door Seller	\$200.00
Refreshment Vehicle & Food Vending Vehicle	\$250.00
Bed and Breakfast, Fee Per Bedroom	\$150.00
Short Term Accommodation, Fee Per Bedroom	\$300.00
Affidavits/Commissioner of Oath	
Signature for all other documents – first document	\$15.00
Signature for all other documents – each additional document	\$5.00
Registrar statement/Travel letter – first letter	\$20.00
Registrar statement/Travel letter – each additional letter	\$5.00
Burial Permits/Death Registrations	\$10.00
Burial Permits/Death Registrations – After hours	\$100.00
Photocopies per page	\$0.25
Retrieval of Archived Records from Off-Site Storage	\$11.00
Lottery Licensing	
Bingo License % of prizes not exceeding \$5,500.00	3%
Raffle Lotteries % of prizes not exceeding \$50,000.00	3%
Bazaar Lotteries % of prizes not exceeding \$500.00	3%
Bazaar Lotteries – per wheel	\$10.00
Break Open Ticket (Nevada) Lottery % of prizes each occasion	3%
Break Open Ticket (Nevada) Lottery Home Base % of total	2.25%
Line Fences Administrative Fee	\$425.00



Clerk's Department

	2023
Marriage Licensing	
License Fee	\$130.00
Ceremony Fee – On Site – Business Hours* - \$50 Deposit Required Upon Booking, non-refundable if cancelled by wedding couple	\$200.00
During COVID-19, Outdoor Weddings at Peace Park are preferred. Rental of Peace Park Bandshell applies (10 people) p/hr, OR:	\$14.00
*Rental Fee – Business Hours – MCC Accursi Lounge (25 people) p/hr	\$23.00
*Rental Fee – Business Hours – MCC ½ Accursi (50 people) p/hr	\$35.00 \$51.00
Ceremony Fee – Off Site and After Hours (Plus Expenses)	\$300.00
Rehearsal Fee	\$75.00
Witness Fee – Municipal Staff – Normal Business Hours – Each	\$25.00
Cleaning Fees, if required	\$100.00
Municipal Property Damage – Billable	Full Cost Recovery
*Note 1: For the duration of the COVID-19 Pandemic, Council Chambers is not available for civil marriage ceremonies. All indoor Weddings must be at MCC with limited attendance, subject to Provincial guidelines which may change from time to time. Minimal rental fees apply and are subject to HST.	
Freedom of Information	
Application Fee	\$5.00
Photocopies – per page	\$0.20
Manual search, each 15 minutes	\$7.50
Preparation of record for disclosure – each 15 minutes	\$7.50
Retrieval of Archived Records in Off-Site Storage	\$12.50



Clerk's Department

	2023
Integrity Commissioner Complaint Filing Fee(s) *Per Term of Council*	
First Complaint	No Fee
Second Complaint	\$100.00
Three or More Complaints	\$300.00
*Please contact the Clerks Department for applicable exemptions	



Corporate Services

	2023
General Tax Services Fees	
Statement of Tax Account	\$10.00
Reprint of Tax Bill	\$10.00
Tax Certificate – Mailed	\$50.00
Tax Certificate – Verbal	\$25.00
Interest and Penalty on Tax Arrears	1.25%
NSF Charge	\$30.00
New Roll Creation	\$40.00
Ownership Change	\$40.00
Mortgage Company Administration Fee	\$15.00
Tax Registration Fees	
Tax Registration	Actual fees charged plus 25%
After Final Notice	Actual fees charged plus 25%
Sale by Tender/Auction	\$2,200.00
Preparation of Extension Agreement	\$500.00
POA add to taxes	\$50.00
General Accounts Receivable	
Interest on Accounts Receivable	1.25%
NSF Charge on Accounts Receivable	\$30.00
Administrative Fee for Adding Arrears to Tax	\$25.00



Fire & By-Law Services

	2023
Prevention, Protection and Inspection Fees	
File Search	\$75.00
Request for Reports/Copies	\$75.00
Photographs	\$10.00
Fireworks Permits	
Sales	\$100.00
Storage	\$100.00
Display	\$100.00
Fire Route Application	
Administration Fee	\$100.00
Residential Requests	
Mortgage Clearance	\$100.00
Change of Ownership	\$100.00
Multi residential after two units (each)	\$25.00
Burn Permit (annual)	\$25.00
Burn Permit (new requiring an inspection)	\$50.00
Commercial & Industrial Requests	
First 2000 square meters	\$200.00
Each additional 100 square meters (each)	\$50.00
Tenant Space Individual (each)	\$50.00



Fire & By-Law Services

	2023
Prevention, Protection and Inspection Fees (continued)	
L.L.B.O. Licenses Requests	
Premises	\$100.00
Patio (each)	\$50.00
Special Occasions (each)	\$50.00
Hotels-Motels Requests	
1-10 units	\$200.00
Over 10 units (per unit)	\$10.00
Day Care Requests	
Day Nurseries/Home Day Care Licenses	\$150.00
Fire Safety Plans	
Approvals	\$50.00
Inspection for Trade Shows	
Home Shows/Special Functions	\$150.00
Installation of Rural 911 Sign	\$100.00
Issuance of Occupant	
Loads sign – 60 persons or less	\$50.00
Loads sign – 61 persons or more	\$100.00
Vacation Rental Inspection Fee	\$150.00



Fire & By-Law Services

		2023
Prevention, Protection and Inspection Fees (continued)		
Accreditation Inspections		
Nursing Homes		\$150.00
Rest Homes		\$150.00
Seniors Apartments		\$150.00
Care Facilities		\$150.00
Fire Drills		
Fire drill observation by (an) inspector(s) assigned by the chief fire official of any subsequent fire drill within the same calendar year		\$500.00
Municipal Property Damage		Full Cost Recovery
Discretionary Fees		
Equipment, Labour and/or Materials used at an incident		Full Cost Recovery
False Alarm Response		
Per hour per Fire Department Vehicle		\$510.00
Per additional ½ hour per Fire Department Vehicle		\$255.00
<i>Note: False Alarm Fees will only be implemented when it is determined by the Fire Chief that the false alarm was preventable or the fire alarm system was improperly installed, maintained or resulted from a malicious act by an individual. See By-Law 3085(2010) for details.</i>		
Response to an unauthorized Open Air Burn		
Per hour per Fire Department Vehicle		\$510.00
Per additional ½ hour per Fire Department Vehicle		\$255.00



Fire & By-Law Services

2023

Municipal Property Damage (continued)

Motor Vehicle Fires and Collisions – Non Resident

Per hour per Fire Department Vehicle	\$510.00
Per additional ½ hour per Fire Department Vehicle	\$255.00

Fail to Comply with an Ontario Regulation causing an Emergency Response OR 210/01

Per hour per Fire Department Vehicle	\$510.00
Per additional ½ hour per Fire Department Vehicle	\$255.00

Note: Motor Vehicle fires and Collisions – Non Resident MAY be charged where the Pelham Fire Department has responded to an emergency situation, including motor vehicle accidents and fire, in which a non-resident person is involved.

Sign Fees

Ground Signs up to 50 square feet	\$100.00
Ground Signs over 50 square feet	\$150.00
Portable Ground Signs (1-60 days)	\$100.00
Pole Signs	\$150.00
Roof Signs	\$150.00
Wall Signs	\$100.00
Temporary Special Event Signs	\$100.00
Projecting Signs	\$150.00

Applications and Permits for Signs requiring Council Approval

Applications to Council for variance	\$250.00
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Fire & By-Law Services

	2023
Property Standards & Clean Yard (default not remedied)	
Administrative Fee	\$175.00
Initial Inspection Fee	\$95.00
Re-Inspection Fee	\$95.00
Mailing Fee	\$25.00
Fencing	
Application to Council for Fencing Variance	\$150.00
Kennel License	\$100.00



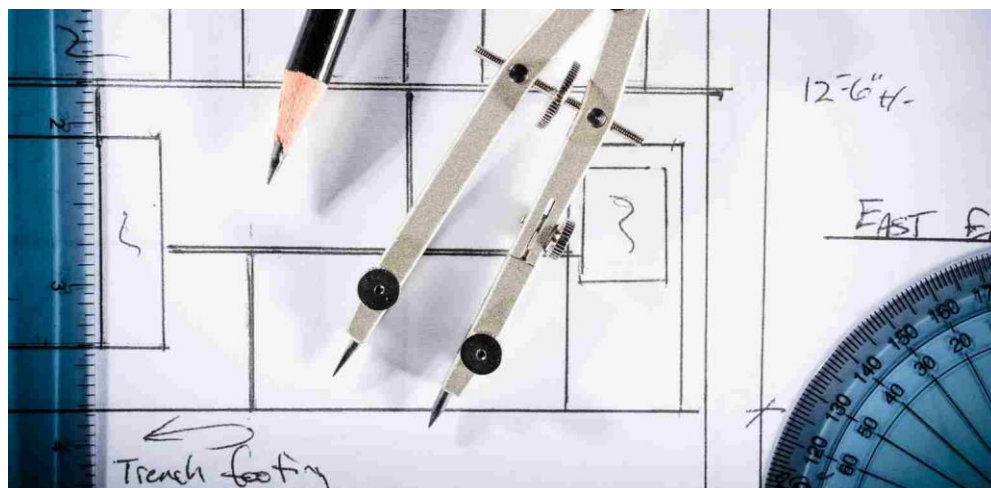
Planning & Development Services

	2023
Planning Fees	
Draft Plan of Subdivision	\$9,623.00
Resubmission of Draft Plan Prior to Approval	\$1,137.00
Modification to Draft Plan of Subdivision	\$6,014.00
Extension to Approval of a Draft Plan of Subdivision	\$963.00
Final Approval of a Draft Plan of Subdivision	\$1,806.00
Subdivision Agreement	*
Amendment to a Subdivision Agreement	\$904.00
Draft Plan of Condominium	\$4,813.00
Resubmission of Draft Plan of Condominium Prior to Approval	\$1,137.00
Modification to Approval of a Draft Plan of Condominium	\$2,407.00
Extension to Approval of a Draft Plan of Condominium	\$963.00
Town Consultant Review Fee	Full Cost Recovery
Condominium Agreement	*
Amendment to Condominium Agreement	\$904.00
Development Agreement Application	*or**
Town Consultant Review	Full Cost Recovery
Amendment to Development Agreement	\$904.00
Release of Development Agreement	\$1,085.00
Site Plan Approval Application **Note: separate fee for the agreement	\$4,210.00
Resubmission of Site Plan Prior to Approval	\$853.00
Site Plan Approval for Minor Development i.e. farm help house, triplex, building addition <100m ² etc.	\$1,193.00
Town Consultant Review Fee	Full Cost Recovery



Planning & Development Services

	2023
Site Plan Amendment ***Note: Separate fee for the agreement	\$3,010.00
Release of Site Plan Agreement	\$1,085.00
*Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services	
Garden Suite Agreement	\$1,739.00
Encroachment Agreement	\$335.00
Zoning By-Law Amendment	\$4,813.00
APO Zoning By-Law Amendment	\$3,010.00
Official Plan Amendment	\$6,014.00
Combined Zoning By-Law & Official Plan Amendment	\$9,623.00
Extension of a Temporary Use By-Law	\$3,010.00
Removal of Holding Symbol	\$602.00
Town Consultant Review Fee	Full Cost
Repeal of Interim Control By-Law	\$1,202.00
Deeming By-Law	\$602.00
Lifting of Inhibiting Order	\$602.00
Lifting of One Foot Reserve	\$602.00
Removal of Part Lot Control	\$1,202.00
Communication Towers and Renewable Energy Application	\$1,202.00
Property Standards Appeal	\$602.00
Aggregate Application Fees	Full Cost
Real Estate Compliance Letter (10 business day service)	\$146.00
Real Estate Compliance Letter (Expedited 4 business day service)	\$234.00
Zoning Information Letter (10 business day service)	\$109.00



Planning & Development Services

2023

Planning Fees (continued)

- * Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services

\$11,562.00 where the cost of construction of all Work is less than \$100,000.00;

\$11,562.00 plus 4.0% of the costs between \$100,000.00 and \$400,000.00;

\$25,113.00 plus three and one-half percent (3.5%) of the costs exceeding four hundred thousand dollars (\$400,000.00);

- ** Site Plan Agreements; and, Development Agreements where municipal services are not required to be extended **\$2,893.00**

- *** Shall be paid in addition to the Official Plan Amendment, Zoning By-Law Amendment and other planning application fees

Agreements for temporary Second Dwelling Units	\$1,114.00
Change of Address	\$128.00
Consent	\$1,607.00
Request for Change in Conditions	\$590.00
Rescheduling Fee	\$269.00
Final Certification	\$423.00
Recirculation Due to Change in Application	\$269.00
Special Hearing Fee (In Addition to Application Fee)	\$590.00
Minor Variance	\$1,178.00
Rescheduling Fee	\$269.00
Recirculation Due to Change in Application	\$269.00
Special Hearing Fee (In Addition to Application Fee)	\$590.00
Cancel Consent Application Fee	\$412.00
Cancel Consent Certificate Fee	\$103.00



Planning & Development Services

	2023
Building Permit Fees	
Minimum Permit Fee unless otherwise stated	\$279.00
<i>New Construction – per square foot</i>	
Assembly Occupancies – Group A	
School, church, restaurant, theatre, educational or recreational facility and similar occupancies	\$1.92
Preparation of record for disclosure – each 15 minutes	\$8.06
Institutional Occupancies – Group B	
Hospital, nursing home, reformatory, prison and similar occupancies	\$1.92
Residential Occupancies – Group C	
Single Family Dwelling, Semi-Detached Dwelling & Duplex Dwelling	\$1.58
Multiple Unit Dwelling i.e. apartment dwelling, townhouse dwelling, hotels, motels, other residential buildings or parts thereof	\$1.62
Residential Additions	\$1.40
Business/Personal Services Occupancies – Group D	
Office, bank, medical office/clinic and similar occupancies	\$1.92
Mercantile Occupancies – Group E	
Store, Shopping mall/plaza, shop, market, retail outlet and similar	\$1.92
Industrial Occupancies – Group F	
Industrial mall, plaza, garage, plant, factory, warehouse, manufacturing building and similar occupancies	\$1.79
Special Occupancies/Categories	
New Farm Buildings	\$0.55
Tents	\$279.00



Planning & Development Services

	2023
Special Occupancies/Categories per square foot (continued)	
Park Model Trailer, Mobile Home	\$279.00
Accessory Buildings/Structures	
Garage/Carport, Deck/Porch/Patio, Sunroom/Solarium, shed or other accessory building	\$279.00 \$.094> 300/ft ²
Private Swimming Pool	\$279.00
Public Swimming Pool or Spa	\$836.00
Designated Buildings/Structures	
Communication Tower, Solar Panels, Retaining Wall, Pedestrian Bridge, Wind Turbine, Crane Runway and similar buildings/structures	\$557.00
Alterations & Repairs – per square foot	
Interior Alterations/Repairs/Tenant Improvements	
Assembly occupancies – Group A	\$0.44
Institutional Occupancies – Group B	\$0.44
Residential Occupancies - Group C	\$0.34
Business/Personal Service - Group D	\$0.44
Mercantile Occupancies - Group E	\$0.44
Industrial Occupancies - Group F	\$0.44
Alterations/Additions to existing Farm Buildings	\$0.30
Alter/Replace Roof Structure	\$0.44
Fireplace, Woodstove, Insert, Chimney and similar construction	\$279.00



Planning & Development Services

	2023
<i>Demolition</i>	
Part 9 Buildings/Structures	\$279.00
Other	\$836.00
<i>Miscellaneous</i>	
Partial Occupancy (does not apply to single family dwellings)	\$279.00
Change of use of a building or part thereof	\$279.00
Transfer of a Permit to a New Owner	\$279.00
Request for Deferral of Permit Revocation	\$279.00
Move a Building/Structure	\$279.00
Conditional Permit	\$668.00
Conditional Permit Agreement	\$279.00
Permit Renewal / Per Year	\$122.00
Re-inspection Fee	\$84.00
Clearance Letter	\$84.00
Building Code Oder Compliance Letter	\$168.00
Hourly Rate	\$72.00
Occupant Load Inspection	\$279.00
Photocopying & printing per page	\$0.28
Alternative Solution Review	\$557.00
<i>Partial Permit/Staged Construction</i>	
Building Foundation	15%
Building Shell	75%
Building Completion	10%



Planning & Development Services

2023

Plumbing

For plumbing work not included in any of the above classes of permit

First 6 fixtures	\$279.00
Each additional	\$11.15

Refund of Permit Fees

Where only administrative functions have been completed (application received and cost analysis complete)	90%
Where only administrative and zoning functions have been completed	80%
Where administrative, zoning and plans examination functions have been performed	60%
Where the permit has been issued and no inspections performed	50%
Deduction for each inspection performed	5%
No fees shall be refunded after twelve (12) months from the date of permit issuance or when refund is less than \$100	

Construction Prior to Permit Issuance

Where construction has commenced prior to the issuance of a permit for any class of permit described herein, the permit fee shall be **doubled**

Municipal Property Damage

Full Cost Recovery



Recreation & Cultural Services

2022

Arena Rentals

Ice Time – per hour (50min)

Prime Time - Weekdays 4pm – midnight & weekends	\$215.00
Prime Time - Youth	\$154.00
Non-Prime Time – Weekdays prior to 4pm	Youth \$91.00 / Adult
Prime Time Last Minute Ice (less than 24hrs notice)	Youth \$75.00 / \$118.00
Trainers Rate – 5 max	\$62.00

Summer Ice (April 15 – August 15)

Non-Prime Time	\$118.00
Prime Time - Youth	\$154.00
Prime Time - Adult	\$182.00

Corporate Sponsor Free Skate Rates

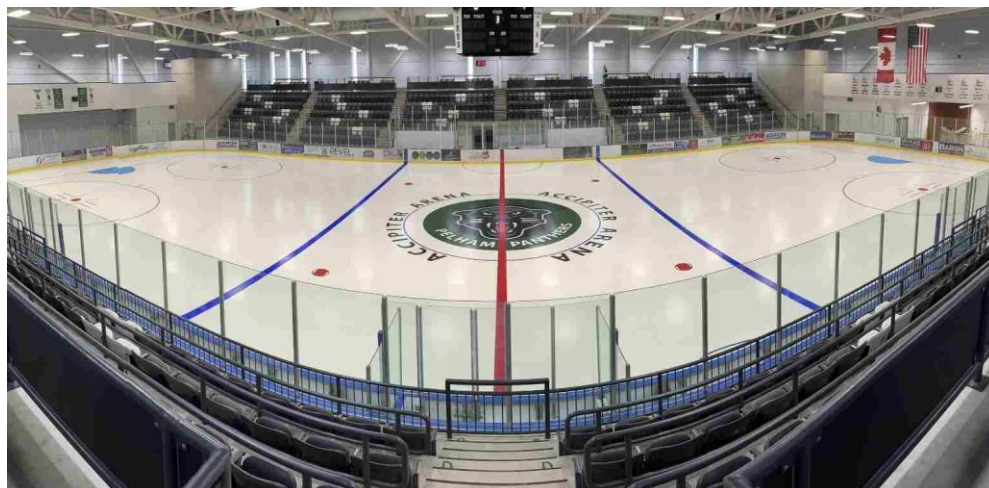
Prime Time Friday Skate Sponsorship per occurrence	\$270.00
Prime Time Sunday Skate Sponsorship per occurrence	\$315.00
Non-Prime Public Skate Sponsorship per occurrence	\$154.00

Public Skating

Adults	\$3.54
Students/Seniors	\$3.10
Child	\$3.10
Family (up to 5 members)	\$10.62
Preschool Skate	\$3.10
Non Profit Organized Group Rate	\$26.55

Children's Birthday Party (Under 14 yrs., Max 15 children)

• 2 hour hall + public skate or 1 hour gym	\$118.00
• + theme party (decorations)	N/A
• + specialty party (staff led options – tea party/craft/gym activities)	N/A



Recreation & Cultural Services

Arena Rentals (continued)		2023
Photo booth with props (no camera)		\$18.50
Special Skating		
Shinny Hockey Drop-In		\$5.31
Women's Hockey – Learn To Play Drop-In		\$5.31
Women's Hockey – Learn To Play Program + Shinny Combo		\$8.85
Adult Learn To Skate (10 classes)		\$61.95
Ticket Ice		\$5.31
Summer Floor Rates – hourly		
Hourly - Adult		\$56.00
Hourly – Youth		\$37.00
Daily Event		\$546.00
Daily - Youth		\$357.00
Event Electrical System Includes ESA inspection		\$1,150.00
MCC Arena Advertising		
Accipiter Arena		
On Ice (Per Ice Season/Year)		N/A
Boards (Per Year)		\$1,000.00
Duliban Insurance Arena		
On Ice (Per Ice Season/Year)		\$750.00
Boards (Per Year)		\$800.00



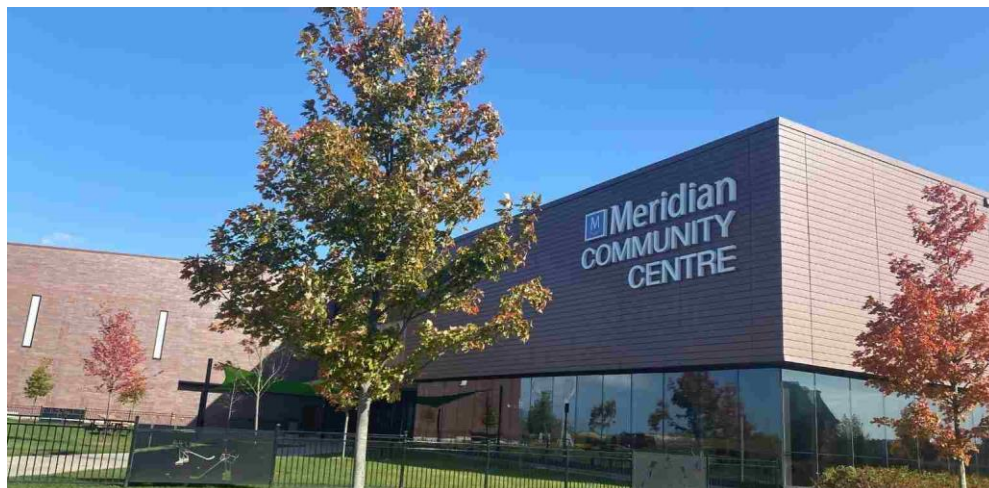
Recreation & Cultural Services

Rentals (continued)		2023
Ice Resurfacer (Per Side/Year)		\$2,000.00
Old Pelham Town Hall		
Monday – Thursday (Daily Rental)		\$138.00
Monday – Thursday (Hourly Rental)		\$35.00
Friday – Sunday & Holidays (Daily Rental)		\$247.00
Friday – Sunday & Holidays (Hourly Rental)		\$51.00
Youth/Multiple Use Rate (5+) (Daily Rental Monday to		\$110.00
West Lounge		\$37.00
Stage Rental per set up		\$225.00
Refundable Security Deposit (taxes not applicable)		\$100.00
SOCAN fee – without dancing per event		Full Cost Recovery
SOCAN fee – with dancing per event		Full Cost Recovery
Meridian Community Centre Gymnasiums		
½ gymnasium rental (hourly) Licensed Users-Youth Rate/Service Club		\$13.00
Full size gymnasium rental (hourly)		\$44.00
Full size gymnasium rental daily (Service Club)		\$260.00
½ gymnasium rental (hourly)		\$23.00
Custodial Charge (hourly)		\$39.00
Team Chairs (per event)		\$125.00
Set up & Use of Nets & Standards (Volleyball, Badminton, Pickleball)		\$10.00/per



Recreation & Cultural Services

Rentals (continued)		2023
Equipment Rental (Volleyball; Badminton Racquet w shuttle; Pickleball Racket w ball)		\$2.00 per
Gym Floor Covering (Per Gym)		\$250.00/event
Meridian Community Centre – Kinsmen Community Room		
FULL ROOM		
Daily – Monday to Thursday		\$138.00
Hourly – Monday to Thursday		\$35.00
Daily – Friday to Sunday & Holidays		\$246.00
Hourly – Friday to Sunday & Holidays		\$51.00
HALF ROOM		
Daily – Monday to Thursday		\$68.00
Hourly – Monday to Thursday		\$19.00
Daily – Friday to Sunday & Holidays		\$123.00
Hourly – Friday to Sunday & Holidays		\$27.00
Meridian Community Centre – Dr. Gary & Mall Accursi		
Multipurpose Community Room		
FULL ROOM		
Daily – Monday to Thursday		\$206.00
Hourly – Monday to Thursday		\$52.00
Daily – Friday to Sunday & Holidays		\$370.00
Hourly – Friday to Sunday & Holidays		\$76.00
HALF ROOM		
Daily – Monday to Thursday		\$137.00
Hourly – Monday to Thursday		\$35.00
Daily – Friday to Sunday & Holidays		\$246.00
Hourly – Friday to Sunday & Holidays		\$51.00



Recreation & Cultural Services

Rentals (continued)	2023
Special Functions Area	
Hourly	\$23.00
Daily	\$87.00
Daily (with rental of Dr. Gary Accursi Multipurpose Community	\$54.00
Community room – Kitchen	
Daily (with rental of Dr. Gary & Mall Accursi Multipurpose Community Room)	\$54.00
Atrium	
TOP Facility User Groups – 8' space 1 table + 2 chairs/day per	\$26.00
MCC Servery – Ciolfi's Corner	
Hourly	\$35.00
MCC – Small Meeting Room (RCW Meeting Room & Main Floor)	
Monday to Thursday (Daily)	\$52.00
Friday to Sunday & Holidays (Daily)	\$83.00
Monday to Thursday (Hourly)	\$12.00
Friday to Sunday & Holidays (Hourly)	\$18.00
Miscellaneous	
Refundable Security Deposit (taxes not applicable)	\$100.00
Last Minute Cancellation Fee (less than 24hrs) – Applicable to all	\$41.00
SOCAN fee - without dancing per event	Full Cost Recovery
SOCAN fee – with dancing per event	Full Cost Recovery
Stage Rental per set up	\$125.00
Pelham Minor Hockey Association Courtyard (Hourly/Daily)	\$30.00/\$125.00
Portable Bar per rental	\$125.00



Recreation & Cultural Services

Rentals (continued)	2023
Serving Fee per event	\$125.00
Linen Rental Fees	\$12.00/ item
Propane Heaters Rental Fee	\$30.00/heat
Summer Field Rate Schedule	
Ball Diamonds	
Level "A" groomed and lined	\$25.00
Level "A" youth	\$18.00
Level "C" no service	\$15.00
Level "C" youth	\$11.00
Diamond Lights (per hour)	\$13.00
Tournaments & Special Events	
Level "A" groomed and lined	\$198.00
Level "A" youth	\$141.00
Level "C" no service	\$119.00
Level "C" youth	\$85.00
<i>Note: Fees do not include use of lights – apply per hour light fee if required</i>	
Soccer Fields per hour	
Adult	\$24.00
Minor	\$19.00
Soccer Lights (per hour)	\$31.00
Soccer Tournament and Special Events	
Adult	\$189.00
Minor	\$147.00
Soccer Field Lining – Non Municipal Fields per facility per lining	\$200.00



Recreation & Cultural Services

	2023
Park Pavilions: Centennial Park & Harold Black Park and MSSP Park Pavillion	
Park Pavilion	\$36.00
Passive Areas: Centennial Park & Harold Black Park	
Permit Fee	\$31.00
Peace Park including Bandshell	
Pavilion Rate + Passive Area Rate (under 100 people)	\$69.00
Pavilion Rate + Passive Area Rate (over 100 people)	\$139.00
Per Hour Rate	\$16.00
SOCAN fee	Full Cost
Town Staff fee (per hour)	\$40.00
Hydro Fee for One Time Events	\$46.00
Centennial Park Tennis and Pickle Ball Courts	
Tennis lights per season	Full Cost
Family Membership	\$150.00
Single Adult Membership	\$100.00
Single Student/Senior Membership	\$50.00
Children (12 years and under)	Free
Outdoor Court Instructor Rental – per court per day up to 3 hrs per	\$20.00
Lesson Fees will be determined based on competitive rates	



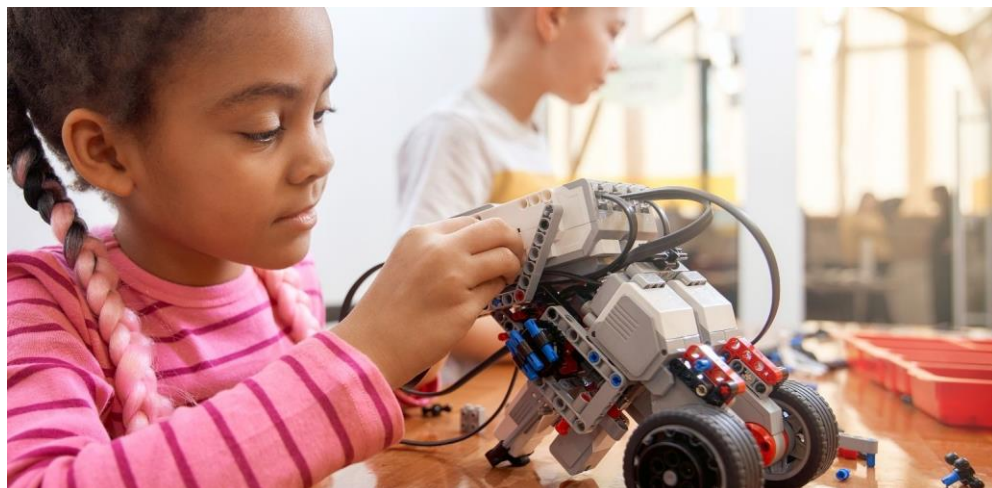
Recreation & Cultural Services

	2023
Storage Space Per Year	
Youth Organization Storage	\$500.00
Centennial/ H.B. Park	\$50.00
Supply Rentals (Daily Fee with Facility Rental)	
Picnic Table/Folding Table	\$25.00
Folding Cruiser Table	\$12.00
10 x 10 Tents with Weights	\$28.00
Kids Folding Table	\$12.00
Refundable Equipment Deposit (taxes not applicable)	\$100.00
Aquatic Rates	
Swimming Lessons	
Parent & Tot 1, 2, 3	\$69.00
Preschool A-E	\$80.00
Swimmer 1, 2	\$80.00
Swimmer 3, 4, 5, 6	\$86.00
Patrol (Rookie, Ranger, Star)	\$89.00
Private Lessons (10)	\$190.00
Semi Private Lessons (10)	\$160.00
Stroke Builder Lessons (10)	\$86.00
Bronze Star	\$92.00
Bronze Medallion/Emergency First Aid CPR (Additional Fee for Materials)	\$163.00
Canadian Lifesaving Society Manual	Cost
Bronze Cross	\$138.00
Bronze Cross Recertification	\$56.00
Swim Team	\$115.00
NL Recertification	\$79.00
Facility Charges	
Pool Rental per hour (includes 2 lifeguards)	\$116.25



Recreation & Cultural Services

Aquatic Rates (Continued)		2023
Lifeguard Fee Per hour		\$30.00
Public Swim Rates		
Adult		\$3.98
Child/Senior		\$3.54
Family		\$11.95
Swim Pass – Single		\$55.75
Swim Pass - Family		\$101.77
Aqua Zumba		\$5.31
Lane Swim (1 lane for 1 hour/week for the season)		\$20.00
Camp Rates		
March Break Camp		
Single Week		\$190.00
Single Day Registration		\$65.00
Family Weekly Registration Discount Each Child after 2 nd Child		(\$45.00)
Extended Care per week		\$38.00
Extended Care per day		\$8.50
Lunch per week		\$48.50
Lunch per day		\$10.00
Leaders in Training Program		\$115.50
Refund Administration Fee		\$20.00
Summer Camp		
Single Day Registration		\$65.00
Single TRIP Day Registration		\$65.00
Single Week Registration		\$190.00



Recreation & Cultural Services

	2023
Multiple Week Registration discount each week after 2 weeks	(\$10.00)
Family Day Registration (max 3)	N/A
Family TRIP Day Registration (max 3)	N/A
Family Weekly Registration Discount Each Child after 2 nd Child	25%
Extended Care per week	\$38.00
Extended Care per day	\$8.50
Extended Care Multiple weeks (3 weeks or more)	\$33.00
4 Day Camp Week (Due to Holiday)	\$150.00
Refund Admin Fee – before June 1	\$20.00
Refund Admin Fee – After June 1 – 2 weeks prior to camp week	\$50.00
STEM Camp	
Single Week Registration (25% discount on three or more children)	\$299.00
Early Bird Registration Fee (25% discount on three or more children)	\$279.00
Multiple Week Registration Discount (each week after 2 weeks)	\$10.00
Extended Care per week	\$38.00
Optional Friday Lunch	\$10.00
Specialty Programs/Camps	
Single Week Registration	\$210.00
Family Weekly Registration Discount Each Child after 2 nd Child	25%
Extended Care per week	\$38.00
Extended Care per day	\$8.50
Extended Care Multiple weeks (3 weeks or more)	\$33.00
Ballroom Dance Lessons (10 Classes)	\$72.57
Ballroom Social Tickets	\$15.00
Improv Classes (10 Classes)	\$9.00



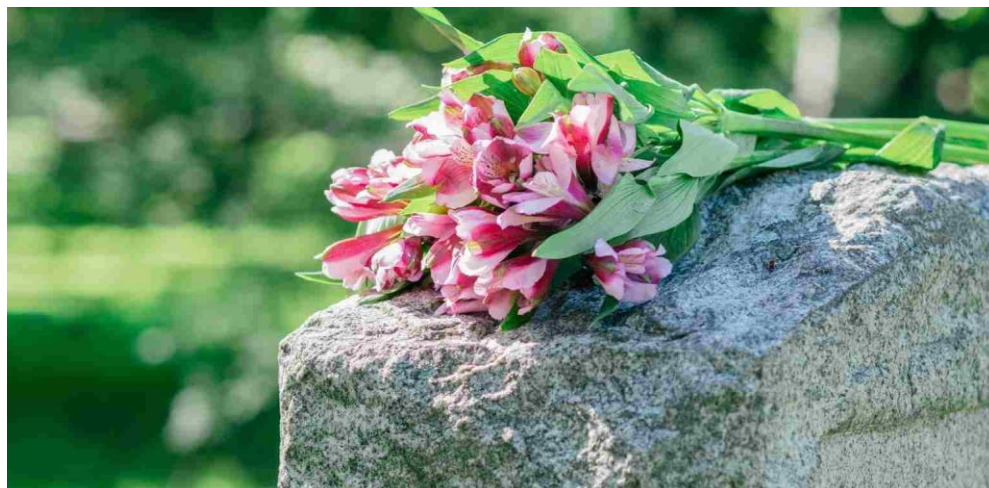
Recreation & Cultural Services

Specialty Programs/Camps (continued)	2023
Triathlon Club Monthly	\$65.00
Triathlon Club with Swim Team membership Summer	\$225.00
Activity Drop in Fee Adult	\$5.31
Activity Punch Pass (20) Adult	\$70.80
Activity Drop in Fee Youth	\$3.10
Activity Punch Pass (25) Youth	\$70.80
Seniors Social Membership Fee - Annual	\$36.00
P.D Camp Registration	\$65.00
Holiday Workshop Registration (includes dinner)	\$30.00
Mini Camp	\$120.00
Brock Fit (12 weeks)	\$119.47
Pickleball Clinics (Per Person)	\$14.00
Spin classes 10 week session/Drop In	\$100.00 /\$10
Municipal Property Damage	Full Cost
Pelham Transit (As Pilot Project, Operated by Regional Transit On Demand)	
Standard Bus Fare	N/A
Bus Ticket Pack (11 Tickets)	N/A
Bus Pass Monthly	N/A



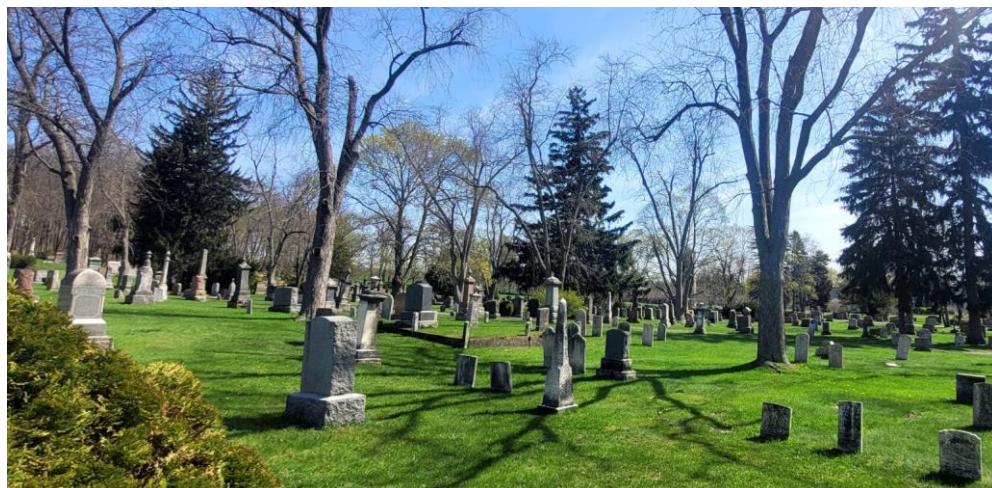
Public Works

	2023		
Culvert Fees	3 meter	6 meter	9 meter
250 mm Culvert + Coupler \$11.00	\$820.00	\$1,229.00	\$1,843.00
300 mm Culvert + Coupler \$21.00	\$858.00	\$1,305.00	\$1,957.00
375 mm Culvert + Coupler \$29.00	\$897.00	\$1,381.00	\$2,071.00
450 mm Culvert + Coupler \$36.00	\$945.00	\$1,477.00	\$2,216.00
525 mm Culvert + Coupler \$74.00	\$1,012.00	\$1,611.00	\$2,415.00
600 mm Culvert + Coupler \$73.00	\$1,068.00	\$1,725.00	\$2,587.00
*** larger or off sizes will be charged as per occurrence			
Cemeteries			
Resident Rates			
Land Acquisition			
Adult Grave			\$670.00
Perpetual Care per lot			\$440.00
Columbarium niche			\$2,414.00
Perpetual Care per niche (15%)			\$426.00
Non-Resident Rates			
Land Acquisition			
Adult Grave			\$1,056.00
Perpetual Care per lot			\$704.00
Columbarium niche			\$3,009.00
Perpetual Care per niche (15%)			\$531.00



Public Works

	2023
Interment Fees (not including Administrative Fee)	
Standard Burial	
Adult	
Opening and Closing Weekdays	\$672.00
Opening and Closing Saturday morning	\$964.00
Opening and Closing Saturday afternoon	\$1,014.00
Infant	
Weekdays	\$316.00
Saturday	\$642.00
Cremated Remains	
Weekdays	\$249.00
Saturday	\$488.00
Columbarium Weekday	\$298.00
Columbarium Saturday	\$499.00
Mausoleum	
Weekdays	\$332.00
Saturday	\$498.00
Disinterment Charges	
Adult/Child disinterment only	\$1,018.00
Infant/Stillborn disinterment only	\$338.00



Public Works

	2023
Disinterment Fees (continued)	
Cremains disinterment only	\$736.00
Columbarium Removal only	\$298.00
Foundation Charges	
Foundation charge per cubic foot	\$45.00
Markers	\$98.00
Cornerstones	\$103.00
Administration Fees	
Interment Administrative Fee	\$13.00
Interment Rights Transfer	\$57.00
Interment Rights Exchange	\$57.00
Interment Rights Replacement/Duplicate	\$35.00
Cemetery Records Search – per hour	\$30.00
Marker Perpetual Care and Maintenance	
Upright marker four feet or less in height and length	\$200.00
Upright market more than four feet in height or length	\$400.00
Flat Marker over 173 square inches	\$100.00



Public Works

	2023
Foundation Charges (continued)	
Other Fees	
Columbarium Plate (not including costs of engraving to Town)	\$77.00
Overtime Rate per hour	\$283.00
Archaeological Dig – per hour (not including ministry charges)	\$93.00
Dedication Items with Plaque (includes engraving)	
Wheel Chair Accessible Picnic Table	\$4,000.00
6-Foot "Pelham Bench"	\$3,000.00
Pride Bench	\$3,000.00
Bike Rack	\$1,000.00
Bike Repair Station	\$4,500.00
Concrete Ping Pong Table	\$10,500.00
Chess/Checkers Games Table	\$4,000.00
Tree Dedication	\$750.00
Permit Fees	
Special Event Permits (includes administration, site inspection and traffic plan review)	\$160.00
Municipal Permit and Inspection Fee	\$160.00



Public Works

	2023
Permit Fees (continued)	
Road Closure/Open Fees	
Closure/Open (4 hours max)	\$244.00
Overtime – Closure/Open (4 hours max)	\$303.00
Double Time Sunday and Holidays – Closure /Open (4 hours max)	\$372.00
Barricade/Cone/Barrel Deposit – refundable	
Under 10 Units	\$106.00
10 – 20 Units	\$212.00
Over 20 Units	\$530.00
Unsolicited Request to Purchase Lands Due Diligence Fee	\$1,273.00
Municipal Property Damage	Full Cost Recovery
Development Inspection per diem	Full Cost Recovery
Closed Road Allowance Disposal Charges	Full Cost Recovery
Special Customized Signage	Full Cost Recovery

**Inquiries related to this user fee and charges guide
and requests for alternate formats can be directed to:**

The Corporation of the Town of Pelham
Attention: Corporate Services Department
Town of Pelham, Municipal Building
P.O Box 400, 20 Pelham Town Square
Fonthill, Ontario
L0S 1E0



Subject: New Fonthill Library Costing Update

Recommendation:

**BE IT RESOLVED THAT Council receive Report # 2022-0281-
Corporate Services – New Fonthill Library Costing Update;**

**AND THAT Council receive the updated costing information for the
proposed new library;**

**AND THAT Council defer the new library project until potential
Provincial funding options (if any) are explored;**

**AND THAT Council direct staff report back with updated estimates on
renovating the existing Fonthill library.**

Background:

In April 2021, Infrastructure Canada issued the Green and Inclusive Community Buildings (GICB) fund. This is a federal government initiative. It is a five-year \$1.5 billion fund which aims to build more community buildings and improve existing ones, particularly in areas with populations experiencing higher needs while also making buildings more efficient, lower carbon, more resilient and higher performing. The grant program supports green and accessible retrofits, repairs and upgrades of existing public community buildings and the construction of new publicly accessible community buildings that serve high-needs, underserved communities across Canada. In June 2021, the Town of Pelham applied for this grant to build a new 18,000 sq ft library at the Meridian Community Centre. The grant request was \$5.4 Million, which was 60% of the project cost.

On June 3, 2022, the Town of Pelham received funding approval in the amount of \$5.4 Million from the GICB fund. This grant requires that the new library be a carbon-zero building.

The Town explored additional funding from Federation of Canadian Municipalities (FCM). The Town submitted a pre-qualification for the FCM Green Municipal Fund which required the building to be a net-zero energy building. This is a combined grant and loan program for up to 80% of eligible costs. The loan is up to \$10 million and the grant is only 15% of the loan. The Town received approval to move to the application stage. The cost to upgrade the current carbon-zero building which is currently approved for the GICB grant to a net-zero energy building is approximately another \$1.8 Million.

The Town has been experiencing very high inflationary costs on its current capital projects; therefore, the Town requested its architects to have their cost consultants prepare an updated cost analysis of the new library before applying for the FCM grant. The FCM grant application would take at least 3 months to do a feasibility study and an Integrated LEED & Energy Consultant would need to be contracted to do it. The cost to prepare this study is quoted at \$30,500. Plus, it would take FCM at least 9 months for the approval process. With the additional time lines and \$1.8 Million cost to construction to build a net-zero energy building, it was determined not to pursue the FCM grant.

Analysis:

At the time of the grant submission the cost for the new library addition was \$9.5 Million. The original plan was to sell the existing library facility to offset the Town's cost.

Green and Inclusive Community Building Grant		
June 2021		
Square Footage	18,000 sq ft	\$/SF
Project Cost:		
Construction base	\$ 7,200,000	
Construction green carbon zero	1,800,000	
Total Construction eligilbe costs	9,000,000	
Shelving non-eligible	500,000	
Total Project Costs	9,500,000	
Funding:		
GICB Grant (60%)	\$ 5,400,000	
Sale of existing library	2,500,000	
Development Charges revenue & Fundraising	1,600,000	
Total Funding	\$ 9,500,000	\$ 527.78

In 1.5 years since the GICB was submitted for grant approval the cost of construction has increase by 82% to \$17.3 Million from \$9.5 Million. The additional increase of \$7.8 Million has made the project not cost effective. The Project Architect hired a cost consultant to update the cost of the project. This is a current breakdown of the costing:

Town of				
New Library Costing November 2022				
	Square footage	18,023		
	Project Item		Total	\$/SF
	Building		8,030,448	
	Site Works		444,800	
	FF&E		1,000,000	
			9,475,248	
	General Contractor Conditions & Fees	15.00%	1,421,287	
	Construction Sub-total		10,896,535	
	Contingency Allowance	25.00%	2,724,134	
			13,620,669	
	2023 Escalation	7.50%	1,021,550	
			14,642,219	
	Soft Costs			
Includes design, tendering, green technologies, certifications	Architect & Engineering Design Fees (Including CA)	16.34%	1,780,494	
	Project Management	3.0%	326,896	
	Cash Allowances (IT, AV, Interior Signage, Commissioning, Testing, Security)	2.00%	217,931	
	Geotechnical Investigations & Reports	1.00%	108,965	
	Permits	\$ 1.90	34,244	
	Building Certifications	LS	6,500	
	Soft Costs Sub-total		2,475,030	
	Soft Costs contingency	10%	247,503	
			2,722,533	
	Total		17,364,752	\$ 963.48

Financial Considerations:

The cost per square footage has increased from \$527.78 in June 2021 to \$963.48 in November 2022. The GICB grant now covers 33% of the total eligible costs, which is a decrease from the original submission which covered 60% of the total eligible costs. The Town would have to debt finance an additional \$7.9 million in order to complete this project. The intent of building a new library with grant funding was not to increase debt for the Town. The inflationary increases over 1.5 years from the original costing has now made this project unaffordable to the Town. The only option for the Town to move forward with a new library is if Provincial

funding was available to cover the increase in cost. Currently there is not a provincial grant available for funding this particular type of project.

Alternatives Reviewed:

A practical alternative is to revisit the renovations required in the existing Fonthill Library which includes putting in an elevator/lift to the basement and replacing the shelving units. Both these initiatives are required for AODA compliance by 2025.

The following description of the library renovations as requested by the Library in the 2020 capital request:

"An elevator will be installed on the main floor going to the basement. Staff located in the middle of the main floor where the elevator will go, will be moved to the basement. Shelving and carpeting will need replacing. The middle office where the elevator cuts into will be opened up and made into a makerspace for the public. A kitchenette will be added to the storage room in the Festival Room so that the staff breakroom on the main floor can be repurposed for meeting space. The staff workroom will be renovated to increase accessibility and workflow. The basement will be renovated to change previously unusable work space into staff offices, staff breakroom, and an accessible restroom. Staff located downstairs are working in conditions that are not accessible as per AODA. An elevator must be installed. (deadline completed by 2025).

When an elevator is installed and the basement is renovated, staff can be moved downstairs for repurposed areas that are not usable at this time and public space on the main floor will increase. Renovations for the staff work area on the main floor will be renovated to meet accessibility standards for staff and improve workflow. At this time, the space provided is overcrowded and inaccessible - if we were to have a staff member with accessibility issues we could not accommodate properly within current conditions.

Shelving (original shelving from 1987) must be replaced, as it will not hold up to the move created by the elevator and will be replaced with shelving that is considered accessible and will then meet accreditation standards."

The following description of the library renovations as requested by the Library in the 2022 capital requests:

"Replacement of 218 shelving units at the Fonthill Branch with accessible height, flexible mobile shelving, lights installed on top row.

The shelving units currently at the Fonthill Branch are over 30 years old and cannot be moved at all. Parts of some units are in disrepair. We do not meet accessibility standards for accreditation for a public library as our shelving is too high. Adding in

mobile shelving with lights will increase accessibility and will make our library more dynamic and responsive.”

It is recommended that staff update the cost of a new elevator or lift and the cost of replacing the shelving units. In the 2020 capital budget submission the library had \$505,231 as the cost for the elevator/lift. In the 2022 capital budget submission, the cost of replacing 218 shelving units is \$342,250. This totals \$847,481 in 2020 and 2022 cost estimates.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The Fonthill Library plays a key role in providing access to information, education, and lifelong learning opportunities, promoting digital, media, and information literacy skills and carrying our cultural heritage preservation.

Consultation:

Petroff Partnership Architects

Fluent Group Consulting Engineers

Ingersoll & Associates Inc. (cost consultants)

Director Public Works

Other Pertinent Reports/Attachments:

N/A

Prepared and Recommended by:

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services & Treasurer

Prepared and Submitted by:

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

Subject: Execution of Subdivision Agreement for Park Place South (File No. 26T19-02-2020)

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-278 – Execution of Subdivision Agreement for Park Place South (File No. 26T-02-2020), for information;

AND THAT Council direct staff to prepare the By-law to authorize execution of the Subdivision Agreement for final approval of the Park Place South Subdivision.

Background:

The property is located on the north side of Summersides Boulevard east of Station Street, legally described as Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717, Part of Thorold Township; Lot 166 & 167, Geographic Township of Thorold, in the Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

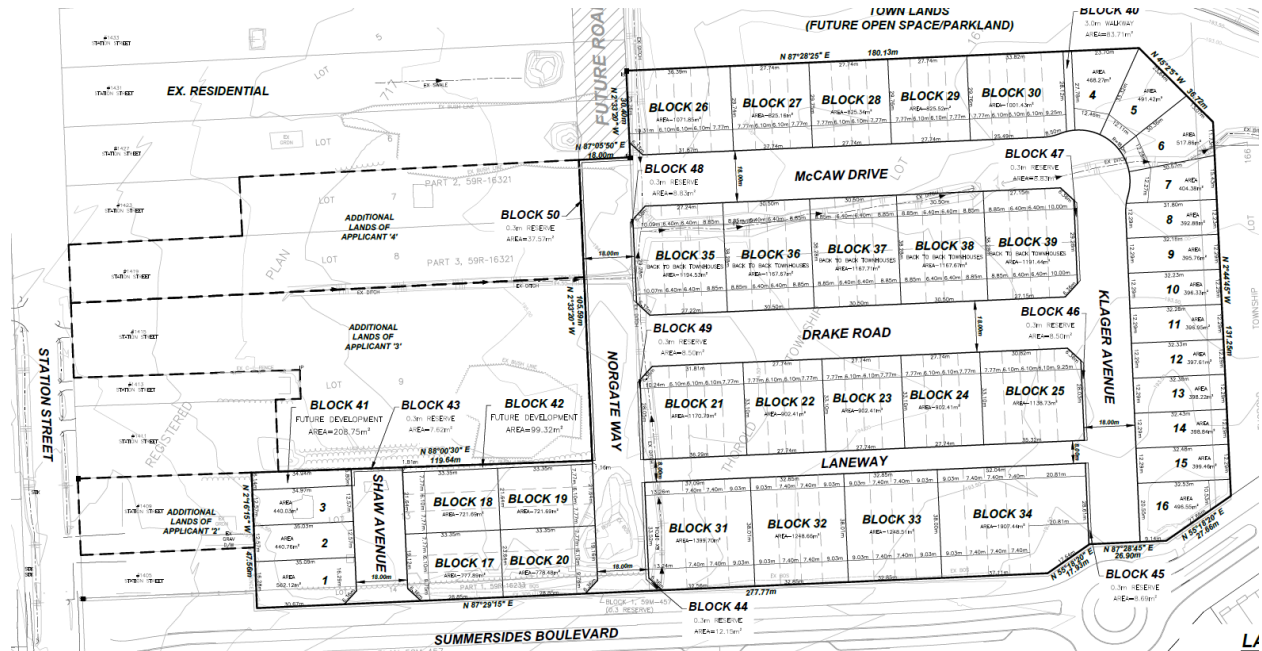
The property is a total of 4.46 ha (11.02 ac) of developable area.

Figure 1: Location of the Property



On May 17, 2021, Council granted draft plan approval of the subdivision subject to conditions. The draft plan of subdivision (Figure 2) generally consists of the following: 16 single detached residential lots (0.7 ha); 56 2-storey townhouses (1.257 ha; 17 rear lane townhouses (0.580 ha); 40 back-to-back townhouses (0.589 ha); associated public streets (1.301 ha); and walkway (0.008 ha).

Figure 2: Park Place South Draft Plan of Subdivision



Council also approved Zoning By-law 4354(2021) on June 7, 2021 which zoned the lands to implement the draft plan of subdivision to permit the single detached and various townhouse units with appropriate regulations.

Analysis:

Planning Act

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 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 51 (26) of the *Planning Act* indicates that a municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of it against the owner and, subject

to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Section 51 (43) of the Act states at any time before the approval of the final plan of subdivision, under subsection (58), there may be the appeal of any of the conditions to the Ontario Land Tribunal (OLT).

Section 51 (58) of the Act outlines that the approval authority may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and, once approved, the final plan of subdivision may be tendered for registration.

Section 51 (59) of the Act provides if a final plan of subdivision is approved under subsection (58), but is not registered within 30 days of the date of approval, the approval authority may withdraw its approval.

All other conditions of draft plan approval pertaining to the subdivision have been, or will be, fulfilled and are appropriately addressed in the subdivision agreement. The conditions remaining to be fulfilled are: the execution of the subdivision agreement, the registration of the subdivision agreement on title, the registration of the 59M (subdivision) and 59R (easement) plans and the dedication of lands (outlined in Schedule 'B' of the subdivision agreement) to the Town.

If Council approves the execution of the subdivision agreement these outstanding conditions will be fulfilled as they are requirements of the subdivision agreement and can only occur after Council provides final approval.

There are no appeals of any of the draft approval conditions to the Local Planning Appeals Tribunal.

It is Planning staff's opinion that the plan is in conformity with the approved draft plan, that the conditions of draft plan approval have been appropriately addressed and complied with, and therefore, staff recommend that Council approve the plan of subdivision and authorize the entry into a subdivision agreement for Park Place South with Mountainview Homes (Niagara) Ltd.

Once the plan of subdivision receives final approval and the development securities are provided to the Town, the developer will be in a position to start servicing the lands which is anticipated to occur in early 2023.

Financial Considerations:

The legal costs for registration of the agreement are paid for by the developer through the application fees and the developer is responsible for all development related costs including the installation of services, utilities and roadways within the

subdivision and the provision of financial securities to the Town as a guarantee that the works will be completed in accordance with the approved plans.

Alternatives Reviewed:

Council could decide to not approve the execution of the subdivision agreement, however this alternative would result in appeals by the developer to the Ontario Land Tribunal and will result in additional costs to the developer as well as for the Town to defend that decision.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The final approval of the Park Place South Subdivision will assist in creating a complete community in East Fonthill and contribute to a mix of available housing types.

Consultation:

Clearance letters have been issued by the Region, Town Departments and utilities as they relate to the design and servicing requirements for the subdivision. As a result, all conditions of draft plan approval relating to the subdivision have been satisfied and it is appropriate to grant final approval for the Park Place South Subdivision in order to allow the development to proceed. It is anticipated that construction will commence immediately upon receipt of the securities and execution of the subdivision agreement. The Town's external legal counsel will register the subdivision agreement and plans following Council approval.

Other Pertinent Reports/Attachments:

Report recommending draft plan approval of Park Place South Subdivision presented to Council on March 22, 2021 with supplementary reports presented on May 3, 2021 and May 17, 2021

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

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



The Corporation of the Town of Pelham

By-law No. 4453(2022)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 05th day of December 2022.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless 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 the 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 05th day of December, 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.** This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 05th day of December, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk