



ORDERS OF THE DAY
FOR TUESDAY, OCTOBER 16, 2018 – 9:00 A.M.

ORDER

- 1st Meeting Called to Order
- 2nd Adoption of Minutes – September 25, 2018
- 3rd Disclosure of Pecuniary Interest and the General Nature Thereof
- 4th Presenting Petitions, Presentations and Delegations

PRESENTATION:

9:00 a.m. Warden Marr to present 2018 Marketing Canada Award from Economic Developers Association of Canada

- 5th Motion to Move Into “Committee Of The Whole Council”
- 6th Reports of Council, Outside Boards and Staff
- 7th Council Correspondence
 - 1) Items for Consideration (none)
 - 2) Items for Information (Consent Agenda)

OTHER BUSINESS

- 1) Statements/Inquiries by Members
- 2) Notice of Motion
- 3) Matters of Urgency
- 9th Closed Meeting Items
- 10th Recess
- 11th Motion to Rise and Report
- 12th Motion to Adopt Recommendations from the Committee Of The Whole
- 13th Consideration of By-laws
- 14th ADJOURNMENT

LUNCH WILL BE PROVIDED

NOTICE:

November 23, 2018	Warden's Dinner – Masonic Centre of Elgin
November 27, 2018	County Council Meeting
December 11, 2018	Warden's Election 7:00 P.M. (Official Attire) RECEPTION TO FOLLOW
December 13, 2018	County Council Meeting (THURSDAY)

Accessible formats available upon request.

DRAFT COUNTY COUNCIL MINUTES
Tuesday, September 25, 2018
Accessible formats available upon request.

The Elgin County Council met this day at the Administration Building at 9:00 a.m. with all members present.

Warden Marr in the Chair.

ADOPTION OF MINUTES

Moved by Councillor Ens
Seconded by Councillor Martyn

THAT the minutes of the meeting held on September 11, 2018 be adopted.

- Carried.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

– None.

DELEGATION

Port Stanley Fire Hall Construction – Relief of County of Elgin Roads Plan and Policy
– February 2009

Lloyd Perrin, Director of Physical Services with PowerPoint presentation informing County Council of the Municipality of Central Elgin's intentions to build a new Port Stanley Fire Hall on land acquired by the municipality at the intersection of Sunset Road and East Road and requesting permission to construct this Fire Hall with a setback of 21 meters from the centerline of Sunset Road instead of the 26 meters indicated in the County of Elgin Road Policy due to constraints of the site.

Moved by Councillor Wiehle
Seconded by Councillor Mennill

THAT the PowerPoint presentation titled "Port Stanley Fire Hall Construction – Relief of County of Elgin Roads Plan and Policy – February 2009" from the Municipality of Central Elgin be received and filed.

- Carried.

Moved by Councillor Mennill
Seconded by Councillor Jones

THAT we do now move into Committee of the Whole Council.

- Carried.

REPORTS

Annual Warden's Dinner – Councillors Grant Jones and Cameron McWilliam

Councillors Jones and McWilliam presented the report reminding Council that the Annual Warden's Dinner will be held on November 23, 2018 at the Masonic Centre in Central Elgin. The report also outlined a program for the evening.

Moved by Councillor Jenkins
Seconded by Councillor Ens

THAT the report titled "Annual Warden's Dinner" from Councillors Jones and McWilliam, dated September 14, 2018 be received and filed.

- Carried.

Rural Economic Development Program (RED) Work In Elgin Application Summary – Economic Development

Economic Development presented the report seeking Council's authorization to apply to the *Rural Economic Development (RED)* program for funding to develop a Work In Elgin website that would allow businesses to post jobs and serve as a centralized location in Elgin for all job postings.

Moved by Councillor Jones
Seconded by Councillor McWilliam

THAT Elgin County Council authorize staff to apply for Ontario Ministry of Agriculture, Food and Rural Affairs' *Rural Economic Development (RED)* program funding to undertake a Work In Elgin program; and,

THAT the upset limit for the cost of this project be \$20,000; and,

THAT Council approve, in principle, the funding of the 50% balance of this project at a limit of \$10,000, to be formally considered during the 2019 budget deliberations; and,

THAT final approval of these funds be at the discretion of the incoming Council.

- Carried.

Rural Economic Development Program (RED) Transportation Application Summary – Marketing & Communications Coordinator

The coordinator presented the report seeking Council's authorization to apply for *Rural Economic Development (RED)* funding from OMAFRA to undertake a comprehensive transportation study and plan for Elgin County.

Moved by Councillor Mennill
Seconded by Councillor Jones

THAT Elgin County Council authorize staff to apply for Ontario Ministry of Agriculture, Food and Rural Affairs' *Rural Economic Development (RED)* program funding to undertake a two-part transportation service design study/implementation plan; and,

THAT the upset limit for the cost of this study be \$100,000; and,

THAT Council approve, in principle, the funding of the 50% balance of this project at a limit of \$50,000, to be formally considered during the 2019 budget deliberations; and,

THAT final approval of these funds be at the discretion of the incoming Council.

- Carried.

Port Stanley Fire Station - Reduced Minor Arterial Road Setback – Director of Engineering Services

The director presented the report discussing the merits of the Municipality of Central Elgin's proposed Fire Station on Sunset Road in Port Stanley and the proposed reduced setback for the building's location.

Moved by Councillor Jones
Seconded by Councillor Currie

THAT the report titled "Port Stanley Fire Station - Reduced Minor Arterial Road Setback" from the Director of Engineering Services, dated September 18, 2018, be received and filed; and,

THAT County Council approve the use of a reduced setback for the construction of a new Fire Station at 4980 Sunset Road in the Village of Port Stanley in the Municipality of Central Elgin; and,

THAT staff evaluate and review all aspects of the 2009 County Roads Setback Policy to be considered by Council at a future meeting.

- Carried.

Traffic Studies – A Cost Sharing Proposal – Director of Engineering Services

The director presented a proposal for cost sharing traffic studies on Elgin County Roads with Elgin's Partner Municipalities.

Moved by Councillor Jones
Seconded by Councillor Mennill

THAT the report titled "Traffic Studies - A Cost Sharing Proposal" from the Director of Engineering Services, dated September 18, 2018, be received and filed; and,

THAT the role of the Ministry of Transportation be included in future traffic studies where applicable; and,

THAT the report be circulated to Elgin's partner municipalities.

- Carried.

Centennial Avenue - Speeding Concerns – Director of Engineering Services

The director presented the report outlining the review undertaken by Elgin County, the Ministry of Transportation and the proposed improvements that will be implemented this fall in the general vicinity of Centennial Avenue and Highway 3 by both organizations.

Moved by Councillor Jenkins
Seconded by Councillor Martyn

THAT the report titled "Centennial Avenue – Speeding Concerns" from the Director of Engineering Services, dated September 18, 2018, be received and filed; and,

THAT the Director of Engineering Services write to the Ministry of Transportation Traffic Section Western confirming our agreement to the proposed speed reduction on the province's portion of Highway 3 - Centennial Avenue north of the Highway 3 Talbot Line intersection.

- Carried.

No Parking By-law Amendment – Whittaker Road, Springfield – Deputy Director of Engineering Services

The director presented the report recommending that Council approve an amendment to the No-Parking By-law to prohibit parking along the east side of Whittaker Road (County Road #49) in Springfield in response to a request from the Township of Malahide.

Moved by Councillor Mennill
Seconded by Councillor Jenkins

THAT the existing No Parking By-law be amended to include Whittaker Road (County Road #49), from 130m north of the north property line of Nelson Street for a distance of 395m northerly; and,

THAT the Township of Malahide be requested to install the signage; and,

THAT the Ontario Provincial Police be notified of this new no parking zone.

- Carried.

Accessibility Update – Accessibility Coordinator

The coordinator presented the report to Council highlighting the County's accessibility initiatives and providing an update on compliance actions related to the Integrated Accessibility Standards Regulation (IASR) (O.Reg191/11).

Moved by Councillor Martyn
Seconded by Councillor Jones

THAT the report titled “Accessibility Update” from the Accessibility Coordinator, dated September 18, 2018, be received and filed.

- Carried.

Council recessed at 10:02 a.m. and reconvened at 10:14 a.m.

2019 Employee Benefits Renewal Forecast – Director of Human Resources

The director presented the report providing a forecast of 2019 benefits renewal rates.

Moved by Councillor Jones
Seconded by Councillor Jenkins

THAT the report titled “2019 Employee Benefits Renewal Forecast” from the Director of Human Resources, dated September 13, 2018, be received and filed.

- Carried.

Review of Legislative Changes – Bill 68 – Modernizing Ontario’s Municipal Legislation Act, 2017 and Municipal Conflict of Interest Act, 1990 – Chief Administrative Officer/Clerk

The Chief Administrative Officer/Clerk presented the report providing background information regarding legislative changes that form the basis of updates to County policies and by-laws to ensure compliance going forward.

Moved by Councillor Ens
Seconded by Councillor McWilliam

THAT the report titled “Review of Legislative Changes – Bill 68 – Modernizing Ontario’s Municipal Legislation Act, 2017 and Municipal Conflict of Interest Act, 1990” from the Chief Administrative Officer/Clerk, dated September 17, 2018, be received and filed.

- Carried.

Proposed Amendments to Elgin County Council’s Procedural By-law – Chief Administrative Officer/Clerk

The Chief Administrative Officer/Clerk presented the report summarizing proposed changes and updates to the County of Elgin’s Procedural By-law and seeking direction from County Council regarding any additional changes.

Moved by Councillor Wiehle
Seconded by Councillor Jones

THAT the report titled “Proposed Amendments to Elgin County Council’s Procedural By-law” from the Chief Administrative Officer/Clerk, dated September 12, 2018, be received and filed; and,

THAT the Chief Administrative Officer/Clerk be directed to incorporate any direction provided by Council as revisions to the draft procedural by-law; and,

THAT the Chief Administrative Officer/Clerk be directed to provide a final draft procedural by-law for consideration at the October 16, 2018 meeting of County Council for approval and enactment.

- Carried.

Council recessed at 11:34 a.m. and reconvened at 11:37 a.m.

Proposed Amendments to Elgin County Council's Policies Manual – Chief Administrative Officer/Clerk

The Chief Administrative Officer presented the report proposing updates and changes to County Council's policy manual and seeking input from Council regarding these changes.

Moved by Councillor Wiehle
Seconded by Councillor Martyn

THAT the report titled "Proposed Amendments to Elgin County Council's Policies Manual" from the Chief Administrative Officer/Clerk, dated September 15, 2018, be received and filed; and,

THAT the Chief Administrative Officer/Clerk be directed to incorporate any direction provided by Council as revisions to the Draft Council Policies Manual; and,

THAT the Chief Administrative Officer/Clerk be directed to provide a final draft Policies Manual for Council review and approval at the October 16, 2018 meeting.

- Carried.

CORRESPONDENCE**Items for Information (Consent Agenda)**

1. United Way Elgin Middlesex Thank you to County of Elgin.
2. Ross Whalls, informing County Council of his correspondence to Central Elgin re: his concerns for traffic flow on George St., Port Stanley when the Wastell Homes development goes ahead.
3. Secretary/Administrator, Elgin Group Police Services Board informing County Council of Police Services Board response to Donna and Norm Vick re: their concerns in regard to the speed of motorists on Centennial Avenue (Elgin Road 28).
4. Chief Administrative Officer, County of Elgin with PowerPoint presentation to Township of Malahide Council on September 20, 2018 titled "Terrace Lodge Redevelopment – A Look Forward."

Moved by Councillor Jones
Seconded by Councillor Mennill

THAT Correspondence Items #1 - 4 be received and filed.

- Carried.

OTHER BUSINESS**Statements/Inquiries by Members**

Warden Marr informed Council that he had received correspondence from Dave Mayberry at the WOWC regarding the SWIFT Project. The province has requested a third party review of the SWIFT business plan and has been asked to resubmit a revised business case by October 12, 2018. Elgin has been asked for its support of SWIFT.

Moved by Councillor Jones
Seconded by Councillor Wiehle

THAT the County of Elgin advocate directly for rural broadband by organizing a meeting with Ministers McNaughton and Yurek.

- Carried.

Councillor Mennill thanked the Chief Administrative Officer and the Director of Homes and Seniors Services for presenting to Malahide Township Council on the Terrace Lodge

Redevelopment project. This presentation made the County's position clear and cleared up rumours circulating in the community.

Notice of Motion – None.

Matters of Urgency – None.

Closed Meeting Items

Moved by Councillor Jenkins
Seconded by Councillor Wiehle

THAT we do now proceed into closed meeting session in accordance with the Municipal Act to discuss matters under Municipal Act Section 239.2;

In-Camera Item #1

(a) the security of the property of the municipality or local board – Two Lease Extensions.

In-Camera Item #2

(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; (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 – Port Bruce Bridge.

In-Camera Item #3

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – Potential Litigation.

In-Camera Item #4

(b) personal matters about an identifiable individual, including municipal or local board employees – Organizational Update.

In-Camera Addendum Item #1

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – Potential Litigation.

- Carried.

Moved by Councillor Jenkins
Seconded by Councillor Jones

THAT we do now rise and report.

- Carried.

In-Camera Item #1

Moved by Councillor Jones
Seconded by Councillor Martyn

THAT the Warden and Chief Administrative Officer be authorized and directed to sign a one year lease agreement with an option to renew after year one, with the Alzheimer Society of Elgin-St. Thomas for Suites 229, 232, 237-1, and 344; and,

THAT the effective commencement date for the new lease shall be May 1, 2018 for a lease rate of \$16.20 per square foot for year one, (\$18,840.60 annual payment), plus the HST, and \$16.50 per square foot (\$19,189.50 annual payment), plus the HST for year two; and the lease rate for Suite 344 remain constant at \$300.00 annual payment.

- Carried.

Moved by Councillor Ens
Seconded by Councillor Mennill

THAT the Warden and Chief Administrative Officer be authorized and directed to sign a lease agreement with Scott D. Avery Ltd. for Suite 223; and,

THAT the effective commencement date for the lease shall be May 1, 2018 at a lease rate of \$16.47 per square foot for year one (\$3,952.80 annual payment), plus the HST; and \$16.80 per square foot for year two (\$4,032.00 annual payment), plus the HST.

- Carried.

In-Camera Item #2

Moved by Councillor Wiehle
Seconded by Councillor Mennill

THAT staff procced as directed.

- Carried.

In-Camera Item #3

Moved by Councillor Jenkins
Seconded by Councillor Martyn

THAT staff proceed as directed.

- Carried.

In-Camera Item #4

Moved by Councillor Jones
Seconded by Councillor Wiehle

THAT staff proceed as directed.

- Carried.

In-Camera Addendum Item #1

Moved by Councillor Jenkins
Seconded by Councillor Ens

THAT the verbal confidential report from Chief Administrative Officer be received and filed.

- Carried.

Motion to Adopt Recommendations of the Committee of the Whole

Moved by Councillor Jones
Seconded by Councillor Mennill

THAT we do now adopt recommendations of the Committee Of The Whole.

- Carried.

BY-LAWS

Moved by Councillor Martyn
Seconded by Councillor Mennill

THAT By-law No. 18-33 "To Amend the Schedule to By-law No. EG1 (16-11) being a By-law for the Regulation of Traffic" be read a first, second and third time and finally passed.

- Carried.

Moved by Councillor Jenkins
Seconded by Councillor McWilliam

THAT By-law No. 18-34 "Being a By-law to Confirm Proceedings of the Municipal Council of the Corporation of the County of Elgin at the September 25, 2018 Meeting" be read a first, second and third time and finally passed.

- Carried.

ADJOURNMENT

Moved by Councillor McWilliam
Seconded by Councillor Mennill

THAT we do now adjourn at 12:34 p.m. to meet again on October 16, 2018 at the County Administration Building Council Chambers at 9:00 a.m.

- Carried.

Julie Gonyou,
Chief Administrative Officer.

David Marr,
Warden.

REPORTS OF COUNCIL AND STAFF

October 16, 2018

Council Reports – (ATTACHED)

Warden David Marr – Additional Long Term Care Beds

Staff Reports – (ATTACHED)

Senior Financial Analyst and ECUWSEC Chair – 2018 Events Calendar

Manager of Planning – Draft Approval for a Plan of Subdivision, Kemsley Farm, Municipality of Central Elgin, Owner: Doug Tarry Ltd. File No. 34T-CE1702

Director of Homes and Seniors Services – Attending Physician Agreement – Terrace Lodge

Director of Homes and Seniors Services – Illuminated Ground Signs – Contract Award

Director of Homes and Seniors Services – Homes – Program and Therapy Services Policy and Procedure Manual Review and Revisions

Director of Financial Services – Federal Gas Tax

Deputy Director of Engineering Services – Port Bruce Bridge Replacement – Engineering Services RFP

Chief Administrative Officer – Resident Complaint – Ditch Maintenance along Talbot Line, Southwold

Chief Administrative Officer – Contract Cleaning Services – Tender Award

Chief Administrative Officer – Ambulance Vehicle Replacement

Chief Administrative Officer – Legalization of Recreational Cannabis – Update

Chief Administrative Officer – Review of Land Division By-law 15-03

Chief Administrative Officer – Review of Land Division Procedural By-law 05-24

Chief Administrative Officer/Clerk – Final Draft of Elgin County Council Procedural By-law

Chief Administrative Officer/Clerk – Elgin County Council Policies Manual

REPORT TO COUNTY COUNCIL

FROM: Warden David Marr
DATE: October 10, 2018
SUBJECT: Additional Long-Term Care Home Beds

INTRODUCTION:

On October 10th, 2018 I met with MPP Jeff Yurek to discuss such issues as farm tax rates and rural broadband. During this discussion our MPP asked whether we would contemplate additional beds for our Long-Term Care (LTC) homes.

At this meeting I committed to bringing this question forward to all members of Council for discussion and to seek direction from Council for staff in regard to this inquiry.

DISCUSSION:

Over the past many years, Council has shown a deep commitment to seniors' services in Elgin County. Elgin Manor, Terrace Lodge and Bobier Villa are Elgin County's three (3) municipally-run LTC homes offering a total of 247 beds. Long-Term Care is a service that is funded by the Province and is augmented by an additional \$5.0 million of County funding. When considering our population size against the number of Long-Term Care beds, we are considered to be 'over-bedded'.

In April 2018, the Province allocated 5,000 new Long-Term Care (LTC) beds in communities across the province as part of their commitment to build 5,000 new beds by 2022 and more than 30,000 new beds over the next decade.

We learned through a study completed by our CAO in March 2018 that due to the fact that our residents are assigned beds by the Local Health Integration Network (LHIN), a significant proportion of our residents are not from Elgin County, and the funds we use to supplement this service benefit residents from across the region and includes residents from Middlesex County, Oxford County, Lambton County, City of St. Thomas, City of London, City of Hamilton, etc. The demographic information presented by the CAO clearly indicates that LTC has become a regional/provincial service now that the LHIN is responsible for bed allocation.

Also noted by the CAO, across Ontario, municipalities are asking challenging questions in regard to the provision of LTC services at the municipal level as our population ages and lives longer. Our LTC facilities are receiving very complex cases that in the past would be cared for in mental health or hospital settings. When this complexity is matched by increasing regulation from the Province, the end result is a dramatic, ongoing increase in municipal costs for LTC.

ANALYSIS:

We often hear about long wait lists for individuals requiring LTC and while it would be great to simply add additional beds to our County facilities, there are a few things which I feel are important to keep in mind:

We know that the costs associated with increased level of care currently costs the County an additional \$5M and the Ministry funding model is not aligned with the change in care as a result of program changes like the Age in Place Strategy. The costs associated with the increased level of care and complexity of care is being absorbed by Elgin County and not the Province.

It is expected that as homes increase in size and number of beds, so too do the expenditures.

Since the LHIN is the gatekeeper of LTC beds, we have no way of ensuring that County residents are directly benefitting from an additional investment in this service. The regional model for LTC bed assignments means that Elgin County's investment, which is disproportionately larger than our neighbouring municipalities will be supporting residents outside of Elgin County

We have been made aware of a systemic issue of recruitment challenges for nursing staff (province wide) – in particular Personal Support Workers (PSW's) and Registered staff. If we add beds, how will we staff them – it is currently difficult to ensure a full staffing complement given the recruitment challenges we face.

CONCLUSION:

Additionally, there may be an opportunity for County Council to advocate for an enhanced ability to influence the bed allocations in such a way that there is some assurance that Elgin County residents are prioritized on the waitlist for our three homes, given the contribution of \$5M we are making on behalf of the residents of Elgin County. I also believe there is an ongoing need for the County to advocate for an adjustment in Ministry funding to support the increasing costs associated with the changing level of care and complexity of care that is currently being absorbed by Elgin County. I believe that it is the right time to have staff explore, in the form of a report, whether it is reasonable, practical and sustainable to request additional beds from the Ministry.

RECOMMENDATIONS:

THAT the report titled "Additional Long-Term Care Home Beds" from Warden Marr, dated October 10, 2018, be received and filed; and,

THAT County Council direct the Chief Administrative Officer, Director of Homes and Seniors Services and Director of Financial Services to complete a report noting the benefits, challenges and costs associated with a request for additional LTC beds in Elgin County for consideration at the November 27, 2018 meeting and for future consideration by the next term of County Council.

All of which is Respectfully Submitted

Dave Marr
Warden

REPORT TO COUNTY COUNCIL

FROM: Elgin County United Way and Special Events Committee
Jennifer Ford, Senior Financial Analyst and ECUWSEC Chair

DATE: September 26, 2018

SUBJECT: 2018 Events Calendar

INTRODUCTION:

This report is presented as a review for Council as it relates to the internal fundraising activities and other social events planned by the Elgin County United Way and Special Events Committee (ECUWSEC) for the 2018 calendar year. Events are designed to provide an opportunity for staff and County affiliates to come together and, in some instances, raise money to support this Council's commitment to the United Way Elgin Middlesex.

DISCUSSION:

As this term of Council comes to a close, the committee would like to take this opportunity to thank the current council for their support of our group and the events planned over your term here at the County of Elgin. Your commitment to the United Way has been very evident with your participation in many of the activities that have occurred over the last four years.

Your committee members are: Becky Higgs, William Leader, Cole Aicken, Georgia Sifton, Leesa Shanley, Jessica Debackere, Lorelei Gloor, Mathew Waite, Sheena Doyle, Tanya Noble, Lindsey Duncan, and Jennifer Ford.

We would like to now provide Council with the brief highlights of the various events that took place and will take place over the course of 2018.

Payroll Deduction Program:

Staff and Council at the County of Elgin are encouraged to participate in the payroll deduction program. Active participants at the County level have the opportunity to participate in the Days off Draws and the monthly draws for Gift Certificates based on their chosen level of participation for 2018. In 2018, we are on target to donate approximately \$12,000 through the payroll deduction program directed to support local charities through the United Way Elgin Chapter.

10th Annual Warden's Charity Golf Tournament:

This past summer the Warden's Charity Golf Tournament was held at Kettle Creek Golf and Country Club. The event continues to deliver exceptional results and it has become very popular with all our sponsors and participants. This year's event raised \$25,000 and added to the ten year total to take us to \$271,000 in additional funding now having been raised for the United Way Elgin Chapter.

Thank you to everyone who has supported this event. Special thanks to the all the Wardens, past and present, who have participated in the golf challenges and who also assisted in hosting the event throughout the day.

Knights Games:

Earlier in 2018, some of our staff enjoyed a Hockey game or two at the Budweiser Gardens. Each year, we set up Group Knights tickets for staff to purchase as a fun family activity. We have been fortunate to be able to reserve some nights this season that are associated with special activities during the games. Tickets cost approximately \$22 and are available for the following four dates:

Thursday November 22nd, 2018 @ 7:00pm against Mississauga Steelheads - "Team of the Century Night"

Sunday December 2nd, 2018 @ 2:00pm against Sarnia Sting - "Teddy Bear Toss"

Friday January 4th. 2019 @ 7:30 pm against Sault Ste. Marie Greyhounds - Regular Game

Friday February 15th, 2018 @ 7:30 pm against Erie Otters - Regular Game

Lunches:

Last March, approximately 80 staff participated in the Eat 2 Learn Brown bag lunch. The fundraising event supports the United Way program Eat 2 Learn which is a nutrition program, for all students, in all schools, throughout the County of Elgin. Once per year, the program offers and delivers nutritious lunch options out to participating organizations for the cost of \$10 per lunch. We received very positive feedback from participants indicating that we should continue to support this event in the future.

County Christmas Party:

To cap off the year, we are making the final preparations for the County of Elgin's Christmas Party. This year's annual event will have a distinctly tropical flare and is planned to be held at the St. Thomas Elgin Public Arts Centre on Friday December 7, 2018. Tickets to this holiday social event will be sold at for \$10 per person. Participants have the opportunity to drop in between 5pm and 10pm to enjoy tropically inspired hors d'oeerves, a cash bar, fellowship, hourly door prize draws, and music. So break out your best Hawaiian summer gear and meet us for our version of a Christmas staycation right here in Elgin County.

CONCLUSION:

The mandate of ECUWSEC is to organize internal events throughout the year. Some events are designed to raise money for the United Way Elgin Chapter while others are designed simply as social opportunities for staff and their families to get together.

Staff would like to take this opportunity to extend their thanks to this Council for their support of and participation in our past events, and to extend an invitation to our member municipalities to join us for a Knights game or at the Christmas Party in December.

RECOMMENDATION:

THAT Council receive and file the Elgin County United Way and Special Events Committee's 2018 Events Calendar as presented in this report.

All of which is Respectfully Submitted

Approved for Submission

Jennifer Ford
Senior Financial Analyst & ECUWSEC Chair

Julie Gonyou
Chief Administrative Officer

REPORT TO COUNTY COUNCIL

FROM: Steve Evans, Manager of Planning
DATE: September 24, 2018
SUBJECT: Draft Approval for a Plan of Subdivision
Kemsley Farm Proposed Draft Plan of Subdivision
Part of Lots 2 & 3 Concession 6 and Part of Lots 1 & 2 Registered Plan 263
Geographic Township of Yarmouth
Municipality of Central Elgin
County of Elgin
Owner: Doug Tarry Ltd.
File No. 34T-CE1702

INTRODUCTION:

This report will provide County Council with information required in order to consider granting draft plan approval to the above noted plan of subdivision.

In accordance with Section 51 of the Planning Act, the Council of the County of Elgin, the “Approval Authority,” is required to make a decision which gives or refuses to give approval to a draft plan of subdivision.

DISCUSSION:

The lands that are the subject of this application for draft plan approval are located in Community of Norman Lyndale within the Municipality of Central Elgin. (see attached plan). The owner is requesting approval of a “Plan of Subdivision” on which is proposed sixty-five (65) single detached residential building lots and 5 blocks for future residential development.

Adjacent land uses include existing residential dwellings to the north, Port Stanley Terminal Rail Line to the east, agricultural lands to the west and residential and natural heritage lands to the south.

This application was accepted as “complete” on August 15, 2017 by the County of Elgin. The developer submitted documents to support the proposed subdivision including a Servicing Report, Scoped Environmental Impact Study, Transportation Impact Study, Preliminary Storm Water Management Report, Geotechnical Investigation and Slope Assessment.

A statutory public meeting was held by the Municipality on September 25, 2017. There were of number of concerns expressed by neighbouring property owners including increased traffic, drainage, affect on the water table and construction noise. The Kettle Creek Conservation Authority expressed concerns with respect to slope stability and storm water management and the Municipality of Central Elgin shared in those concerns as well the concerns expressed by the public. Given the extent of the concerns, subsequent meetings were held and reports were revised to satisfy the concerns of the public and the Municipality.

The proposed plan of subdivision is located in an area that will be fully serviced and the lands are designated "Residential" in the Central Elgin Official Plan. The plan is consistent with the Provincial Policy Statement, complies with the County and Central Elgin Official Plans and the lands are zoned appropriately in the Township of Yarmouth Zoning By-law 1998.

CONCLUSION:

The Manager of Planning has reviewed File No. 34T-CE1702 and has prepared conditions for draft approval which are attached for Council's review. These conditions have been reviewed by the Municipality of Central Elgin and by the owner and no changes have been requested.

Based on the above information the Manager of Planning is satisfied that this plan of subdivision has had regard to the subdivision criteria as set out in Section 51 (24) of the Planning Act and that the conditions, as attached, are reasonable. If County Council approves this draft plan of subdivision, the owner will be responsible for fulfilling the conditions before final approval can be given.

RECOMMENDATIONS:

THAT the Council of the Corporation of the County of Elgin grants draft plan approval to Doug Tarry Ltd. Draft Plan of Subdivision (Kemsley Farm Subdivision) in the Municipality of Central Elgin (Norman Lyndale) File No. 34T-CE1702; and,

THAT staff be directed to provide notice of this decision subject to the conditions for final approval in accordance with the Planning Act.

All of which is Respectfully Submitted

Approved for Submission

Steve Evans
Manager of Planning

Julie Gonyou
Chief Administrative Officer

Applicant:	Cyril J. Demeyere Ltd. Kemsley Farm Subdivision	Date of Decision:	2018
File No.:	34T-CE1702	Date of Notice:	2018
Municipality:	Central Elgin	Last Date of Appeal:	2018
Subject Lands:	Part of Lots 1 and 2, R.P. 263 and Part of Lots 2&3, Concession 6 Part 1, 11R-3198 Geographic Township of Yarmouth, Municipality of Central Elgin	Lapsing Date:	2021

NOTICE OF DECISION

**On Application for Approval of Draft Plan of Subdivision
Subsection 51(37) of the *Planning Act***

Approval of a Draft Plan of Subdivision in respect of the subject lands noted above was given by the County of Elgin on . A copy of the conditions for final approval is attached. Council considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Elgin no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager of Planning, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision in respect of a proposed plan of subdivision to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Elgin by filing with the Manager of Planning a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision, or
- (2) made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Other Related Applications:

Zoning By-Law 2281

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Elgin at the address noted below.

Mailing address for Filing a Notice of Appeal

County of Elgin
450 Sunset Drive, 3rd Floor
St. Thomas, ON N5R 5V1
Attention: Manager of Planning
Telephone: (519) 631-1460
Fax: (519) 633-7661
Email: sevans@elgin.ca

Applicant:	Cyril J. Demeyere Ltd. Kemsley Farm Subdivision	Date of Decision:	2018
File No.:	34T-CE1702	Date of Notice:	2018
Municipality:	Central Elgin	Last Date of Appeal:	2018
Subject Lands:	Part of Lots 1 and 2, R.P. 263 and Part of Lots 2&3, Concession 6 Part 1, 11R-3198 Geographic Township of Yarmouth, Municipality of Central Elgin	Lapsing Date:	2021

The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Elgin are as follows:

No.	CONDITIONS
------------	-------------------

1. That this approval applies to the draft plan of subdivision, prepared by CJD Consulting Engineers and certified by Kim Husted, Ontario Land Surveyor, dated August 1, 2017, which shows:
 - 65 single detached residential building lots (Lots 1-65 inclusive)
 - Block 66 – (storm water management/valley lands)
 - Block 67 to70 – (Walkway/Servicing Blocks)
 - Blocks 71 – (Park/Trail)
 - Block 72 – (Park)
 - Block 73 – (Valley Lands)
 - Blocks 74 to78 – Future Residential
 - Blocks 79 to 81 – (Reserves)
2. That the road allowances included on the draft plan shall meet the standards of the Municipality of Central Elgin and be shown and dedicated as public highways on the final plan submitted for approval and registration.
3. The streets within the draft plan of subdivision shall be named to the satisfaction of the Municipality of Central Elgin.
4. That the owner enters into a subdivision agreement, pursuant to the authority of section 51(26) of the *Planning Act*, as amended, with the Municipality of Central Elgin wherein the owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality of Central Elgin concerning the installation of services including roads, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
5. That the subdivision agreement, where required, contain a provision, prepared to the satisfaction of the Municipality, regarding phasing or timing of the development.

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6. That the subdivision agreement between the owner and the Municipality of Central Elgin be registered against the lands to which it applies once the plan of subdivision has been registered.
7. That the owner convey up to five percent (5%) of the land included in this plan to the Municipality for park or other recreational purposes or alternatively the Municipality may require cash-in-lieu of all or a portion of the conveyance.
8. That prior to final approval the Municipality shall advise that appropriate zoning is in effect for the plan of subdivision.
9. That the owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility and where required by the Municipality, daylight corners and street reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality.
10. That the subdivision agreement between the owner and the Municipality contain a provision requiring the owner to install geodetic monuments within the subdivision. The number, specifications and location of the monuments are to be approved by the Director of Physical Services for the Municipality of Central Elgin prior to final plan approval and registration.
11. That the Subdivision Agreement between the Owner and Municipality shall contain provisions requiring:
 - a) The owner to include a statement informing the persons who first purchase a unit following final approval of all the approved development charges, including development charges for school purposes, relating to any such unit within the draft plan of subdivision pursuant to Section 59(4) of the Development Charges Act, 1997
 - b) All services, which in the opinion of the municipality are necessary for the development of the lands within the Plan, such services being hereinafter called the “necessary services” shall be in place before development begins.
 - c) Notwithstanding b), development may begin before all necessary services are in place if the Municipality is satisfied that adequate arrangements have been made

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to ensure that the necessary services shall be provided in a timely manner as development proceeds. Adequate arrangements shall include the passing of an area-specific development charge by-law pursuant to Section 2 of the Development Charges Act, 1997, and the entering into of a front-ending agreement under section 44 of the Development Charges Act, 1997, which by-law and agreement relate to the necessary services.

12. That prior to final approval, the Municipality shall confirm that there is uncommitted reserve sewage and water treatment capacity to service the development and that the proposed arrangements for stormwater management are acceptable and can be assumed by the Municipality.
13. That the subdivision agreement between the Owner and the Municipality contain provisions regarding the development, implementation, installation, dedication and maintenance of the storm water management facilities requiring the owner to:
 - a) Provide a storm water management report satisfactory to the Municipality based on the preliminary report, *Kemsley Farm Subdivision, Municipality of Central Elgin, Preliminary Storm Water Management Report, 1312, 19 July 2017, CJDL Consulting Engineers and Kemsley Farm Subdivision (34T-CE1702). Municipality of Central Elgin, Preliminary Storm Water Management Report, Addendum Letter, 1312, 5 January 2018, CJDL Consulting Engineers*.
 - b) conduct regular inspections every two weeks and after each sizeable storm event of all sediment and erosion control recommendations in the approved storm water management plan/report and maintain an inspection log which shall state the name of the inspector, date of inspections and the rectification or replacement measures which were undertaken to maintain the sediment and erosion control measures. The inspections shall continue until the assumption of services by the Municipality or until site construction warrants cessation of the visits;
 - c) identify the Municipality of Central Elgin and the Kettle Creek Conservation Authority as the site contacts responsible for monitoring schedule to be implemented in b) above; and
 - d) provide the Municipality of Central Elgin and the Kettle Creek Conservation Authority a written update of sediment and erosion control inspections and maintenance activities following all storm events.

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14. That the subdivision agreement between the owner and the Municipality shall include a provision requiring the implementation of the recommendations of report, *Geotechnical Investigation and Slope Assessment, Proposed Kemsley Subdivision, 42537 Southdale Line, St. Thomas, Project Number LON-00015147-GE, prepared by exp Services Inc., 15701 Robin's Hill Road, Unit 2, London ON N5V 0A5 Canada.*
15. The Municipality requires implementation of the recommendations of the scoped Environmental Impact Study (EIS) report, *Scoped Environmental Impact Study, 42537 Southdale Line, St. Thomas ON, DTL Kemsley Property, Leonard + Associates in Landscape Architecture, August 2017.*
16. The subdivision agreement between the owner and the Municipality shall contain a provision requiring the owner to install noise mitigation measures as recommended in the report, *Noise Feasibility Study, proposed Residential Development, Kemsley Farm, St. Thomas Ontario, prepared for Doug Tarry Limited, 358 Elm Street, St. Thomas Ontario N5R 1K1, May 24, 2017, Howe Gastmeir Chapnik Limited.*
17. Prior to final approval, the owner shall contact the licensed communication/telecommunication service providers within the Municipality prior to commencing any work within the plan, and confirm that sufficient wire line communication/telecommunication infrastructure is currently available to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the owner is hereby advised that the owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the owner shall be required to demonstrate to the Municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services). The owner shall provide the Municipality with written confirmation from the licensed service providers that communication / telecommunication infrastructure will be available to the plan.

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- 18.** That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands, such relocation shall be undertaken at the expense of the Owner.
- 19.** That prior to final approval the Owner shall ensure that the requirements of Canada Post as set out below are satisfied.
- a) The owner shall:
- i) include in all offers of purchase and sale, a statement that advises the prospective purchaser that mail will be delivered via a community mail box;
 - ii) note the locations of the community mail box within the development; and,
 - iii) notify affected homeowners of any established easements granted to Canada Post to permit access to the community mail box.
- b) The owner further agrees to:
- i) consult with Canada Post to determine suitable permanent locations for the community mail box, which locations shall be indicated by the developer on the appropriate servicing plans;
 - ii) prior to offering any units for sale, display a map on a wall of the sales office in a place readily accessible to potential homeowners that indicates the location of the community mail box within the development, as approved by Canada Post;
 - iii) provide a suitable and safe temporary site for a community mail box until curbs, sidewalks and final grading are completed at the permanent community mail box location;
 - iv) provide Canada post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin;
 - v) provide the expected installation date for the community mail box pad; and

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- vi) provide the following for the community mail box and to include these requirements on the appropriate servicing plans:
- Any required walkway across the boulevard, per municipal standards;
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult with Canada Post for detailed specifications).
- 20.** That the Subdivision Agreement between the Owner and the Municipality shall include a clause that the Owner agrees to inform all Purchasers of residential lots by including a condition in all Purchase Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.
- Holding Zone is defined by a geographic boundary, within an attendance area (usually with high concentrations of new or imminent development), for which the Trustees have approved that students residing in it are to attend a specified school based on available capacity, until such time as long-term accommodation and related revised attendance areas can be established.*
- 21.** That prior to final approval, the owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resource found. No grading or other soil disturbances shall take place on the subject property prior to the Owner's Licensed Archaeologist providing a letter to the Municipality and the County indicating that there are no further concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the terms and conditions for Archaeological Licensing and that the report has been entered into the Ontario Public register of archaeological reports.
- 22.** That prior to final approval of the plan of subdivision, the Clerk of the Municipality of Central Elgin shall advise in writing how conditions 1 to 18, 20 and 21 have been satisfied.
- 23.** That prior to final approval of the plan of subdivision, Canada Post shall advise in writing how condition 19 has been satisfied.

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- 24.** That prior to final approval of the plan of subdivision, Kettle Creek Conservation Authority shall advise in writing how conditions 13 and 14 have been satisfied.

NOTES TO DRAFT APPROVAL:

1. It is the applicant's responsibility to fulfill the conditions of draft approval.
2. It is suggested that the applicant be aware of section 144 of the *Land Titles Act* and subsection 78(10) of the *Registry Act*.

Subsection 144 (1) of the *Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. The owner is advised that a permit shall be obtained from Kettle Creek Conservation Authority prior to any development and/or site alterations upon Blocks 66, 72, 74, & 78 of this draft plan of subdivision.
4. The owner is advised that in the event that deeply buried archaeological remains should be discovered during construction, it is recommended that archaeological staff of the Ontario Ministry of Tourism, Culture and Sport be notified immediately.

Similarly, in the event that human remains should be encountered during construction, it is recommended that the proponent immediately notify the Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Cemeteries Branch.

5. The Ontario Land Surveyor responsible for preparing the final plan for registration should contact the Director of Physical Services for the Municipality of Central Elgin regarding the preparation of the final plan to ensure the requirements of draft approval are properly addressed in the preparation of the final plan and that the final

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plan prepared contains sufficient geodetic information to locate the plan within the UTM Coordinate System, North American Datum 1983, prior to submitting the plan for final approval. A digital copy of the final plan, in a form satisfactory to the Municipality, is required as part of the final plan submission.

6. Inauguration, or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment Conservation and Parks under Sections 52 and Section 53 of the *Ontario Water Resources Act*.
7. The owner is hereby advised that the review of this plan of subdivision did not include groundwater, soil or atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the owner or the Municipality requires such assurance before proceeding with this plan of subdivision, a team of consultants should be retained to conduct any necessary investigations.
8. The Ministry of the Environment Conservation and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the *Environmental Protection Act* may be required from that Minister.
9. The owner is advised that if any unplugged petroleum wells or associated works are identified during the development of the site, the owner shall notify the Petroleum Resources Centre of the Ministry of Natural Resources and Forestry. The owner shall plug the wells and rehabilitate the surface according to the Provincial Standards of the *Oil, Gas and Salt Resources Act*. The Ministry of Natural Resources and Forestry recommends that no structures be built immediately over a plugged petroleum well.
10. Should the owner or the Municipality require underground Bell Canada facilities to serve this subdivision, the owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services. The owner is also advised that, should any conflicts with the existing Bell Canada facilities or easements arise, the owner shall be responsible for realignments or relocation. Further, the owner is to provide easements as required to service this subdivision.

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11. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the *Planning Act*, against the land to which it applies, as notice to prospective purchasers.
12. Clearances are required from the following agencies:

Mr. Donald Leitch, CAO/Clerk
Municipality of Central Elgin
450 Sunset Drive
St. Thomas, ON N5R 5V1

Delivery Services Officer
Delivery Planning
Canada Post Corporation
955 Highbury Ave
London, ON N5Y 1A3

Mr. Joe Gordon, Director of Operations
Kettle Creek Conservation Authority
44015 Ferguson Line
St. Thomas, ON N5P 3T3

If the agency's condition concerns a clause in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is also required by the County of Elgin.

13. All measurements on subdivision and condominium final plans must be presented in metric units.

The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used.

The AutoCAD (DWG) file must be consistent with the following standards:

- Georeferenced to the NAD83 UTM Zone 17M coordinate system.
- All classes of features must be separated into different layers.
- Each layer should be given a descriptive name so that the class of feature it contains is recognizable.

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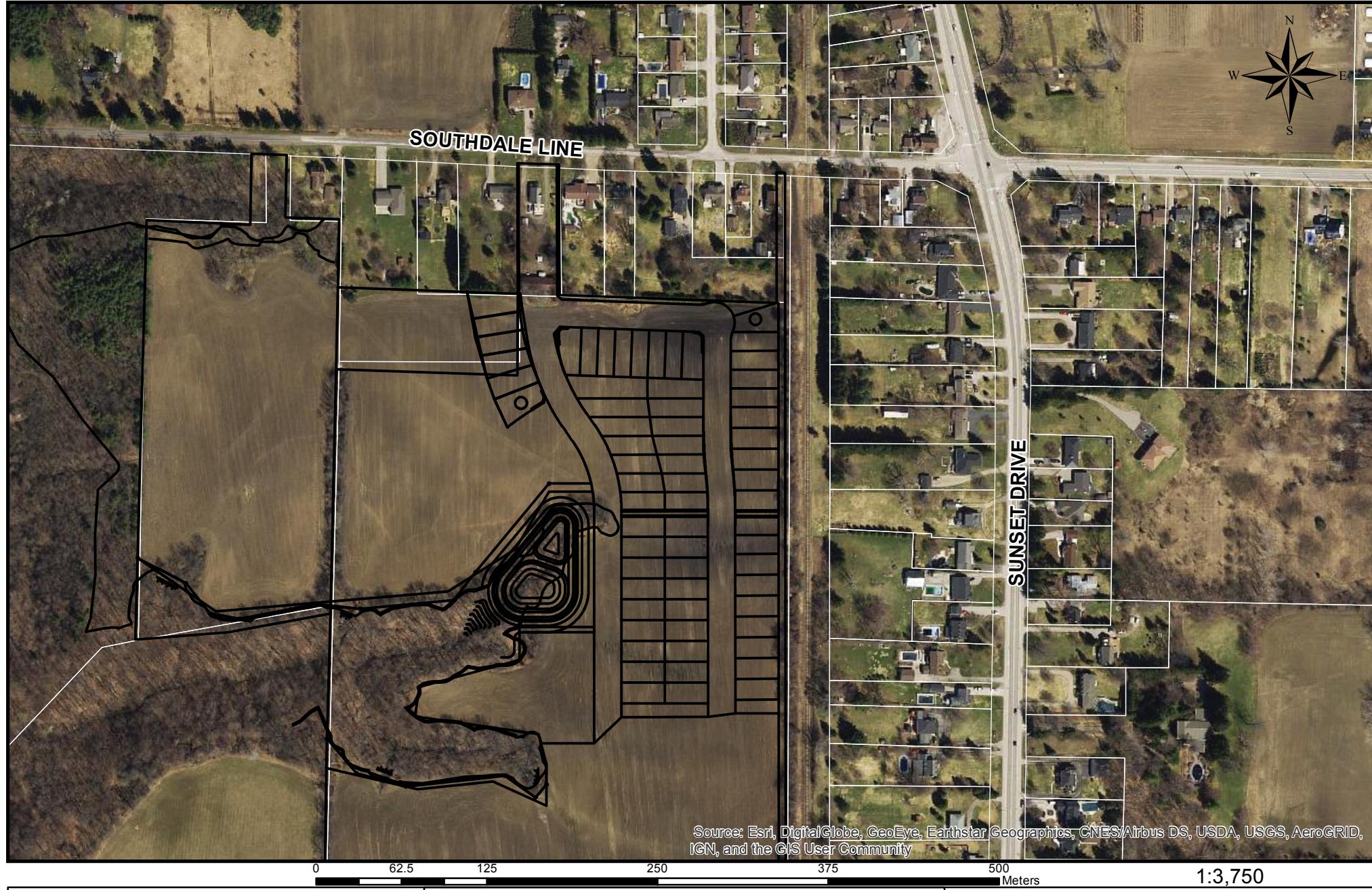
The final plan approved by the County of Elgin must include the following paragraph on all copies (3 mylars and 4 paper) for signature purposes:

Approval Authority Certificate

This final plan of subdivision is approved by the County of Elgin under Section 51 (58) of the Planning Act, R.S.O. 1990, on this _____ day of _____ 20____.

Manager of Planning

14. The approval of this draft plan of subdivision File No. 34T-CE1702 will lapse on **, 2021**, pursuant to subsection 51(32) of the *Planning Act*, as amended. It is the responsibility of the owner to request an extension of the draft approval if one is needed. A request for extension should be made at least 60 days before the approval lapses since no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from Council of the Municipality of Central Elgin.
15. The final plan approved by the County of Elgin must be registered within 30 days or the County may withdraw its approval under subsection 51(59) of the *Planning Act*.



Legend

Property of Interest

Kemsley Subdivision

Municipality of Central Elgin
29



Projection: NAD 83 UTM Zone 17. Date: October 8, 2018
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as one.

REPORT TO COUNTY COUNCIL

FROM: Michele Harris, Director of Homes and Seniors Services

DATE: October 1, 2018

SUBJECT: Attending Physician Agreement –Terrace Lodge

INTRODUCTION:

The Attending Physician agreement is a requirement of the Long-Term Care Homes Act, 2007 and Ontario Regulations 79/10 for the provision of medical services to the residents of Bobier Villa, Elgin Manor and Terrace Lodge.

DISCUSSION:

The Homes have the following attending physician agreement in place to provide medical services to the residents of the Homes:

- Dr. Elsie Osagie – Terrace Lodge

CONCLUSION:

Staff is recommending a one (1) year renewal agreement, with no revisions, for the attending physician agreement with Dr. Elsie Osagie.

RECOMMENDATION:

THAT Council authorize staff to sign the one (1) year attending physician agreement from October 28, 2018 to October 27, 2019 with Dr. Elsie Osagie for the provision of medical services to residents of Terrace Lodge.

All of which is Respectfully Submitted

Approved for Submission

Michele Harris
Director of Homes and Seniors Services

Julie Gonyou
Chief Administrative Officer

ATTENDING PHYSICIAN AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2018.

BETWEEN:

CORPORATION OF THE COUNTY OF ELGIN
A municipal body operating a Home for the Aged known as Terrace Lodge
(hereinafter referred to as the "Home")

AND

ELSIE OSAGIE
(hereinafter referred to as the "Attending Physician")

WHEREAS the Long-Term Care Homes Act, 2007 requires that there be a contract between a Home and its Attending Physicians;

AND WHEREAS the Attending Physician wishes to enter into an Agreement with the Home to perform the services described below.

NOW THEREFORE in consideration of the covenants and agreements hereinafter contained, the parties agree as follows:

- 1.0 Except as hereinafter provided, this agreement shall remain in place for a period of one (1) year from the date first written above and is subject to the termination provisions set out below.
- 2.0 The Home shall:
 - 2.1 Make available to the Attending Physician copies of applicable legislation and policies; and
 - 2.2 Provide the Attending Physician with access to the Home and cooperation from staff when carrying out the responsibilities listed below.
- 3.0 The Home agrees to indemnify and save harmless the Attending Physician from any claims, demands, damages or actions brought against the Attending Physician in relation to the provision of services by employees of the Home who are not acting under the instructions of or under the direction of the Attending Physician.
- 4.0 The Attending Physician:
 - 4.1 Shall be a legally qualified medical practitioner licensed to practise medicine in Ontario;

- 4.2 Shall obtain and maintain in full force and effect during the term of this Agreement current and valid malpractice protection;
 - 4.3 Shall be appointed by the Director of Homes and Seniors Services on the advice of the Medical Director;
 - 4.4 Shall have hospital privileges in a local community hospital;
 - 4.5 Shall be accountable to the Medical Director for meeting the Homes' policies, standards, and protocols of medical care, including those set out in Appendix "A", which is attached hereto and forms part of this Agreement;
 - 4.6 Shall assess, plan, implement and evaluate the resident's medical care, develop a medical plan of treatment for the residents and participate in the interdisciplinary approach to care;
 - 4.7 Shall document on the resident's health record upon admission and upon each subsequent visit, to maintain continuity and ongoing evaluation of all medical services as these relate to clinical diagnosis;
 - 4.8 Shall endeavour in good faith to provide or make arrangements for reasonable on-call coverage for residents for whom he or she provides medical care;
 - 4.9 Shall, when not personally available to take calls, advise the Home of emergency medical services which may be utilized; and
 - 4.10 Shall be available to the Home an average of once per week in order to carry out his or her responsibilities under this Attending Physician Agreement.
- 5.0 The Attending Physician shall notify the Director of Homes and Seniors Services and Medical Director in the event that he or she is no longer available to care for a resident, so that alternative medical coverage can be arranged.
 - 6.0 The Attending Physician agrees to indemnify and save harmless the Home from any claims, demands, damages or actions brought against it directly relating to the provision of physician services by the Attending Physician pursuant to this Agreement.
 - 7.0 This Agreement may be terminated by either party on at least one hundred twenty (120) days written notice to the other; provided that in the event of default in respect of obligation hereunder, this agreement maybe terminated on thirty (30) days written notice by the party not in default to the party in such default, within which thirty (30) day period the party in default shall have seven (7) days to end and/or remediate such default.

In the event that the Attending Physician becomes unable to perform his or her duties for a period of one hundred twenty (120) consecutive days due to physical,

psychological or mental illness or condition, the Home may terminate this Agreement on thirty (30) days written notice to the Attending Physician.

In the event of death of the Attending Physician, the within Agreement shall be deemed to be terminated as of date of death.

- 8.0 This Agreement may be amended by written agreement signed by the parties and attached hereto, and such amendments shall be adhered to and have the same force as if they had originally formed part of this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement, either personally or by hand of duly authorized officers, at St. Thomas, Ontario, this _____ day of _____, 2018.

Signed, Sealed, and Delivered
In the Presence of

) **Corporation of the County of Elgin**
)
)
)
) Per: _____
) Name: David Marr
) Position: Warden
)
)
) Per: _____
) Name: Julie Gonyou
) Position: Chief Administrative Officer
)
)
) Per: _____
) Name: Michele Harris
) Position: Director of Homes & Seniors Services
)
)
) We have the authority to bind the Corporation
)
)
) **Elsie Osagie**
)
)
) Per: _____
) Name: Elsie Osagie

Witness: _____
Name:

APPENDIX "A"

- (a) completing a written medical history and physical examination, within seven (7) days of the resident's admission to the Home;
- (b) providing medication, diet and treatment orders upon notification of the resident's admission and visiting the resident within seven (7) days of admission;
- (c) reviewing the resident's diet, medications, treatments, orders and update progress notes at least once every three (3) months;
- (d) visiting the resident as frequently as deemed necessary by the resident's health status and in accordance with the Home's policy and shall attend to any problems, write appropriate orders and/or progress notes at the time of the visit;
- (e) countersigning all verbal orders / directions within thirty (30) days;
- (f) completing and documenting an annual medical examination for each resident under his or her care;
- (g) complying with applicable provincial legislation;
- (h) providing an opportunity for the resident / substitute decision-maker to participate fully in the development and revision of the resident's medical care plan;
- (i) communicating with the resident, resident's family or substitute decision-maker as appropriate, and providing information to them regarding the resident's health status. Documentation on the progress notes of such communication shall be completed;
- (j) referring residents to the appropriate medical consultants and/or other health practitioners (ie physiotherapists, occupational therapists, social workers, speech therapists) when indicated;
- (k) where the physical or mental condition of a resident is such that the resident cannot properly be cared for in the Home, documenting such and attempting to arrange for the resident to be admitted to a general hospital or other facility best suited to provide the care required by the resident;
- (l) liaising with local hospital(s) to facilitate admission(s) and referrals to specialists;
- (m) making reasonable efforts to provide to residents under his or her care, the following:
 - participation at care conferences;
 - communication with family / substitute decision-maker;
 - completion of transfer forms;
 - telephone advice to Home's staff; and
 - completion of resident-specific Ministry of Health forms.

- (n) requisitioning diagnostic services as the resident's condition warrants;
- (o) following the Home's policies on documentation with special reference to the interdisciplinary approach, transfer information and discharge orders;
- (p) ensuring that all of his or her documentation is current, clear, legible, dated and signed;
- (q) participation in team discussions regarding advance directives with residents and/or families / substitute decision-makers; and
- (r) communicating with the Medical Director with respect to infection disease surveillance in the Home.

AMENDING AGREEMENT

Between:

COPORATION OF THE COUNTY OF ELGIN
A municipal body operating a Home for the Aged known as Terrace Lodge
(hereinafter referred to as the "Home")

AND

ELSIE OSAGIE
(hereinafter referred to "Attending Physician")

WHEREAS the Corporation of the County of Elgin and Elsie Osagie (the "Parties") entered into a contract (the "Contract") dated _____, 2018, for the purpose of amendment to Appendix "A" of the Attending Physician Agreement;

AND WHEREAS the Parties desire to amend the Contract on the terms and conditions set forth in this Amending Agreement (the "Agreement");

AND WHEREAS this Agreement is the first amendment to the Contract.

NOW THEREFORE in consideration of the Parties agreeing to amend their obligations in the existing Contract, and other valuable consideration, the receipt and sufficiency of what is hereby acknowledged, both Parties agree to keep, perform, and fulfill the promises, conditions and agreements below:

1.0 Amendment

The Contract is amended as follows:

- a) The following provision is hereby added immediately to Appendix "A" of the Attending Physician Agreement after section "r" of the Agreement:

"The Attending Physician shall review and sign annually the Medical Directive for the administration of the Influenza Vaccine to the Homes' staff as delegated to the Homes' Registered Staff. The Home shall ensure that informed consent is given prior to the administration of the vaccine as per current Public Health Guidelines. The County shall annually review policies and procedures to ensure alignment with Public Health and Best Practice Guidelines".

IN WITNESS WHEREOF the Parties hereto have executed this addendum to the Attending Physician Agreement, as signed on _____, 2018 either personally or by hand of duly authorized officers at St. Thomas, Ontario this _____ day of _____, 2018.

Signed, Sealed, and Delivered
In the Presence of

-) **Corporation of the County of Elgin**
-)
-)
-) Per: _____
-) Name: David Marr
-) Position: Warden
-)
-)
-) Per: _____
-) Name: Julie Gonyou
-) Position: Chief Administrative Officer
-)
-)
-) Per: _____
-) Name: Michele Harris
-) Position: Director of Homes & Seniors Services
-)
-) We have the authority to bind the Corporation
-)
-)
-) **Elsie Osagie**
-)
-)
-) Per: _____
-) Name: Elsie Osagie

Witness: _____
Name:

REPORT TO COUNTY COUNCIL

FROM: Michele Harris, Director of Homes and Seniors Services
Mike Hoogstra, Purchasing Coordinator

DATE: October 1, 2018

SUBJECT: Illuminated Ground Signs – Contract Award

INTRODUCTION:

A capital project was created for the replacement of the exterior signs at Bobier Villa and Elgin Manor. The existing signs are in need of replacement. This report details the steps taken with a recommendation to award the contract.

DISCUSSION:

A Request for Proposal for new Illuminated Ground Signs at Bobier Villa and Elgin Manor was issued and closed on September 6, 2018. A total of seven (7) proposals were received. An evaluation committee consisting of the Director of Homes and Seniors Services, Manager of Corporate Facilities and Purchasing Coordinator was created to review the proposals.

The committee members individually scored each proposal based on the following criteria that was listed in the RFP:

- Proposed sign design;
- Experience and references;
- Overall proposal submission, additional recommendations;
- Schedule/Timelines;
- Pricing / Total Overall Cost.

From the initial scoring results a preferred design and Proponent was identified. Staff is recommending that Excellent Signs and Displays, the highest scoring firm be selected.

Excellent Signs and Displays will be providing a single sided sign for Bobier Villa and a double sided sign for Elgin Manor. The new sign design is similar to the County Entrance Signs and includes a colour message board to advertise events, programs and job/volunteer opportunities at each home. The total cost for the two signs is \$52,264 plus HST. The total approved budget for this project is \$60,000.

Images of the proposed signs are shown below:



A third sign for Terrace Lodge will look identical and will be included with the proposed redevelopment/rebuild.

CONCLUSION:

Excellent Signs and Displays is being recommended to design, supply and install new exterior signs for Bobier Villa and Elgin Manor. The signs will be installed in the approximate location of the existing signs and will be illuminated at night with LED lighting and colour message boards. Installation of the signs is scheduled for December.

RECOMMENDATION:

THAT Excellent Signs and Displays be selected as the supplier of new Illuminated Ground Signs for Bobier Villa and Elgin Manor at a total cost of \$52,264 plus HST.

All of which is Respectfully Submitted,

Approved for Submission,

Michele Harris
Director of Homes and Seniors Services

Julie Gonyou
Chief Administrative Officer

Mike Hoogstra
Purchasing Coordinator

REPORT TO COUNTY COUNCIL

FROM: Michele Harris, Director of Homes and Seniors Services
DATE: October 4, 2018
SUBJECT: Homes – Program and Therapy Services Policy and Procedure Manual Review and Revisions

INTRODUCTION:

Departmental policy and procedure manuals ensure consistency and quality in the services provided by Elgin County Homes and Seniors Services. As per the Long-Term Care Homes Act (LTCHA), 2007, policies and procedures are to be reviewed annually. This ensures inclusion of Best Practice, health and safety requirements and aligns with the LTCHA and Regulations.

DISCUSSION/CONCLUSION:

The Homes Policy Manual for Program and Therapy Services has been reviewed and revised. The revised manual includes revisions to the following policies and procedures:

- 1.0 Statement of Purpose – grammatical corrections, addition of Continuous Quality Improvement (CQI)
- 1.1 New Staff Orientation – grammatical corrections, Surge Learning
- 1.1A New Staff Orientation Checklist - Behavioural Supports Ontario (BSO), Addition of mandatory education
- 1.2 Orientation to Program and Therapy Services – physical exercise programming, website and monthly e-mail calendar distribution
- 1.3 Professional Development – mandatory education, grammatical correction
- 1.4 Program area Maintenance – Workplace Hazardous Material Information System (WHMIS) update, grammatical corrections
- 1.6 Interdisciplinary Teamwork – grammatical corrections, minor wording updates
- 1.7 Infection Control – addition of influenza, consultation with nursing, minor wording updates
- 1.11 Continuous Quality Improvement – feedback from resident and family council, minor wording updates, addition of annual program evaluations
- 2.1 Assessment and Documentation – addition of revised multidisciplinary care conference documentation
- 2.3 Statistical Management – audit programming, review of programs, minor wording updates
- 3.0 Spiritual and Religious Care Program – Ontario Multifaith Council (OMC) revised to Canadian Multifaith Federation
- 3.2 Memorial Services and Condolences – minor wording updates
- 4.0 Hair Care Services – notification of an alteration in service protocol
- 5.1 Family Council – addition of calendar e-mail distribution, special events
- 5.2 Auxiliary and Tuck Shop – addition of staff representative

The County of Elgin Homes Manager of Program and Therapy Services has reviewed and approved the revisions which align with the LTCHA, 2007 and Regulations, Therapeutic Recreation Standards of Practice, improve resident and staff safety and service delivery.

The policy manual in its entirety and the noted policy revisions may be reviewed through the County Website <http://www.elgincounty.ca/homes-seniors-services/employee-portal/>

RECOMMENDATIONS:

THAT Council approve the County of Elgin Homes and Seniors Services Program and Therapy Services Policy Manual review and revisions for 2018; and,

THAT the report titled “Homes –Program and Therapy Services Policy and Procedure Manual Review and Revisions” from the Director of Homes and Seniors Services, dated October 4, 2018, be received and filed.

All of which is Respectfully Submitted

Approved for Submission

Michele Harris
Director of Homes and Seniors Services

Julie Gonyou
Chief Administrative Officer



REPORT TO COUNTY COUNCIL

FROM: Jim Bundschuh, Director of Financial Services

DATE: October 9, 2018

SUBJECT: Federal Gas Tax

INTRODUCTION:

The Federal Gas Tax allocation is adjusted every five years based on the latest census data.

DISCUSSION:

In 2018 the County received \$1,578,000 in Federal Gas Tax funding. In 2019, the funding distribution between provinces and municipalities will once again be modified to factor in relative population growth based on the 2016 census. This resulted in a \$59,000 reduction down to \$1,519,000 in Elgin County's 2019 allocation and will be included in the 2019 budget. The reduction is the result of the County population growing 1% from 2011-2016 as compared to the provincial average of 4.6%.

RECOMMENDATION:

THAT the report titled "Federal Gas Tax" from the Director of Financial Services, dated October 9, 2018, be received and filed.

All of which is Respectfully Submitted

Approved for Submission

Jim Bundschuh
Director of Financial Services

Julie Gonyou
Chief Administrative Officer

REPORT TO COUNTY COUNCIL

FROM: Peter Dutchak, Deputy Director of Engineering Services

DATE: October 3, 2018

SUBJECT: Port Bruce Bridge Replacement – Engineering Services RFP

INTRODUCTION:

The replacement of the collapsed Port Bruce Bridge will begin with the procurement of engineering services to complete the planning, design and project management of the new bridge. This report includes a draft Request for Proposal (RFP) following the County's Procurement Policy for Council's approval.

DISCUSSION:

As Council is aware, the Port Bruce Bridge collapsed on February 23, 2018. County Council directed staff to install a temporary structure to restore a second access to the village. A temporary, single lane, panel bridge was installed 150m east of the collapsed bridge and opened to traffic on August 20, 2018.

The process to construct a permanent replacement for the collapsed bridge begins with the procurement of engineering services. The attached draft RFP dictates a process that includes, but is not limited to the following work activities:

- Completion of a Municipal Class Environmental Assessment
- Liaison with approval agencies
- Topographic Survey, Geotechnical Soils Analysis and Hydrological Study
- Preliminary design concepts (minimum of 2)
- Evaluation and recommendation of preferred design
- Public Information Session
- Detailed design, construction tender package creation and detailed estimate
- Full time construction inspection and contract administration

The proposed project schedule will complete planning, consultation and design during 2019 with construction scheduled during 2020 and commissioning by the end of 2020.

Submissions will be scored with a “2 envelope” system where costs are included in the second envelope and only opened if a minimum passing score is achieved in the first envelope. The submissions will be rated by the Deputy Director of Engineering, the Purchasing Coordinator and the City of St. Thomas’ City Engineer who has agreed to assist in the process.

CONCLUSION:

Staff has prepared a draft RFP to procure engineering services to design and construct the collapsed Port Bruce Bridge. The draft RFP is attached to this report for Council's approval.

RECOMMENDATIONS:

THAT staff advertise the attached Request for Proposal following the County's Procurement Policy to procure Engineering Services for the replacement of the collapsed Port Bruce Bridge; and,

THAT staff report back to County Council, recommending a successful bidder.

All of which is Respectfully Submitted

Approved for Submission

Peter Dutchak
Deputy Director of Engineering Services

Julie Gonyou
Chief Administrative Officer



ENGINEERING SERVICES REPLACEMENT OF PORT BRUCE BRIDGE

REQUEST FOR PROPOSAL No. 2018-33

Closing Date and Time:
November 8, 2018 @ 3:00 p.m. (local time)

Issued: October 17, 2018

County of Elgin
450 Sunset Drive
2nd Floor, Financial Services
St. Thomas, ON N5R 5V1

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE**INDEX**

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DEFINITIONS AND INTERPRETATIONS

The following definitions apply to the interpretation of the Request for Proposal Documents;

1. “Addenda or Addendum” means such further additions, deletions, modifications or other changes to any Request for Proposal Documents.
2. “Authorized Person” means;
 - i. For a Proponent who is an individual or sole proprietor that person.
 - ii. For a Proponent which is a partnership, any authorized partner of the Proponent.
 - iii. For a Proponent which is a corporation:
 - a) any officer or director of the corporation; and
 - b) any person whose name and signature has been entered on the document submitted with the Request for Proposal, as having been authorized to participate in the completion, correction, revision, execution, or withdrawal of the submission, whether that person is or is not an officer or director.
 - iv. For a Proponent that is a joint venture, the submission shall be signed by a person for and on behalf of each joint venture or, if they warrant that they have the authority vested in them to do so, one person so authorized may sign on behalf of all joint venture’s.
3. “Consultant” means the Proponent whose proposal has been approved by the County and who will complete the project.
4. “County” refers to the Corporation of the County of Elgin.
5. “Proposal” means the Response in the form prescribed by this Request for Proposal Document and completed and submitted by a Proponent in response to and in compliance with the Request for Proposal.
6. “Proponent” means the legal entity submitting a proposal.
7. “Request for Proposal (RFP)” means the document issued by the County in response to which Proponents are invited to submit a proposal that will result in the satisfaction of the County’s objectives in a cost effective manner.
8. “Successful Proponent” means the Proponent whose proposal has been approved by the County.

SECTION 1.0 - INFORMATION TO PROPONENTS

1.1 Introduction and Background

The County of Elgin is inviting proposals from Consulting Engineering firms to undertake the preliminary engineering, Environmental Assessment, detailed design, inspection and administration for the replacement of the Port Bruce Bridge on Imperial Road in Port Bruce, within Malahide Township.

It is the intent of the County to secure an Engineering firm who will be the County's prime consultant for this project.

The successful Engineering firm will possess the requisite technical skills to deal with the matters to be addressed in the following tasks and will be required to work directly with County staff, the public and other agencies in a professional manner. The firm, in addition to technical qualifications, must exhibit skills such as timeliness, diplomacy, tact, strong communication ability and an understanding of the County.

Further information regarding the scope of work is included in Section 2.0.

1.2 Proposal Format and Delivery

Proponents are required to submit three (3) sets of their proposal in two separate envelopes as described in section 3.0. At least one set must carry original signatures and be marked as MASTER. Additional sets may be a photocopy and marked as "DUPLICATE". All copies must be delivered to the Corporation of the County of Elgin, 450 Sunset Drive, 2nd Floor, Financial Services, St. Thomas, ON, N5R 5V1.

Proposals must be received no later than 3:00 p.m. on November 8, 2018. Proposals received at 3:00 p.m. as shown on the time stamp in the Financial Services Department are "on time" and will be accepted. Proposals received at 3:01 p.m. or later, as shown on the time stamp in the Financial Services Department will be considered late, will be rejected and returned unopened to the respective Proponent. The time stamp in Financial Services Department is the official time for the deadline for submission. No other clock or source of time will be recognized when considering the submission date and time of proposals to Financial Services.

This is a sealed proposal. All proposals shall be submitted in two separate sealed envelopes as described in section 3.0 with the submission label as provided firmly affixed to the outside of the envelope or package. All envelopes or packages must have Proponent's name and address where indicated and envelopes must be sealed.

Proposals will be officially opened after closing time. Only the names of those Proponents submitting a proposal will be read out at the public proposal opening. No prices are to be read out, however, only once the award is made and approved by Council, the report recommending such award shall be a matter of public record, unless otherwise determined by Council.

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE

A Proponent may request that their proposal be withdrawn. Withdrawal shall only be allowed if the Proponent makes the request in writing and the request is delivered to the Purchasing Coordinator before the RFP closing time.

Proposals confirmed as withdrawn shall be returned unopened to the Proponent. The withdrawal of a proposal does not disqualify a Proponent from submitting another proposal prior to the closing time.

The County shall not be liable for any cost of preparation or presentation of proposals, and all proposals and accompanying documents submitted by the Proponent become the property of the County and will not be returned. There will be no payment to Proponents for work related to, and materials supplied in the preparation, presentation and evaluation of any proposal, nor for the Contract negotiations whether they are successful or unsuccessful.

The County, its elected officials, employees and agents shall not be responsible for any liabilities, costs, expenses, loss or damage incurred, sustained or suffered by any Proponent, prior or subsequent to, or by reason of the acceptance, or non-acceptance by the County of any proposal, or by reason of any delay in the acceptance of any proposal.

1.3 Designated Official

For the purpose of this contract, Mike Hoogstra is the “Designated Official” and shall perform the following functions: releasing, recording, and receiving proposals, recording and checking of submissions; answering queries from perspective proponents, considering extensions of time, reviewing proposals received, ruling on those not completing meeting requirements and coordinating the evaluation of the responses.

1.4 Questions / Inquiries

All inquiries regarding this *RFP* shall be directed through the Bidding System online by clicking on the “Submit a Question” button for this bid opportunity. All questions shall be submitted in writing with ample time before the deadline for submissions. Questions submitted through the bidding system are directed to the Designated Official.

No clarification requests will be accepted by telephone. Responses to clarification requests will be provided to all interested parties. Inquiries must not be directed to other County employees or elected officials. Directing inquiries to other than the Designated Official may result in your submission being rejected.

1.5 Addenda

The Designated Official will issue changes to the RFP Documents, which may include amendments to the submission deadline or changes in the Scope of Work or Qualifications of Proponents, by addendum only. No other statement, whether oral or written, made by the County will amend the RFP Documents. The County will make every effort to issue all addenda no later than three (3) days prior to the closing date.

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The Proponent shall not rely on any information or instructions from the County or a County Representative except the RFP Documents and any addenda issued pursuant to this Section.

The Proponent is solely responsible to ensure that it has received all addenda issued by the County. Proponents may in writing seek confirmation of the number of addendum issued under this RFP from the Purchasing Coordinator.

All Proponents are advised that any Addenda issued will only be posted on the bidding system website: <https://elgincounty.bidsandtenders.ca>

It is the sole responsibility of each Proponent to check the website for any and all Addenda that have been issued for this RFP.

The Proponent shall acknowledge receipt of all addenda on the Form of Proposal – Declaration Form. Failure to complete the acknowledgement may result in rejection of the proposal.

1.6 **RFP Schedule of Events**

The RFP process will be governed according to the following schedule. Although every attempt will be made to meet all dates, the County reserves the right to modify or alter any or all dates at its sole discretion by notifying all Proponents in writing at the address indicated in the completed RFP submitted to the County.

Issue RFP:	October 17, 2018
Last Date for Questions:	November 1, 2018
RFP Close:	November 8, 2018
Interviews/Presentations:	TBD
Award of Contract:	December 13, 2018

**Dates noted above are an approximation only and are subject to change.*

SECTION 2.0 - TERMS OF REFERENCE

2.1 Background

The Port Bruce Bridge was constructed in 1964 and was a 3-span reinforced concrete structure. A suspended or “drop in” precast girder centre span (46.6m) was supported by 2 cast in place post-tensioned concrete cantilever spans (22.7m each) that extended from the abutments, over the pier and into the centre span (see included drawings). Total former bridge span was 92m between the centerlines of the abutment bearings, with a total width of 12.9m and total depth of 1.32m.

On February 23, 2018, the bridge collapsed as a loaded dump truck was driving across. The structure has been subsequently removed entirely with exception of the south abutment, pier piles and north abutment footings. A single lane panel bridge has been installed 150m downstream to provide vehicular and pedestrian access across Catfish Creek until a new, permanent bridge is constructed.

2.2 Scope of Services

The scope of work is to provide complete project engineering, Environmental Assessment, design concepts, final design, inspection and administration services to replace the collapsed Port Bruce Bridge. The successful consultant will prepare a topographical survey of the site and complete soil boreholes to assist in the design. A detailed hydrology study will be completed to design the new structure to a 100 years storm return event. The submitted project schedule shall complete pre-engineering investigations, design work, drawings, tender and approvals during 2019. The pre-engineering phase will begin with an Environmental Assessment completed by the consultant. The physical replacement of Port Bruce Bridge will occur during 2020. Therefore engineering services under this contract will extend over a 2 year period.

The project included in these Terms of Reference will require engineering services to replace Port Bruce Bridge following the most current edition of the Canadian Bridge Design Code and all Provincial Standards. The most recent bridge inspection form is included with this document for the proponent’s information.

The consultant will be required to provide a work plan that outlines the proposed staffing arrangements (and sub-consultants if required) to complete each task and the estimated number of hours allocated to accomplish each task by staff person. The consultant will also provide an estimate of expenses. The work plan must be agreed upon by the County prior to commencement of the assignment. During the course of the assignment, the consultant will be required to monitor and report monthly on changes between the estimated and actual number of staff hours required to complete the assignment.

During the construction phase of the project, the consultant shall provide **FULL TIME** construction inspection services and act on behalf of the County to be the direct contact person for all project inquiries.

The cost submitted will be considered the upset limit and include all disbursement and miscellaneous costs.

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ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE

All drawings are to be prepared in a computer-based format using the latest AutoCAD edition.

All documentation is to be as per the specifications of the Accessibility for Ontarians with Disabilities Act.

Appropriate requirements of the Municipal Engineers Association “Municipal Class Environmental Assessment (October 2000, as amended in 2007)” must be followed.

The consultant will be required to obtain and manage the services of any additional firms or sub-consultants necessary to provide information required for the completion of the project. The consultant must obtain and manage the services of a geotechnical firm.

The Proponent shall address all tasks and include the cost for all sub-consultants noted in the Terms of Reference. The consultant shall not transfer task(s) or cost of task(s), to the County or act as a coordinator between the County and sub-consultant or delete tasks in the RFP. The upset limit shall be inclusive of all required tasks and sub-consultants identified in these Terms of Reference.

2.3 **General Design Requirements**

- a) Conduct a project initiation meeting with the Project Team.
- b) Complete a topographic survey for the work area as well as a full set of completed base plans.
- c) Complete a detailed hydrology study to ensure the new structure meets the 100 years storm return.
- d) The Consultant will be required to liaise with and attend a reasonable number of meetings with the appropriate authorities, including but not limited to the County, Municipality of Malahide, Catfish Creek Conservation Authority, Long Point Conservation Authority, affected utility companies, and other regulatory agencies, as required, to obtain their input and requirements for the project. Provide the County with copies of all related correspondence. For consistency among Proponents, the Consultant shall allow for a minimum of four (4) project team meetings at the County Administration Building.
- e) Confirm the present location of all utilities, services or other features that might be in conflict with the proposed design.
- f) Undertake field survey work required for:
 - Estimation of quantities
 - Assessment of underground features
- g) Identify all existing services and utilities on the base drawings. Where conflicts between above ground or underground services or utilities and the proposed work are expected, the consultant shall arrange for and obtain accurate field ties for the services and/or utilities at the conflict point.

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ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE

- h) Design roadway and infrastructure in accordance with the Geometric Design Standards for Ontario Highways (MTO), current edition.
- i) Prepare and recommend alternative design concepts (minimum of 2) considering geometrics, property limitations, vehicular/pedestrian and marine transportation, agency comments, cost and environmental considerations.
- j) Develop a methodology for evaluating each of the alternative concepts in an objective manner for approval by the County.
- k) Conduct a cost effectiveness analysis to determine the economic impacts of the alternative concepts. This analysis is to include short and long-term life-cycle costs.
- l) Evaluate each of the alternative concepts, including how well the concept meets appropriate design standards, budget and environmental impacts.
- m) Submit to the County design drawings in a timely manner for review and comment.
- n) Conduct two (2) Public Information Centre Meetings. Based on the input from the Public Information Meetings, the consultant shall incorporate, where possible, all comments and concerns. All facility rental and advertising costs will be paid by the County. We anticipate one meeting will occur at the 50% design stage and one meeting will occur prior to construction.
- o) Recommend a preferred design and phasing, as required.
- p) Prepare detailed design drawings (1:250 scale) for construction. Cross sections (1:100 scale) at even stations (10m intervals) and at all driveways are also required. Incorporate comments raised by the County, agencies and the Public, where appropriate.
- q) Prepare and submit a Design Summary report outlining the engineering requirements for the design. The report will document the Class Environmental Assessment process followed. All comments received from the public and the response to each are to be included in the report.
- r) Submit application(s), plans, supporting documentation for any agency approval, as required. Attend meetings at the offices of the agencies to discuss the design and provide explanations for the purpose of furthering the application towards approval.
- s) Submit plans, specifications, schedules and applications to the County and to appropriate authorities in order to obtain all required approvals. Application fees will be paid by the County.
- t) Prepare contract documents (Special Provisions and Form of Tender) for the project including detailed construction drawings, tender quantities, material lists, specifications and special provisions. The County's standard Tender documents will be used for this project.

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE

- u) Provide two complete sets of drawings and a digital copy of tender documents in Microsoft Word format and one complete set of reproducible drawings for the project.
- v) The consultant shall provide the County's Project Manager with a monthly financial report to accompany invoices, indicating the status of the project with early identification of any potential financial issues.
- w) The consultant shall provide the County with an itemized construction cost estimate.
- x) The consultant shall acknowledge that any expenditure beyond the upset limit will require appropriate written approval.

2.4 Reporting Schedule

The reporting schedule will be as follows:

- 50% drawing submission including completed base plans, road alignment. Completion of the draft Environmental Assessment. Alternative design concepts are also to be submitted at this time. Preliminary costs estimate with each concept is also submitted.
- 100% drawing submission including all detail plans, removals, traffic plans, etc. Final Environmental Assessment report. Preliminary form of tender and special provisions to be included with the 100% submission.
- Final submission to include tender ready plans, specifications, form of tender and a detailed construction cost estimate.

2.5 Project Schedule

The project schedule will be as follows:

- Kickoff Meeting January 2019
- Design Concept Review March 2019
- 50% Design Submission June 2019
- Public Information Session August 2019
- 100% Design Submission October 2019
- Construction Estimate November 2019
- Tender Ready January 2020
- Construction April – November 2020

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE**2.6 Deliverables**

The deliverables for the project are summarized below:

- Report documenting the Class EA process and final EA report;
- Preliminary and detailed design plans as noted in the Reporting Schedule (2.3);
- Displays for public meeting;
- Newspaper notifications (County cost);
- Reports, memos, communications, etc., as may be required during the course of this assignment;
- Approvals and permits from all external agencies to all construction to proceed;
- Two complete hardcopy sets of drawings and a digital copy of tender documents in Microsoft Word format and one complete set of reproducible drawings for the project.

2.7 Information provided by the County

The County will supply the following items:

- Access to all available plans and reports (if available);
- Standard template for use in preparing specifications and form of tender;
- General direction to the Consultant in completing the services and granting of approvals as necessary in a timely fashion;
- Review of information and plans prepared by the Consultant and comment in a timely fashion;
- Other documentation as available.

SECTION 3.0 - PROPOSAL REQUIREMENTS

3.1 Proposal Submissions

All proposal submissions must be submitted in **two separate envelopes** with the submission labels as provided by the County of Elgin affixed firmly to the outside of each sealed envelope with all details completed as required on the labels. The term envelope shall have the same meaning as “package”.

Both separately sealed envelopes shall be submitted at the same time.

Any submissions which contain pricing information in Envelope 1 will be rendered informal and will be disqualified. All information related to fees and expenses must be submitted in Envelope 2 only.

Failure to include the submission requirements may result in your proposal being disqualified.

3.2 Proposal Submission Requirements – ENVELOPE 1

The first address label entitled “Technical Proposal” shall be firmly affixed to outside of envelope one. This envelope shall contain **three (3) copies** of the proposal marked **“Duplicate”** with **one (1) copy marked “Master”** being an original document with original signature(s).

The submission shall be no longer than ten (10) single sided pages (Arial 12 font or equivalent), excluding a schedule, appendix and Curricula Vitae. The proposal submissions must include at a minimum the following information and shall be submitted in the same sequence in order to be considered responsive.

a) **Section 1: Overview**

A narrative demonstrating the firm’s understanding of the full scope of services, reasons why the Proponent is interested in taking on this project, and its familiarity with the County of Elgin and similar bridge construction projects.

b) **Section 2: Work Program**

Provide a detailed project work plan summarizing the approach and methodology for the specific tasks proposed. The work plan shall include resources necessary to meet the project objectives and shall indicate the tools and techniques that will be used to ensure the project remains on budget and on schedule. The Proponent shall identify issues and risks associated with the project, including deviations to the project plan and how they would handle and manage the risks through the course of the project.

c) **Section 3: Project Team – Own Personnel**

Identify the Project Team proposed for the assignment. For each member of the Project Team, confirm if the individual is a full-time, permanent employee of the Proponent and the estimated number of hours allocated to accomplish each task by staff person.

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ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGEd) **Section 4: Project Team – Specialist Consultants**

Identify the other members of the Project Team proposed for the assignment. For each member of the Project Team, identify specific role/specialty, the individual responsible, and their specific experience as it pertains to this assignment.

Describe the organization of the Project Team. Demonstrate the experience and capability of the members of the Project Team. Provide resumes for all members of the project team clearly indicating that the personnel have experience in the provision of the Scope of Services; identification of the personnel's education qualifications, professional affiliations, years of experience in the field, and the number of years with the firm. It is important that your Project Team show a proven track record in designing and detailing similar facilities and show foresight in resolving problems before construction starts.

Provide confirmation that the individuals that will serve as the key personnel for the duration of the project assignment are available to immediately commence on this project.

e) **Section 5: Project Schedule**

Provide a comprehensive project timeline / schedule in the form of a Gantt chart (or equal) which identifies the proposed scheduling of all major project tasks as identified in the Terms of Reference including scheduling of all milestones and any scheduling dependency relationships between activities, tasks and/or phases of the project. Indicate any possible areas that have flexibility to provide time and cost savings.

f) **Section 6: Client References**

Provide at least three (3) references the County may contact. References should be from sources of similar project experience relevant to the requirements of this project and include projects where various timelines and schedules were managed simultaneously and the timeline and budget were met to deliver a successful project. Where the budget and timeline were not met, include details regarding the challenges faced and the workarounds utilized in order to complete the project.

g) **Form of Proposal - Declaration**

Include a signed and completed copy of the Form of Proposal – Declaration in envelope 1.

3.3 Financial Submission Requirements - ENVELOPE 2

The second address label entitled "Financial" shall be firmly affixed to the outside of envelope two. This envelope shall contain **one (1) completed and executed copy of the Price Form**. Include per diem rates and any other fees on a separate sheet. Your proposal must clearly state which services are not included in your financial proposal.

The Price Form and per diem rates shall be submitted in a sealed envelope separate from the Technical Requirements.

The total estimated cost including disbursements for the work proposed shall be considered in the upset limit. Fees & expenses shall not include contingencies or HST.

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3.4 Evaluation Process

Each proposal will be evaluated on its clarity and the demonstrated understanding of the Project requirements, the services proposed and timeframes, as well as the proponent's experience and the anticipated benefit to Elgin County. A short list of firms may be created for purposes of an interview or presentation, should this be required. Proponents may be contacted to explain or clarify their proposals; however, they will not be permitted to alter information as submitted.

An Evaluation Committee will be established from members of the County of Elgin or any others as deemed necessary.

Proposals will be evaluated on the basis of all information provided by the Proponent. Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. Failure to comply with these requirements may deem the proposal non-responsive.

Selection of a proposal will be based on (but not solely limited to) the following criteria and any other relevant information provided by the Proponent at the time of submission as well as any additional information provided during subsequent meetings with the Proponent.

In recognition of the importance of the procedure by which a Proponent may be selected, the following criterion outlines the primary considerations to be used in the evaluation and consequent awarding of this project (not in any order). The County reserves the right to evaluate and rank each submission using criterion noted. Actual scores will be confidential.

The criteria below, outlines the broad specification for the proposed contract. The proposal submissions contained in Envelope 1 will provide the necessary information required to evaluate the submissions. The firms achieving a minimum score of 55/70 will be shortlisted and Envelope 2, (Financial) will be opened for consideration.

3.5 Evaluation Criteria

Proposals will be evaluated based on the following weighted evaluation factors:

- a) First Phase Scoring (Envelope 1)

Rated Criteria	Maximum Weight Points
Firm's Understanding of Project Objectives and Requirements Demonstrated understanding of Work Program / Approach and Methodology	20
Responsiveness to the RFP, completeness of submission	10

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Firm's Experience and Key Individuals Experience		
Project Manager's similar project experience	15	
Project Team's similar project experience (including sub-consultants)	15	30
References (Pass/Fail)	P/F	
Key Personnel Availability / Project Schedule		
Timely availability to work on our project and meet proposed schedule	10	10

b) Second Phase Scoring (Envelope 2)

Cost of Work		
Cost for overall project		30
Total Score		100

3.6 Ratings

For consistency, the following table describes the characteristics attributable to particular scores between 0-10.

0	Did not submit information
1	Does not satisfy the requirements of the criteria in any manner
2	Very poor to unsatisfactory
3	Minimally addresses some, but not all of the requirement of the criteria. Lacking in critical areas
4	Addresses most of the requirements of the criteria to the minimum acceptable level. Lacking in critical areas.
5	Addresses most, but not all, of the requirements of the criteria to the minimum acceptable level. May be lacking in some areas that are not critical.
6	Adequately meets most of the requirements of the criteria. May be lacking in some areas that are not critical.
7	Fully meets all requirements of the criteria.
8	Exceeds the requirements of the criteria but in a manner which is not particularly beneficial to the County's needs.
9	Exceeds the requirements of the criteria in ways that are beneficial.
10	Proposal exceeds the requirements of the criteria in superlative ways / very desirable.

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The firms achieving a minimum score of 49 will be shortlisted and Envelope 2, (Financial) will be opened for consideration.

Second Phase of Rating - The lowest fee proposed shall be awarded the full amount of points available for the fee portion of the evaluation. All higher fees proposed shall be awarded points, rounded to the closest full point for the fee portion of the evaluation by the following:

$$\text{Lowest Fee} \div \text{Proposed Fee} \times \text{Maximum Points} = \text{Total Cost Points.}$$

It should be emphasized that pricing is only one of the factors being considered in determining the most suitable Consultant.

In submitting a proposal, the Proponent acknowledges the County's right to accept other than the lowest priced proposal and expressly waives all rights for damages or redress as may exist in common law stemming from the County's decision to accept a proposal which is not the lowest price proposal, if it is deemed to be in the County's best interest to do so.

All qualified proposal submissions will be reviewed and evaluated. Additional information may be requested if necessary.

Only the ten (10) pages and schedule appendix of the proposal will be evaluated. Proponents must include all relevant information in the required ten (10) page limit restriction.

3.7 Presentation and Interview

The County may have the two highest scoring Proponents attend an interview to present the evaluation team with additional insight into the Proponent's ability to meet the requirements as requested in the RFP. The County reserves the right to interview more or fewer than two Proponents based on the scoring results.

The interviews would be conducted by the representatives of the Evaluation Committee at the County Administration Building, 450 Sunset Drive, St. Thomas, Ontario N5R 5V1. Senior staff members to be assigned to this project must be in attendance at the interview.

Presentations shall follow this general format:

- Introduction of Proponents Project Team (5 minutes)
- Proponent Presentation of the Proposal (15 minutes)
- Questions from Interview Committee (10 minutes)
- Questions from Proponents (5 minutes)

The Proponents will be notified of the final format and exact date and time for interviews / presentations in advance.

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For the interview portion of the evaluation (if required), the County of Elgin will be using the rating criteria shown below and will evaluate each short-listed Proponent only.

Interview Criteria and Weighting (Second Stage if required):

Criteria Category	Weighted Points
Presentation	25
Response to Questions	10
Total Weighted Points	35

The score from the proposal evaluations and the Interview will be combined to determine an overall score.

SECTION 4.0 - GENERAL CONDITIONS

4.1 Rights of the County

The County is not liable for any costs incurred by the Proponent in the preparation of their response to the RFP or selection interviews, if required. Furthermore, the County shall not be responsible for any liabilities, costs, expenses, loss or damage incurred, sustained or suffered by any Proponent, prior or subsequent to, or by reason of the acceptance, or non-acceptance by the County of any proposal or by reason of any delay in the award of the contract.

The County reserves the right to accept any proposal, in whole or in part, that it feels most fully meets the selection criteria. Therefore, the lowest cost proposal, or any proposal may not necessarily be accepted. County staff shall evaluate all compliant proposals received by the closing time and make evaluations and recommendations for acceptance.

The County reserves the right to request specific requirements not adequately covered in their initial submission and clarify information contained in the Request for Proposal.

The County reserves the right to modify any and all requirements stated in the Request for Proposal at any time prior to the possible awarding of the contract.

The County reserves the right to cancel this Request for Proposal at any time, without penalty or cost to the County. This Request for Proposal should not be considered a commitment by the County to enter into any contract.

The County reserves the right to enter into negotiations with the selected Proponent. If these negotiations are not successfully concluded, the County reserves the right to begin negotiations with the next selected Proponent.

Proposals shall remain open and subject to acceptance for a period of ninety (90) days from closing date.

In the event of any disagreement between the County and the Proponent regarding the interpretation of the provisions of the Request for Proposal, the Director of Financial Services or an individual acting in that capacity, shall make the final determination as to interpretation.

No proposal shall be accepted from any person or Proponent who, has a claim or has instituted a legal proceeding against the County or against whom the County has a claim or has instituted a legal proceeding, without the prior approval of County Council. This applies whether the legal proceeding is related or unrelated to the subject matter of this RFP.

4.2 Conflict of Interest

The Proponent declares that no person, firm or corporation with whom or which the Proponent has an interest, has any interest in this RFP or in the proposed contract for which this proposal is made.

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The Proponent further declares that no member of the Council of the County of Elgin and no officer or employee of the County of Elgin will become interested directly or indirectly as a contracting party, partner, shareholder, surety, or otherwise in or in the performance of the Contract or in the supplies, work or business to which it relates, or in any portion of the profits thereof, or in any of the money to be derived there from.

Should the Proponent feel that a conflict of interest or potential conflict of interest exists; the Proponent must disclose this information to the County of Elgin prior to the submission of a proposal. The County of Elgin may, at its discretion, delay any evaluation or award until the matter is resolved to the County of Elgin's satisfaction. The County of Elgin may allow a conflict of interest or potential conflict of interest to exist if it is satisfied that there are adequate safeguards in place and if the County of Elgin determines that it is in its best interests to do so.

The County of Elgin reserves the right to disqualify a proposal where the County of Elgin believes a conflict of interest or potential conflict of interest exists.

4.3 Modified Proposals

In the event that a preferred proposal does not entirely meet the requirements of the County, the County reserves the right to enter into negotiations with the selected Proponent, to arrive at a mutually satisfactory arrangement and to make any modifications to the proposal as are in the best interests of the County.

4.4 Disqualification of Proponents

More than one proposal from an individual firm, partnership, corporation or association under the same or different names will not be considered. Collusion between Proponents will be sufficient for rejection of any proposals so affected.

4.5 Confidentiality

The proposal must not be restricted by any statement, covering letter or alteration by the Proponent in respect of confidential or proprietary information. The County will treat all proposals as confidential. The County will comply with the Municipal Freedom of Information and Protection of Privacy Act, and its retention by-law pursuant to the Municipal Act, in respect of all proposals. All Public Reports approved by the Council of the County will become public information.

4.6 Proposal Assignments

The successful Proponent will not be permitted to assign or transfer any portion of the proposal as submitted or the subsequent agreement without prior written approval from the County.

4.7 **Purchasing Policy**

Submissions will be solicited, received, evaluated, accepted and processed in accordance with the County's Purchasing Policy as amended from time to time. In submitting a proposal in response to this RFP, the Proponent agrees and acknowledges that it has read and will be bound by the terms and conditions of the County's Purchasing By-law. The Purchasing By-Law can be viewed on the County's website, www.elgin-county.ca

4.8 **Failure to Perform**

Failure to comply with all terms and conditions of this proposal, and failure to supply all documentation, as required herein, shall be just cause for cancellation of the award. The County shall then have the right to award this contract to any other Proponent or to re-issue this RFP.

4.9 **Agreement**

A written agreement, prepared by the County shall be executed by the County and the successful Consultant. The complete proposal package submitted by the successful proponent, together with the entire Request for Proposal documents prepared by the County of Elgin, shall form part of the Agreement (see attached sample of agreement in Appendix A).

4.10 **Insurance Requirements**

Any agreement resulting from this RFP will contain at a minimum the following insurance requirements:

- a) Comprehensive general liability insurance including bodily injury and property damage liability, personal injury liability, completed operations liability, blanket contractual liability with a severability of interest and cross liability clause to a limit of no less than five million (\$5,000,000) dollars in respect to any one occurrence. The above-mentioned policy shall be endorsed to include the County of Elgin as an Additional Insured.
- b) Non-owned Automobile liability policy to a limit of no less than two million (\$2,000,000) dollars.
- c) Professional Liability insurance covering all activities as described in the Proponent's proposal to a limit of no less than two million (\$2,000,000) per claim and in the aggregate.
- d) The aforementioned policies of insurance shall contain or shall be subject to the following terms and conditions:
 - be written with an insurer licensed to do business in Ontario;
 - be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Elgin County;
 - contain an undertaking by the insurer to notify the County in writing not less than sixty (60) days before any material change in risk or cancellation of coverage.

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- any deductible amounts shall be borne by the Proponent.
- The Proponent shall provide proof of insurance upon execution of the Agreement. Proof of insurance shall be in the form of Certificates of Insurance, in form and detail satisfactory to the County, signed by an authorized representative of the insurer. The Proponent will make available the complete original copies of all applicable insurance policies for examination if required by the County.
- Certificates of Insurance evidencing renewal or replacement of policies shall be delivered to the County of Elgin within fifteen (15) business days prior to the expiration or replacement of the current policies, without demand by the County.

4.11 Indemnification

The successful Proponent shall indemnify and hold harmless the County of Elgin, its officers, Municipal Council, Employees and volunteers from and against any liabilities, claims, expenses, demands, loss, cost, damages, suits or proceedings by whomsoever made, directly or indirectly arising directly or indirectly by reason of a requirements of this agreement save and except for damage caused by the negligence of the County or their employees.

4.12 Compliance with the Accessibility for Ontario with Disabilities Act 2005

The Proponent shall ensure that all its employees and agents receive training regarding accessibility as outlined in the Accessible Customer Service Standard (Ontario Regulation 429/07) and the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11). The Proponent is responsible to ensure that all of its employees, volunteers and others for which the Proponent is responsible are adequately trained.

4.13 Disqualification

The County may, in its sole discretion, disqualify a proposal or cancel its decision to make an award under this RFP, at any time prior to the execution of the Agreement by the county, if,

- the Proponent fails to cooperate in any attempt by the County to verify any information provided by the Proponent in its proposal;
- the Proponent contravenes one proposal per Person or Entity;
- the Proponent fails to comply with the laws of Ontario or of Canada, as applicable;
- the Proposal contains false or misleading information;
- the Proposal, in the opinion of the County, reveals a material conflict of interest;
- the Proponent misrepresents any information contained in its proposal.

4.14 Record and Reputation

Without limiting or restricting any other right or privilege of the County and regardless of whether or not a proposal or a Proponent otherwise satisfies the requirements of this RFP, the County may disqualify any proposal from any Proponent, where;

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- In the opinion of the County Solicitor or the Purchasing Coordinator for the County, the commercial relationship between the Corporation of the County of Elgin and the Proponent has been impaired by the prior and/or current act(s) or omission(s) of each Proponent, including but not limited to:
 - a) Litigation with the County;
 - b) The failure of the Proponent to pay, in full, all outstanding accounts due to the County by the Proponent after the County has made demand for payment;
 - c) The refusal to follow reasonable directions of the County or to cure a default under a contract with the County as and when required by the County or its representatives;
 - d) The Proponent has previously refused to enter into an Agreement with the County after the Proponent's proposal was accepted by the County;
 - e) The Proponent has previously refused to perform or to complete performance of contracted work with the County after the Proponent was awarded the contract;
 - f) Act(s) or omission(s) of the Proponent has resulted in a claim by the County under a bid bond, a performance bond, a warranty bond or any other security required to be submitted by the Proponent on an RFP within the previous five years.
- In the opinion of County Council or the Chief Administrative Officer, or their designate, there are reasonable grounds to believe that it would not be in the best interests of the County to enter into an Agreement with the Proponent, for reasons including but not limited to the conviction or finding of liability of or against the Proponent or its officers or directors and any associated entities under any taxation legislation in Canada, any criminal or civil law relating to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation, the Environmental Protection Act or corresponding legislation in other jurisdictions, any law regarding occupational health or safety or the Securities Act or related legislation.

4.15 Proponent's Costs

The Proponent shall bear all costs and expenses incurred by the Proponent relating to any aspect of its participation in this RFP process, including all costs and expenses related to the Proponent's involvement in;

- the preparation, presentation and submission of its proposal;
- the Proponent's attendance at the Proponent's meeting;
- due diligence and information gathering processes;
- site visits and interviews;
- preparation of responses to questions or requests for clarification from the County;
- preparation of the Proponent's own questions during the clarification process; and,
- agreement discussions.

The County is not liable to pay such costs and expenses or to reimburse or compensate a Proponent under any circumstances, regardless of the conduct or outcome of the RFP Process, including the rejection of all proposals or the cancellation of the RFP, and including any negligence of the County in the conduct of the RFP process.

4.16 Legal Matters and Rights of the County

This RFP is not an offer to enter into either a bidding contract (often referred to as “Contract A”) or a contract to carry out the project (often referred to as “Contract B”). Neither this RFP nor the submission of a proposal by a Proponent shall create any contractual rights or obligations whatsoever on either the Proponent or the County.

The County may at its sole discretion change or discontinue this RFP process at any time whatsoever. The County may in its sole discretion enter into negotiations with any person, whether or not that person is a Proponent or a Short-Listed Proponent with respect to the work that is the subject of this RFP.

The County may at its sole discretion decline to evaluate any proposal that in the County’s opinion is incomplete, obscure or does not contain sufficient information to carry out a reasonable evaluation.

Without limiting the generality of the RFP, the County may at its sole discretion and at any time during the RFP process;

- reject any or all of the Proposals;
- accept any Proposal;
- if only one Proposal is received, elect to accept or reject it;
- elect not to proceed with the RFP;
- alter the timetable, the RFP process or any other aspect of this RFP; and
- cancel this RFP and subsequently advertise or call for new Proposals for the subject matter of this RFP.

In addition to and notwithstanding any other term of this RFP, the County shall not be liable for any damages resulting from any claim or cause of action, whether based upon an action or claim in contract, warranty, equity negligence, intended conduct or otherwise, including any action or claim arising from the acts or omissions, negligent or otherwise of the County and including any claim for direct, indirect or consequential damages, including but not limited to damages for loss of profit, loss of reputation, injury to property and bodily injury that results from the Proponents’ participation in the RFP process, including but not limited to;

- the disclosure of a Proponent’s confidential information;
- the costs of preparation of a Proponents Proposal, whether it is accepted, disqualified or rejected;
- any delays, or any costs associated with such delays, in the RFP process;
- any errors in any information supplied by the County to the Proponents;
- the cancellation of the RFP; and
- the award of the contract to a Proponent other than the Proponent recommended by the Proposal Review Committee.

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE**4.17 Human Rights, Harassment and Occupational Health and Safety**

The Proponent shall be required to comply with the County's policies regarding Human Rights, Harassment in the Workplace and Occupational Health and Safety.

4.18 Clarification

The County may require the Proponent to clarify the contents of its proposal, including by the submission of supplementary documentation, or seek a Proponent's acknowledgement of the County's interpretation of the Proponent's proposal.

The County is not obliged to seek clarification of any aspect of a proposal.

4.19 Supplementary Information

The County may, in its sole discretion, request any supplementary information whatsoever from a Proponent after the submission deadline including information that the Proponent could or should have submitted in its proposal prior to the submission deadline. The County is not obliged to request supplementary information from a Proponent.

SECTION 5.0 - FORM OF PROPOSAL***To be included in Envelope ONE*****5.1 DECLARATION**

I/We the undersigned authorized signing officer of the Proponent, HEREBY DECLARE that no person, firm or Corporation other than the one represented by the signature (or signatures) of proper officers as provided below, has any interest in the proposal.

I/We further declare that all statements, schedules and other information provided in this proposal are true, complete and accurate in all respects to the best knowledge and belief of the Proponent.

I/We declare that this proposal is made without connection, knowledge, comparison of figures or arrangement with any other company, firm or persons making a proposal and is in all respects fair and without collusion for fraud.

I/We further declare that no employee of the Corporation of the County of Elgin is or will become interested, directly or indirectly as a contracting party or otherwise in the supplies, work or business to which it relates or in any portion of the profits thereof, or in any such supplies to be therein or in any of the monies to be derived there from.

I/We further declare that the undersigned is empowered by the Proponent to negotiate all matters with the Corporation of the County of Elgin's representatives, relative to this proposal.

I/We further declare that the agent listed below is hereby authorized by the Proponent to submit this proposal and is authorized to negotiate on behalf of the Proponent.

I/We further agree in submitting this proposal, we recognize the County may accept any proposal in whole or in part, or elect to reject all proposals.

ACKNOWLEDGEMENT OF ADDENDA

I/We have received and allowed for **ADDENDA NUMBER _____** in preparing my/our proposal.
Insert #'s or "none"

Company Name

Signature

Print Name***To be included in Envelope One***

NOTE: Failure to sign this page and return with your submission in envelope one will result in non-acceptance of your submission.

SECTION 5.0 - FORM OF PROPOSAL***To be included in Envelope TWO*****5.2 PRICE FORM**

Proposals shall specify the basis of the fee for engineering services that represents an all-inclusive cost to the County. Proposals should identify phases to which particular fee calculations apply and the Proponent shall apportion the fee to the following phases of service:

1.	2019 - Preliminary Design and Sub-consultants	\$ _____
2.	2019 - Detailed Design Phase and Tender Package	\$ _____
3.	2020 – Full Time Inspection	\$ _____
4.	2020 – Contract Administration	\$ _____
5.	Disbursements	\$ _____
TOTAL COST:		\$ _____

Proposals must specify the total upset cost of the proposal and the per diem rates for all proposed staff and any other fees that may be applicable, including the cost for disbursements noted above.

Include per diem rates and any other fees on a separate sheet and include in Envelope Two.
Your proposal must clearly state which services are not included in your financial proposal.

Company Name

Signature

Print Name***To be included in Envelope Two***

NOTE: Failure to sign this page and return with your submission in envelope two will result in non-acceptance of your submission.

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE**NOTICE OF NO RESPONSE**

It is important to the County to receive a reply from all invited Proponents. There is no obligation to submit a proposal however, should you choose not to respond to this RFP, completion of this form will assist the County in determining your interest in future RFP's.

INSTRUCTIONS

If you are unable, or do not wish to provide a proposal, please complete the following portions of this form. State your reason for not submitting a proposal by checking applicable box(es) or by explaining briefly in the space provided. It is not necessary to return any other documents; return the completed form by email or by FAX prior to the closing date.

EMAIL: mhoogstra@elgin.ca

FAX NUMBER – 519-631-4297

- We do not manufacture/supply this commodity/service.
- We do not manufacture/supply to this specification.
- Unable to quote competitively.
- Cannot handle due to present work load.
- Quantity/job too large.
- Quantity/job too small.
- Cannot meet delivery/completion requirements.
- Agreements with distributors/dealers do not permit us to sell directly.
- Licensing restrictions.

Do you wish to bid on this commodity/service in the future? Yes No

Other reasons or additional comments:

COMPANY NAME: _____ CONTACT PERSON: _____

PHONE NUMBER: _____ FAX NUMBER: _____

EMAIL ADDRESS: _____

REQUEST FOR PROPOSAL NO. 2018-33
ENGINEERING SERVICES – REPLACEMENT OF PORT BRUCE BRIDGE**APPENDIX A – SAMPLE AGREEMENT**

THIS AGREEMENT made in duplicate this _____ day of _____ 2018.

- BETWEEN -

THE CORPORATION OF THE COUNTY OF ELGIN
450 Sunset Drive, St. Thomas, Ontario N5R 5V1

Hereinafter called the "County" (of the first part)

- AND -

CONSULTANT NAME

Address

Hereinafter called the "Consultant" (of the second part)

WHEREAS on (date), the County issued Request for Proposal # (insert number) (*if applicable and Addendum # (insert number) dated (date)*) for (enter the description of work) (the "RFP");

AND WHEREAS on (enter date of Consultant's proposal) the Consultant submitted a proposal in response to the RFP (the "proposal");

AND WHEREAS the County wishes to enter into an agreement with the Consultant for the services, as more particularly described in the RFP and the proposal, attached hereto as Schedule "A" and forming part of this Agreement (the "Services");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the sufficiency whereof is acknowledged hereby by the parties, the parties hereto agree with each other as follows:

1. The Consultant shall provide the Services pursuant to all the terms and specifications set out in Schedule "A". If there should be any conflict between the provisions of this Agreement and the provisions of Schedule "A", the provisions of this Agreement shall prevail.
2. The term of this Agreement shall commence _____.
3. If either party, acting reasonably, determines that the other party has failed to perform its obligations pursuant to this Agreement, then such party may terminate this Agreement upon giving at least thirty (30) days' written notice to the other party.
4. The Consultant shall indemnify and save harmless the Owner, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or willful misconduct of the

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Consultant its officers, employees, agents and sub-consultants, or any of them, attributable to or connected with the performance, non-performance or purported performance of the Consultant obligations pursuant to this Agreement, except to the extent that same is attributable or caused by the negligence of the Owner, its officers, employees and agents, or any of them. Further, this indemnity shall survive the expiration or early termination of this Agreement and continue in full force and effect.

5. This Agreement together with its schedule constitutes the entire understanding between the parties. Any change, addition to, or waiver of the terms hereof must be specifically agreed upon, in writing, and signed by both parties. Failure on the part of either party to insist upon the strict observance of any of the terms and/or conditions herein shall not operate as a waiver of such party's right to require the future observance of any such terms or conditions.

6. This Agreement shall not be assigned, in whole or in part, by either party hereto without the prior written consent of the other party. This Agreement, all its covenants, promises and conditions shall ensure to the benefit of and be binding upon the parties hereto and their respective permitted successors and assigns.

7. Either party may terminate this Agreement at any time, without notice, for just cause which shall include, without limitation, dishonesty, fraud, willful deceit or failure to properly fulfill the obligations hereunder where such failure is not remedied within ten (10) days after notice of same is given.

8. This Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario, Canada.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

DATE

"Consultant's name
Per: _____
Name: _____
Position: _____
I have the authority to bind the corporation"

DATE

"The Corporation of the County of Elgin
Per: _____
Name: Julie Gonyou
Position: Chief Administrative Officer

Per: _____
Name: _____
Position: Warden
We have the authority to bind the corporation"

RETURN ADDRESS LABEL – ENVELOPE 1

Place this label on the front of the sealed envelope (**ENVELOPE 1**) containing your proposal.

FROM: _____



Contact: _____

DELIVER PROPOSAL TO:

**County of Elgin
450 Sunset Drive
2nd Floor, Financial Services
St. Thomas, ON N5R 5V1
Attn: Mike Hoogstra, Purchasing Coordinator**

TECHNICAL PROPOSAL - ENVELOPE 1

RFP No.: 2018-33

Description: Engineering Services – Replacement of Port Bruce Bridge

Closing Date: November 8, 2018 @ 3:00 p.m. (local time)

Late proposals will NOT be accepted!

RETURN ADDRESS LABEL – ENVELOPE 2

Place this label on the front of the sealed envelope (**ENVELOPE 2**) containing your proposal.

FROM: _____



Contact: _____

DELIVER PROPOSAL TO:

**County of Elgin
450 Sunset Drive
2nd Floor, Financial Services
St. Thomas, ON N5R 5V1
Attn: Mike Hoogstra, Purchasing Coordinator**

FINANCIAL PROPOSAL - ENVELOPE 2

RFP No.: 2018-33

Description: Engineering Services – Replacement of Port Bruce Bridge

Closing Date: November 8, 2018 @ 3:00 p.m. (local time)

Late proposals will NOT be accepted!

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
Peter Dutchak, Deputy Director of Engineering Services

DATE: October 8, 2018

SUBJECT: Resident Complaint - Ditch Maintenance along Talbot Line, Southwold

INTRODUCTION:

A formal complaint was received from two neighbouring residents in regard to the maintenance of ditches along Talbot Line, Southwold. The complaint was that the weeds and grasses in the ditches in front of their properties were contributing to a safety risk while exiting their driveways. In addition to notifying Township staff and County staff (administrators for both), this complaint was also fielded by the Mayor of Southwold, Councillor Grant Jones and recently by Warden Marr. After the ditch had been cut by Township staff, thereby resolving any potential safety concern, the resident called Warden Marr and requested a meeting with both the County CAO and Township CAO seeking a longer term strategy to address unsafe ditches, in particular, the ditches along Talbot Line and ditches in Fingal.

The purpose of this report is to bring to the attention of County Council the concerns relayed by the two neighbouring residents of Southwold Township. Correspondence was sent to the residents by the County CAO following an onsite meeting held on October 3, 2018, noting that their complaint would be included in Council's agenda on October 16, 2018.

DISCUSSION:

At the request of the residents, the site was attended by both the County CAO and the Township CAO. The residents noted that while the immediate issue had been resolved (full width of ditch had been cut two weeks earlier), the residents had outstanding concerns about the absence of a longer term strategy to address unsafe ditches. The complainant noted that he had communicated these concerns to both County and Township staff many times over the past three (3) years. The residents shared photographs (Appendix A) and notes from previous meetings (Appendix B).

Grass and phragmites growing in roadside ditches is not an uncommon concern voiced by County residents. The concerns received about ditch maintenance are varied and include issues associated with aesthetics, safety concerns and the maintenance of natural habitats related to the plight of bees and monarch butterflies. Safety concerns are our top priority and we rely on County staff to validate these concerns using established County standards, legislated standards and policies prior to notifying the Township or constituent municipality. Once we have verified that the concern is a valid safety concern, we request that the work be expeditiously resolved by our municipal partners. The majority of complaints are handled directly by our municipal partners.

Invasive phragmites (European Common Reed) is an invasive plant often found in ditches, wetlands and beaches which has been damaging ecosystems in Ontario for decades and presents a problem for municipal maintenance. Phragmites is a plant that spreads and grows quickly and out-competes native species for water and nutrients. It generally provides poor habitat and food supplies for wildlife, including species that are at risk and can cause road safety hazard along roadsides and within ditches. Dealing with phragmites is undoubtedly top of mind for our constituent municipalities during their summer maintenance seasons as most approaches to phragmites require a significant commitment of resources. Some of our partner municipalities have taken a more aggressive approach than others when dealing with phragmites and others have taken a more passive approach and cut ditches when safety hazards exist, or within the parameters established by the County's Road Maintenance Agreement. A community committee was established 2-3 years ago in regard to phragmites and each of Elgin's constituent municipalities has been invited to participate.

While onsite, County CAO provided the residents with details of Elgin County's unique relationship with our lower-tier municipalities wherein the County, by way of a Road Maintenance Agreement with our lower-tier municipalities, relies on our municipal partners to undertake the maintenance of over 700km of county roads. As the County, we are legally obligated to undertake quarterly inspections of all County roads and report our findings to our municipal partners. Through this process and between inspections, we bring safety concerns to the immediate attention of our municipal partners.

As an extra layer of oversight, we are fortunate to have residents who follow up directly with either elected officials or staff to bring safety concerns to our attention. As soon as we are aware of such issues, depending on the nature of the complaint, either the County or our municipal partner attends the site to assess the situation. In this particular case, when the County was contacted by the residents, County Engineering staff collected photographs, met with the residents and contacted Southwold Township who completed the work in a timely fashion.

Pursuant to the County's Road Maintenance Agreement with our municipal partners, we specify that at least once every 3 years, all roads shall be cut full width (from the road shoulder to the road property limits) in all areas where this can be completed unless deemed unsafe by the Municipality or deemed not required by the County. Therefore, a minimum of one-third of the roads shall be maintained to the full property limits annually within the above noted parameters. Additionally, ditches are maintained for positive water flow and to eliminate standing water when possible.

The main goals of vegetation control include:

- Keeping signs, road geometry and intersections visible to drivers;
- Keeping road users (vehicles, bicycles and pedestrians) visible to drivers;
- Helping pedestrians and cyclists see motor vehicles;
- Removing trees which could pose a collision hazard;
- Improving winter road maintenance by reducing drifting and shading;
- Helping drainage systems function as designed;
- Preserving pavements through daylighting and root system control;
- Controlling noxious weeds and evasive species.
- Aesthetics.

CONCLUSION:

Despite the different services provided by the upper and lower-tier levels of government in Elgin, we work well together to provide outstanding services to our collective residents in many areas, including our vast and multifaceted road network. This is only achievable through ongoing maintenance provided to the County by our municipal partners. Staff of both upper and lower-tier municipalities in Elgin are tasked with the important duty of prioritizing work within the framework and budget established by Council. While it is difficult to resolve each individual concern that is brought to our attention, our dedicated staff work hard every day on behalf of Council and our residents and endeavour to act quickly and equitably to mitigate risk in each of the service areas we deliver.

In the absence of a traditional roads department, the County's role in ditch cutting is clear. Funds are transferred to each lower-tier municipality to undertake maintenance on our behalf (including vegetation control), parameters for the work are included in the Road Maintenance Agreement and inspection reports are provided to our partner municipalities to ensure our legal obligations are met.

This particular concern is best handled by the Township of Southwold who better positioned to provide additional details about how ditch maintenance is handled/prioritized within their summer maintenance schedule. This topic will be discussed at our an upcoming meeting of local administrators (CAOs) to assess the extent to which this issue exists in municipalities across the seven (7) municipal partners and how it is being handled in each municipality.

RECOMMENDATION:

THAT the report titled "Resident Complaint – Ditch Maintenance along Talbot Line, Southwold" from the Chief Administrative Officer and Deputy Director of Engineering Services, dated October 8, 2018, be received and filed.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer

Peter Dutchak
Deputy Director of Engineering Services

Appendix A

Photo of Talbot Line, Southwold – provided by residents

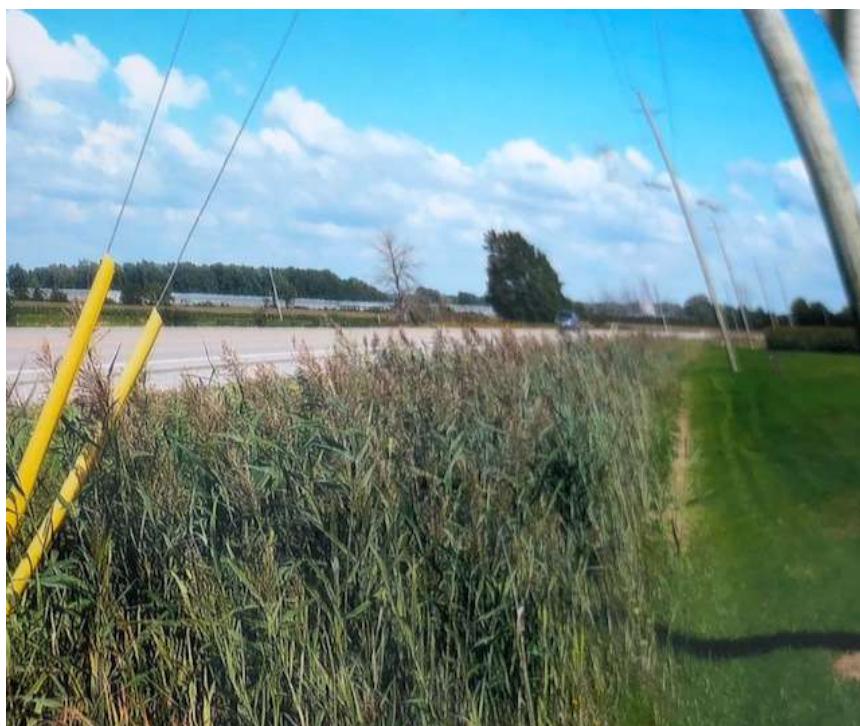


Photo of Talbot Line, Southwold – taken by County CAO (two weeks after ditch was cut)



Appendix B

September 21, 2018

- Contact:** Michael Plant
Position – Director Engineer Services, Elgin County
Phone – 519-631-1460, ext 117
Office hour – 8 a.m. to 4:30 p.m.
Best time to call – after 9 a.m.
Alternate – Judy Gonyou (admin assistant – Marilyn)
- Issue:** In early September 2018 Ken Howe, acting on behalf of Doris Howe (Ken's wife) and Rose Marie McLeod ("the Landowners"), telephoned Mr. Plant to request that the ornamental grass growing in the roadside ditch in front of the Landowners' property located at 38079 Talbot Line be cut due to sight line safety concerns when exiting the property. Talbot Line is a fast road used by many truckers, individual motorists, farmers and police when detouring 401-traffic.
- Results:** On September 20, 2018 at about 2:10 p.m. a Southwold Township employee was sighted by Ken Howe travelling west on Talbot Line near Talbotville on the Southwold Township tractor. Ken had just passed the Landowners property and the grass had been cut. Earlier, at approximately 11:35 a.m., the occupant landowner (Rose Marie McLeod) left the property to do some shopping. At that time, none of the grass had been cut, but at about 4 p.m. when she returned home she found that only some of the grass had been cut and that the sight line safety concerns had not been addressed. Moreover, where the grass was cut, several tall stalks of grass had been left sticking up leaving the Landowners frontage untidy. This is unacceptable especially when Ken had specifically asked that the Landowners' complete frontage be cut and had marked the whereabouts of four (4) tiles, one (1) property water location and offered to meet the Township worker on site.
- Next Steps:** The occupant landowner, Ken Howe, and Michael Plant should meet at the farm to determine how to achieve Elgin County and the Landowners' Duty of Care obligations in such matters.

Authored by: Rose Marie McLeod

October 3, 2018

Attendees: Elgin County Representative
Lisa, CAO, Southwold Township Office

Agenda: What can be done to salvage the Township of Southwold's (the "Township") effort made on September 20, 2018 to comply with the Landowners request to cut the ornamental grass or 'phragmites' growing in the roadside ditch in front of the Landowners' property located at 38079 Talbot Line. The Landowners request was made out of sight line safety concerns when exiting the property.

Specifically, what can be done to control and/or eradicate the phragmites? It has been suggested to Grant Jones by the Landowners that all Township ditches with phragmites be cut each year. He has admitted to the Landowners' that while such ditches should be cut and sprayed once a year no money was budgeted for this type of work in the 2018 budget. The Landowners then reminded Mr. Jones of the County and/or the Township's Duty of Care obligation. Mr. Jones responded saying that he realises that the County and/or Township would have a Duty of Care obligation in the current situation if something would happen, but appears to want to wait until a particular incident occurs before taking any action.

It is our understanding that a machine and a man to cut the phragmites would cost about \$100 per hour. It is our view that 'cutting' is a better option than the County or Township taking a 'wait and see' approach.

Finally, you should know that when the Landowners first approached the County for assistance, we were told by Michael Plant that we have a nice property but it's a mess as well as unsafe from the phragmites.

Next Steps:

Authored by: Rose Marie McLeod

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
Mike Hoogstra, Purchasing Coordinator

DATE: October 3, 2018

SUBJECT: Contract Cleaning Services – Tender Award

INTRODUCTION:

The contract for cleaning services at the Administration Building and Heritage Centre will be expiring in November this year. A tender was advertised and issued as per the County's Procurement Policy for a new two (2) year term with options to extend for up to three (3) additional years for a maximum five (5) year term.

DISCUSSION:

The tender was issued on August 27. A total of thirteen (13) companies downloaded tender documents and ten (10) company representatives attended the mandatory site meeting and tour held on August 30. Nine (9) companies submitted bids for this Tender which closed on September 12, 2018. Bids were received as follows:

Company	Bid Price for 2 Year Term (exclusive of taxes)
Serv-U-Clean	\$163,029.48
SQM Janitorial Services	\$164,787.60
GDI Services	\$195,805.68
Universal Cleaners	\$198,091.44
Service Master of London	\$207,960.00
Commercial Cleaning Services	\$221,850.60
Super Clean Building Maintenance	\$226,727.04
1145277 Ontario Ltd.	\$241,277.88
Metropolitan Maintenance	\$252,588.00

Serv-U-Clean Inc. submitted the lowest compliant bid for the contract cleaning services at a total price of \$163,029.48, exclusive of HST for the two (2) year term. The lowest submitted bid is within budget estimates and can be accommodated for in yearly operating budgets. References for Serv-U-Clean were checked and all references contacted report no major issues.

Staff will be meeting with the new service provider to ensure that a smooth transition takes place beginning on November 1.

RECOMMENDATIONS:

THAT Serv-U-Clean be selected for the Contract Cleaning Services Tender, Contract No. 2018-25 at a total price of \$163,029.48 exclusive of H.S.T for a two (2) year term effective November 1, 2018 to October 31, 2020; and,

THAT staff be authorized to extend the contract with Serv-U-Clean for a further three years effective November 1, 2020 to October 31, 2023 subject to successful delivery of services and favourable rate negotiations for the three year extension; and,

THAT the Warden and Chief Administrative Officer be authorized to sign the contract

All of which is Respectfully Submitted,

Julie Gonyou
Chief Administrative Officer

Mike Hoogstra
Purchasing Coordinator

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
Mike Hoogstra, Purchasing Coordinator

DATE: September 19, 2018

SUBJECT: Ambulance Vehicle Replacement

INTRODUCTION:

The County of Elgin currently has an ambulance fleet consisting of ten (10) ambulances and two (2) emergency response vehicles (ERU). This report will concentrate on the ambulance fleet replacements scheduled for 2018, 2019 and 2020.

DISCUSSION:

For all previous ambulance purchases the County utilized the MOHLTC Vendor of Record (VOR) agreement for the purchase of ambulances. The VOR agreement set base prices and allowed operators to add features unique to their service needs. The VOR agreements also generated the cost benefit advantage of large volume purchases, especially for smaller municipalities like the County. Unfortunately in 2013 the province discontinued the VOR agreement and this has required municipalities to establish their own EMS vehicle acquisition processes.

The County typically replaces two (2) ambulances per year over a five year period to maintain a five (5) year rotation.

A Request for Proposal for the Supply and Delivery of Type III Ambulances was issued and closed on September 6, 2018. The RFP was structured to allow the County to request pricing for a three year term thereby reducing the need to issue a competitive bid annually.

At the time of closing, one proposal was received from the following manufacturer:

- Crestline Coach Ltd.

Since only one proposal was received, a formal evaluation process was not necessary. The proposal submitted by Crestline Coach was reviewed by County and Medavie staff for compliance to the required specifications; no issues were noted in the review.

Crestline Coach supplies a high quality vehicle and has supplied ambulances to over 25 Ontario municipalities in 2018. Crestline Coach has been supplying ambulances to the County of Elgin for the last five years.

The Elgin County EMS (Ambulance) 2018 capital budget includes \$324,000 for the purchase of two (2) ambulances. The price submitted by Crestline per vehicle is \$165,826 for a total purchase price of \$331,652.

The two ambulances being replaced will be offered for sale on the GovDeals surplus website as per the County's disposal policy. Recent vehicle sale proceeds should offset any additional funds required in the 2018 capital budget.

CONCLUSION:

The approved 2018 capital budget includes the replacement of two ambulance vehicles. The ambulance vehicles being recommended from Crestline Coach meet the needs for the County of Elgin. Crestline Coach is a current and compliant vendor approved by the Ontario Ministry of Health and Long-Term Care.

RECOMMENDATIONS:

THAT the contract for the Supply and Delivery of Type III Ambulances (RFP# 2018-24) be awarded to Crestline Coach Limited; and,

THAT two ambulances be purchased in 2018 at their quoted price of \$331,652, exclusive of taxes, which was approved in the 2018 Capital Budget; and,

THAT staff be authorized to purchase two ambulances in 2019 and two ambulances in 2020 from Crestline Coach Ltd., using firm pricing obtained in this contract, all subject to capital budget approval and sufficient funding; and,

THAT two ambulances each be declared surplus in 2018, 2019 and 2020 and be disposed of using the Asset Disposal Policy; and,

THAT the Warden and Chief Administrative Officer be authorized to sign the contract.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer

Mike Hoogstra
Purchasing Coordinator

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
DATE: October 8, 2018
SUBJECT: Legalization of Recreational Cannabis - Update

INTRODUCTION:

The purpose of this report is provide an update on the Government of Ontario's recent changes to Bill 174 – the Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017 and Bill 36 - Cannabis Statute Law Amendment Act, 2018. The following report summaries a brief recently distributed by the Association of Municipalities of Ontario ("AMO") and other information gained through municipal discussions with partner agencies.

On October 17, 2018, it will be legal in Canada to possess or use cannabis subject to certain limits. The federal government amended the Criminal Code to enable Canadians to buy, sell and consume cannabis and cannabis products. Alcohol and Gaming Commission of Ontario ("AGCO") governs the licensing regime for recreational cannabis growers. These licensed producers serve as the sole source of legal recreational cannabis in Canada. The federal framework includes rules regulating grow operations as well as the advertisement and promotion of cannabis, which is strictly controlled to protect youth.

DISCUSSION:

In partnership with the City of St. Thomas we have held municipal discussions on cannabis every six weeks for the past 9 months. The meetings have been very well attended by a wide range of community partners including, but not limited to:

- Southwestern Public Health;
- City Police, OPP, By-Law Officers and Provincial Offences Act court staff;
- Municipal Services including planning, legal, human resources, library management, long term care homes administrators, parks and recreation staff;
- City Manager and County Chief Administrative Officer; and
- Representatives from Southwest Middlesex.

While our municipal discussions have revealed a number of outstanding questions in regard to the legalization of recreational cannabis, we have been provided with the following information:

- **Where can people get cannabis?**
 - Ontario residents (19 years and older) will be able to order cannabis legally from the Ontario Cannabis Retail Corporation ("OCRC") starting October 17, 2018. The OCRC will be the only legal distributor for wholesale cannabis to retailers and the on-line retailer to the public.

- **Where can it be smoked?**
 - If Bill 36, as proposed, becomes law on October 17, smoking recreational cannabis will be legal where tobacco consumption is permitted under the Smoke Free Ontario Act. It is illegal to smoke tobacco in enclosed workplaces, restaurants, bars and patios, schools, near playgrounds and publicly owned sports facilities and other locations.
- **What can municipalities do about the public smoking of cannabis?**
 - Municipal governments can also enact stricter by-laws on places to smoke in their communities. This allows municipal governments to reflect community preferences for the safety of residents and to balance public enjoyment of the community.
- **How will cannabis be sold?**
 - The new legislation authorizes the AGCO to license and regulate private cannabis retail in the province.
 - The AGCO will establish processes for Retail Operator Licensing and Retail Store authorization for retail cannabis stores in communities where municipal governments have not opted out.
 - The AGCO will provide municipal governments and the public with a 15-day notification period of a proposed store site to receive public input and hear concerns from the local community. Under the proposed law, the AGCO will consider comments from both the lower and upper tier municipality.
 - The first retail stores are to be operational April 1, 2019, after all licenses and authorizations are in place.
 - Licensed Producers in Ontario will be able to open one store at one location to retail their products.
- **Can municipalities opt out?**
 - Municipal governments (defined in the Act as a local municipality) have a one-time opportunity to opt out of cannabis retail in their communities. There is no time period for a local municipality to opt back in via resolution. If the opt out is reversed by a municipal government, that decision is final.
 - To opt out, municipal councils must pass a resolution by January 22, 2019 stating they do not wish to host cannabis retail stores in their communities. The resolution must be sent to the AGCO.
- **Who will enforce federal and provincial legislation?**
 - Police will enforce the federal and provincial cannabis legislation. The federal government has provided funds to police forces for training and the Ontario government has worked with Ontario Provincial Police and municipal police forces to increase the number of officers trained in the Standard Field Sobriety Test and as Drug Recognition Experts.
- **What are the advertising rules?**
 - Federal cannabis advertising rules are strict. Municipalities should ensure that their policies for transit and other municipal advertising channels are in line with these requirements.

- **Will municipalities receive any funding?**
 - All municipal governments will receive at least \$10,000 to help transition to legal recreational cannabis in our communities.
 - Communities that decide to allow retail storefronts will receive \$10,000, plus per household funding, and will be eligible for a share of 50 per cent of the surplus funding if the province's share of federal excise tax exceeds \$100 million in the first two years.
 - Municipal governments must track additional expenditures related to legalized recreational cannabis.
- **What are the rules in regard to growing?**
 - It is illegal to grow more than four plants per residence.
 - Medical cannabis users are able to continue accessing cannabis in their currently preferred method(s). In some communities, there may be concerns about conflicts between some growers and their neighbours. The courts have upheld this activity as part of a patient's right to access medicine.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO:

AMO has been an excellent source of information over the past year. They have committed to advocating for municipal interests and providing as much assistance to members to aid in local decision-making. AMO is gearing up to present to the Standing Committee reviewing the legislation on municipal concerns and challenges and is in the process of gathering feedback from municipalities.

UPPER vs. LOWER TIER CONSIDERATIONS/DECISION MAKING:

Municipal governments have until January 22, 2019 to make an opt-out decision. For most of our local municipal partners, this decision will rest with the councils (post municipal election) who will need to have a full understanding of the legislative authority (once it is passed), the content of regulations (yet to be tabled) and an understanding of the AGCO's process for dealing with retail store licenses and store authorizations before making a decision to opt out. Elgin County as the upper-tier cannot opt-out, and the decision rests with our lower-tier municipalities.

WHAT'S HAPPENING IN ELGIN COUNTY?

Our planning, legal (including POA court), seniors' services and human resources teams are working diligently to learn the impacts of this change in law and revise our current policies and procedures to reflect changes. In each of these departments, we have a number of concerns that will require careful planning. We will continue to provide updates to County Council as we work to develop and strengthen our policies and procedures. We recently shared planning information with our local municipal partners and are committed to sharing our policies and procedures with as we complete them.

WHAT'S HAPPENING AT THE CITY THAT IMPACTS THE COUNTY?

A new policy “*Smoke-Free Policy & Cannabis Cultivation Policy in City-owned social housing*” was recently passed by the St. Thomas City Council. The City of St. Thomas’ Ontario Works Department is responsible for the funding and overall administration of social housing programs in the City of St. Thomas and the County of Elgin. Subsidized housing is available at over 1,300 units in St. Thomas and Elgin County, including townhouses, apartments, duplexes, and single-family homes for families, singles, and seniors. Some supportive housing is available as well.

This policy was developed to jointly address two related topics:

1. Smoking on City-owned housing properties
2. Cultivation of medical or recreational cannabis on City-owned housing properties

The *Smoke-Free Policy and Cannabis Cultivation Policy in City-owned social housing* policy is attached for your review.

RECOMMENDATION:

THAT the report titled “Legalization of Recreational Cannabis – Update” from the Chief Administrative officer, dated October 8, 2018, be received and filed.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer



Smoke-Free Policy & Cannabis Cultivation Policy in City-owned social housing

October 1, 2018



Preamble

Promoting the health and well-being of tenants residing in City-owned housing is important. It is the City's responsibility to take steps to ensure tenants are provided with a safe and healthy living environment.

With the use and cultivation of recreational cannabis becoming legal in Canada on October 17, 2018, this policy was developed to jointly address two related topics:

1. smoking on City-owned housing properties
2. cultivation of medical or recreational cannabis on City-owned housing properties

Benefits of a Smoke-Free and Cannabis Cultivation Policy

The hazardous health effects of second-hand smoke are well-documented, indicating there is no safe level of exposure. Smoke-Free Housing Ontario reports the top five ways people are exposed to second-hand smoke in both old and new apartments are:

1. from a neighbour's patio or balcony or from outdoor common areas
2. through open windows or doors
3. through electrical outlets, cable or phone jacks, or ceiling fixtures
4. through cracks and gaps around sinks, countertops, windows, doors, floors, walls or dropped ceilings, and
5. through the ventilation or forced air system.

By helping to improve indoor air quality, a smoke-free policy promotes better health for tenants, particularly children and vulnerable populations such as seniors with chronic health problems.

Other benefits of smoke-free residential buildings are:

- reduced repair and maintenance costs
- reduced risk of fires
- reduced insurance costs
- the majority of Ontario renters do not smoke and prefer to live in smoke-free buildings (Ipsos Reid research)

Regarding cannabis cultivation, growing marijuana requires powerful artificial lights, fans, and a steady supply of fresh air. Detrimental effects may include high humidity and odours. This may result in physical damage to units (i.e. mould) and reduced air quality for other tenants. Electricity costs would increase. Furthermore, monitoring compliance with the legal allowance of four plants per residence poses operational and safety concerns for staff.

Smoke-Free Policy & Cannabis Cultivation Policy in City-owned social housing

October 1, 2018

The dual intent of this policy, therefore, is to immediately initiate a process to create 100% smoke-free housing, and to proactively avert problems by prohibiting the cultivation of cannabis in all City-owned housing as of the day the federal Cannabis Act takes effect on October 17, 2018.

Policy

Definitions

“Smoke”, as a verb, and “Smoking” means to inhale or exhale the smoke or vapour from, or to burn, hold or otherwise have control over, ignited or heated tobacco, cannabis or other substances intended to be vaporized in an e-cigarette or other electronic device designed to operate on the same principle as an e-cigarette.

New Rent Agreements/Leases

The lease template for City-owned housing units shall be amended to include:

- a clause prohibiting smoking in units, on balconies or patios, in all common areas, and anywhere on City-owned housing premises, except in clearly-marked designated smoking areas which will be in locations determined by the City as property owner.
 - *“smoking” is defined in the clause in accordance with the definition in this policy*
 - *the clause specifies that the non-smoking rules also apply to a tenant’s guests and visitors including persons hired by the tenant to provide a service or product*
- a clause prohibiting the cultivation of cannabis in units, on balconies or patios, in common areas, and anywhere on City-owned housing premises, effective October 17, 2018

Effective Date

The new lease agreement shall be applicable to all new tenants or transfers as of October 17, 2018.

The cannabis smoking and cultivation rules are effective on October 17, 2018 and are applicable to all tenants, current and new.

Cannabis smoking and cultivation provision

Clause 22 of the lease agreement permits the City to revise or add rules and regulations at any time in Schedule A. The rules and regulations in Schedule A form part of the lease agreement. As such, Schedule “A” of the current lease agreements between the City and Tenants has been revised to include a rule prohibiting the smoking and cultivation of cannabis, applicable to all tenants. A tenant may contact social housing administration staff if the tenant has reason to believe their contractual rights and past practices may qualify them for an exemption from the prohibition on growing of cannabis in a City of St. Thomas housing facility for personal medical purposes.

Smoke-Free Policy & Cannabis Cultivation Policy in City-owned social housing

October 1, 2018

After October 17, 2018, the cannabis smoking and cultivation provisions shall be included as a clause in the lease agreement. The cultivation of cannabis anywhere on City-owned housing property shall be prohibited.

No-smoking provisions – current tenants

Tenants who have signed lease agreements before October 17, 2018 shall be “grandfathered in” (exempt) from the section of the Policy that applies to smoking tobacco products in their units as long as they continue to live in the same unit. This means they can continue to smoke in their rental unit, including their balconies and patios. If the tenant transfers to another City-owned unit, the new lease agreement must be signed.

When smoking outside of their rental unit including their balconies and patios, all tenants and their guests may only smoke in clearly-marked designated smoking areas.

Current tenants shall be encouraged to voluntarily sign a new lease. Tenants may do so at any time by contacting their Housing Programs Coordinator at St. Thomas-Elgin Social Services.

New City-owned social/affordable housing developments

The Smoke-Free Policy and Cannabis Cultivation Policy shall apply to all new City-owned social and/or affordable housing developments.

Exemptions to the Smoke-Free Policy

Accommodation - The no-smoking clause or rule applies to the smoking of medicinal cannabis in a unit, unless a doctor’s note is provided stating that smoking cannabis is the prescribed method the tenant requires to achieve the desired therapeutic effect for the treatment of a disability or disability-related symptoms, and the tenant is suffering from a grave and debilitating illness and is therefore unable to easily leave the unit to smoke. It is the responsibility of tenants to notify staff of accommodation requirements at the time the lease is signed or when medical conditions change.

Traditional use of tobacco - The no-smoking clause does not apply to an Aboriginal person and his/her guests who smoke or hold lit tobacco products in a unit during the course of traditional cultural or spiritual activities. This exemption is applicable to sacred uses of tobacco only.

Communications

The non-smoking rules and cannabis cultivation rules shall be clearly communicated to all new tenants at the time the unit is offered and again when the lease is signed. Tenants shall be asked to indicate their acceptance of the rules by initialling the relevant clause(s) when signing the lease.

Prior to the policy effective date, the Smoke-Free Policy and Cannabis Cultivation Policy shall be communicated to existing tenants through tenant newsletters, individual notices to all tenants, and

Smoke-Free Policy & Cannabis Cultivation Policy in City-owned social housing

October 1, 2018

face-to-face meetings with tenants, to ensure tenants understand why the policy is being implemented and to promote the health benefits of becoming smoke-free. Regular reminders and information shall be provided to tenants on an ongoing basis.

The Tenant Handbook shall be revised to incorporate the Smoke-Free Policy and Cannabis Cultivation Policy.

Applicable no-smoking signage shall be posted on all City-owned housing.

Complaints

Tenants who wish to complain about another tenant who is violating the Smoke-Free or Cannabis Cultivation Policy may submit their complaint in writing to their Housing Programs Coordinator. The name of the person submitted the complaint must be provided. Anonymous complaints will not be acknowledged.

Current tenants who are grandfathered in (exempt) from the Smoke-Free Policy must follow the rules in this Policy when smoking outside. In other words, smoking is permitted in clearly-marked designated smoking areas. Other tenants still have the right to complain about them should they substantially interfere with the reasonable enjoyment of their unit.

Enforcement

Under the Residential Tenancies Act and in accordance with this policy, a landlord may give notice to end a tenancy if the tenant's smoking of any combustible products or cultivation of cannabis:

- substantially interferes with the reasonable enjoyment of the landlord or other tenants
- causes undue damage
- impairs safety
- substantially interferes with another lawful right, privilege, or interest of the landlord
- constitutes an illegal activity

Housing staff shall maintain detailed records of infraction incidents and complaints from other tenants.

Prior to giving notice to evict a tenant, Housing staff may send one or more written reminders/warnings to tenants who are violating the policy, meet with the tenants who are violating the policy, and use other appropriate measures to ensure compliance. Eviction shall be sought as a last resort, citing breach of reasonable enjoyment of neighbouring tenants or substantial interference with the landlord's rights, privilege, or interest to provide a non-smoking environment and/or to prohibit the cultivation of cannabis.

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
Steve Evans, Manager of Planning

DATE: October 8, 2018

SUBJECT: Review of Land Division By-law 15-03

INTRODUCTION:

The Land Division Committee is responsible for authorizing the separation of a parcel of land to create two or more parcels in circumstances where a plan of subdivision is not necessary. This Committee is appointed by County Council for the term of Council and can be appointed for a subsequent term after which they shall be replaced.

The Land Division Committee is about to experience significant turnover of members as a number of Members have reached the end of their second terms. This is an appropriate time to review and make necessary adjustments to the Land Division Committee by-law in advance of the commencement of the new Land Division Committee appointments which will take place on January 1, 2019.

Historically, Land Division Committee meetings were expeditiously handled in half a day. Due to the volume of applications received over the past term, the Land Division Committee meetings are now, more often than not, full day meetings. The per diem rates were established for this Committee in 2015 at a time when the majority of meetings were half-day meetings.

It is recommended that the per diem rates paid to Land Division Committee members be reviewed to assess whether the remuneration is sufficient to cover full-day meetings. The purpose of this report is to explore whether County Council would like to revisit the remuneration paid to Land Division Committee members and provide direction to staff to make necessary amendments to the current by-law.

DISCUSSION:

In the last year, most Land Division Committee meetings had very full agendas and Committee meetings extended well into the afternoon, often ending at 4:00 pm. The current per diem rate for Land Division Committee members established by By-law 15-03 in 2015 sufficiently covers members who attend half day meetings.

The current By-law 15-03 states the following:

2. That the Members of the Land Division Committee be paid the following remuneration for attending meetings of the said Committee:
 - a) For attending a duly called meeting of the Committee, each member shall be paid a per diem of \$150.00.

- b) In addition to the above remuneration, the Chair shall receive an additional \$250.00 per year to recognize the additional responsibilities of the position.
 - c) In addition to the above remuneration, each Member shall be paid the same rate for each kilometer necessarily traveled in attending such meetings as established by Council for the use of personal vehicles while on County business.
3. Each Member shall be paid, in addition to the above remuneration, \$60.00 for each application that the member investigates and \$30.00 for all subsequent applications relating to the same parcel of land. This is to cover mileage and/or attendance at local council meetings to discuss the applications.

Analysis:

Should Council wish to adjust the per diem rates for Land Division Committee members, a possible amendment, submitted by the Manager of Planning is detailed below.

That the current by-law be amended to include the following:

2. That the Members of the Land Division Committee be paid the following remuneration for attending meetings of the said Committee:

- a) For attending a duly called meeting of the Committee, each member shall be paid a per diem of \$150.00 per half day and \$300.00 for a full day meeting. **(insert: \$300.00 for a full day meeting)**
- b) In addition to the above remuneration, each Member shall be paid the same rate for each kilometer necessarily travelled in attending such meetings as established by Council for the use of personal vehicles while on County business. **(no change)**
- c) Each member shall be paid, in addition to the above remuneration, \$60.00 for each application that the member investigates **(remove: and \$30.00 for all subsequent applications relating to the same parcel of land.)** to cover mileage. **(remove: and/or attendance at local council meetings to discuss applications)**

Based on the number of meetings held in 2018 and assuming that the majority of meetings in 2019 will be full-day meetings, the impact on the budget would be an \$11,000 increase annually.

CONCLUSION:

Should Council wish to make changes to the remuneration for Land Division members, staff will take the necessary steps to prepare for any amendments by revising the by-law and any other required changes to relevant by-laws, all of which will be presented to County Council at the November 27, 2018 meeting.

RECOMMENDATIONS:

THAT the report titled “Review of Land Division By-law 15-03” from the Chief Administrative Officer and Manager of Planning, dated October 8, 2018, be received and filed; and,

THAT staff be directed to undertake any amendments to this by-law and other relevant by-laws as directed by County Council for review and approval at the November 27, 2018 meeting.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer

Steve Evans
Manager of Planning

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer
Steve Evans, Manager of Planning

DATE: October 8, 2018

SUBJECT: Review of Land Division Procedural By-law 05-24

INTRODUCTION:

By-law No. 05-24 being "A By-law to Prescribe Procedures for Governing the Calling, Place and Proceedings of the Elgin County Land Division Committee" was established in 2005.

The purpose of this report is to present three necessary amendments to the current by-law to reflect changes in the composition of the Committee - membership and quorum (as adopted by County Council on June 10, 2014 and effective January 1, 2015) and a change in appeals in regard to the introduction of the Local Planning Appeal Tribunal (LPAT) formerly known as the Ontario Municipal Board (OMB).

DISCUSSION:

Three sections of the current by-law require revisions.

1. Authority

Elgin County Council, by By-law No. 2162 dated June 15, 1971, in accordance with provisions in the Planning Act, did constitute and appoint a five-member Land Division Committee and authority to decide planning matters was thereby delegated to said Committee. County Council has the right to alter, amend or revoke these delegated powers as deemed appropriate. (add: On June 10, 2014 County Council adopted a resolution increasing the Land Division Committee to seven (7) members effective January 1, 2015 and stipulating that that the new Land Division Committee consist of one (1) appointee, either elected or non-elected, from each of Elgin's constituent municipalities.)

7. Quorum

(a) The quorum for the Elgin County Land Division Committee shall be four (4) of the seven (7) members on the Committee. (remove: three (3) of the five (5) members).

11. Appeals

All Consent Appeals to the Local Planning Appeal Tribunal (LPAT) are to be referred to a Solicitor and/or Professional Planner, as deemed appropriate, in order that the Decision of the Land Division Committee is defended at LPAT Hearings. (remove: reference to Ontario Municipal Board (OMB) and replace with Local Planning Appeal Tribunal).

CONCLUSION:

The by-law that governs the procedures of the Land Division Committee requires updates to reflect current practices (effective January 1, 2015) and the introduction of the Local Planning Appeal Tribunal (LPAT) in place of the Ontario Municipal Board (OMB). A revised by-law will be enacted on the condition of Council's approval.

RECOMMENDATIONS:

THAT the report titled "Review of Land Division Procedural By-law 05-24" from the Chief Administrative Officer and Manager of Planning, dated October 8, 2018, be received and filed; and,

THAT changes to By-law 18-36 "A By-Law to Prescribe Procedures for Governing the Calling, Place and Procedures of the Elgin County Land Division Committee" be approved and that said by-law be enacted.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer

Steve Evans
Manager of Planning

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer/Clerk

DATE: September 29, 2018

SUBJECT: Final Draft of Elgin County Council Procedural By-law

INTRODUCTION:

The *Municipal Act* requires that every Ontario municipality and local board adopt a procedural by-law to govern the calling, location and proceedings of meeting. Elgin County Council's Procedural By-law ("By-law") was comprehensively reviewed by County Council on September 25, 2018. Proposed amendments to the By-law presented to County Council included revisions to reflect changes in legislation, Council practice and feedback received by Council in March 2018. All feedback provided by Council has been incorporated into the final draft as presented today.

The purpose of this report is to seek Council's approval and enactment of the amended Procedural By-law.

ANALYSIS:

1. Electronic Participation is included in the final draft as agreed to by Council and was revised to include that a Council Member may participate in meetings that are open to the public. Participation in Closed Meetings is restricted to Members who are participating in-person.
 - (a) Since there was some concern about this section, an additional provision includes: Participation by Members in-person is preferred and shall be reserved for emergencies or accessibility requirements. (Section 11)
2. Pecuniary Interest now includes that a form will be provided, as suggested by Council. (Section 20)
3. Rules of Debate: Revised to include provision that individuals from the gallery may be permitted to speak during the Meeting with the consent of Council (replaces Chair). (Section 21)
4. Reconsideration: After a Motion has been voted on by County Council, no Motion for reconsideration thereof shall be introduced, unless it is moved and seconded by two Members and such Motion may only be passed by a two-third vote of the entire Council in support of such reconsideration (removed reference to members who voted in the majority, as this would require recorded votes). (Section 22)

5. Warden Entering Debate: Changed to allow the Warden to participate in the debate from the Chair and alternatively and when he or she deems appropriate, he or she may leave the Chair and, at that time, call on the Deputy Warden to fill their place until they resume the Chair. (Section 28)
6. Absence of Warden and/or Deputy Warden: In case the Warden does not attend or participate electronically within fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Deputy Warden shall call the Meeting to order and preside as Chair, subject to any restrictions regarding Conflict of Interest. (Section 30)
7. An additional section in regard to Closed Meeting Minutes has been included and states “all Closed Meeting Minutes for Council and Committee Meetings shall be circulated at the commencement of the next Meeting and addressed to each Member of Council. Following approval of the minutes, the copies of the Closed Meeting Minutes will be returned to the CAO/Clerk for shredding. Closed Meeting Minute binders for Council and Committee Meetings are maintained by the CAO/Clerk and are only accessible by the CAO/Clerk.” This is standard practice for other municipalities. (Section 26)
8. Administrative Authority of CAO/Clerk revised to clarify that changes in meaning while amending By-Laws, Minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of proceedings will shall be presented to Council or the Committee for approval. (Section 33)
9. General Provisions: Revised to include that all newly-elected Mayors and Deputy Mayors to become Members of Council to be invited to attend upon Council proceedings at a November Session immediately preceding the commencement of their terms of office. (Section 44)

CONCLUSION:

The purpose of this final review of the Elgin County Council Procedural By-law is to obtain final approval from County Council to enact By-law 18-35.

RECOMMENDATIONS:

THAT the report titled “Final Draft of Elgin County Council’s Procedural By-law” from the Chief Administrative Officer/Clerk, dated September 29, 2018, be received and filed; and,

THAT the “Elgin County Council Procedural By-law” as presented be approved and By-law 18-35 be enacted.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer/Clerk

COUNTY OF ELGIN

By-Law No. 18-35

**"TO REGULATE THE PROCEEDINGS IN THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE COUNTY OF ELGIN AND COMMITTEES THEREOF,
AND TO REPEAL BY-LAW NO. 11-06"**

WHEREAS pursuant to Section 238 of the Municipal Act, 2001, S.O. 2001, Chapter M. 45, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of Meetings; and

WHEREAS the Council of the Corporation of the County of Elgin did pass By-law No. 11-06 and amendments thereto, in order to make and establish rules and regulations for governing the proceedings of Council; and

WHEREAS it is necessary to update the procedural by-law in keeping with the requirements of *Bill 68 "Modernizing Ontario's Municipal Legislation Act* and to repeal previous by-laws to comply with amendments to the Municipal Act, 2001, S.O. 2001.

NOW THEREFORE the Municipal Council of the Corporation of the County of Elgin enacts as follows:

1. THAT this by-law shall apply to Council's local boards and committees where applicable.
2. THAT this by-law comes into force and take effect upon passing.
3. THAT By-law 11-06 and any previous by-law inconsistent with this by-law be and are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF OCTOBER 2018.

Julie Gonyou,
Chief Administrative Officer

David Marr,
Warden

APPENDIX B
By-law No. 18-35

**RULES OF ORDER AND PROCEDURES GOVERNING THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE COUNTY OF ELGIN AND COMMITTEES THEREOF**

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1. Definitions

(a) In this By-law:

“Act” means the *Municipal Act, 2001 S.O. 2001, Chapter 25*, as amended from time to time.

“Ad Hoc Committee” means a committee, sub-committee or similar entity of which at least 50 per cent of the Members are also Members of Council, appointed by Council to review and report on a specific issue. Once the final report is delivered and a resolution of Council is adopted concerning the specific issue, the Ad Hoc Committee is automatically dissolved.

“Alternate Member” means an authorized individual who, during the absence of the Member for whom that individual is an alternate, shall act in the place and stead of such member and perform such other duties as assigned.

“Business Day” means the days of the week in which Council or Committee shall conduct its business transactions and hold its meetings, excluding Saturday and Sunday or statutory holidays.

“CAO/Clerk” means the Chief Administrative Officer/Clerk of the County or his or her designate. Clerk means the person duly appointed, by by-law pursuant to Section 228 of the Act, as the Clerk of the County.

“Chair” means the position of the person appointed to preside, or presiding at, a meeting, whether that person is the regular Chair or not.

“Closed Session” means a meeting of Council or Committee that is not open to the public, pursuant to Section 239 of the Act or any successor provision thereto.

“Committee” means any advisory or other committee created by Council, of which at least one Member is also a Member of Council, which is established under any Act with respect to the affairs or purposes of one or more municipalities.

“Committee of the Whole” means the committee of which all Members present sit on Council. The purpose of this committee is to enable Council to give detailed consideration to a matter under conditions of freedom approximating that of a Committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of Council, but have the status of recommendations which Council is given the opportunity to consider further and which it votes on finally under its regular rules.

“Confidential matter” means those items of business discussed in *Closed Session*.

“Council” means the elected Mayors and/or Deputy Mayors or alternate of the County’s constituent municipalities when they sit in deliberative assembly.

“County” means the Corporation of the County of Elgin.

“Delegation” means to address Council or a Committee at the request of the person wishing to speak.

“Deputy Warden” means the Member of Council appointed, by by-law or resolution, pursuant to Section 242 of the Act, to act in the place of the Warden when the Warden is absent or refuses to act or when the office of the Head of Council is vacant and while so acting such Member has all the powers and duties of the Head of Council.

“Ex-Officio” means a Member who has the right, but not the obligation, to participate in the proceedings of the meeting, and is not counted in determining the number required for a quorum or whether a quorum is present at a meeting. Ex-Officio cannot attend a Committee meeting if by attending a minimum quorum of Council is created.

“Inaugural Meeting” means the first meeting of Council after a regular election as set out in the Act.

“Meeting” means an event wherein business is transacted for any regular or special purpose by Council or local board, or a Committee or sub-Committee of either of them, as the case may be, where, (a) a quorum of Members is present, and (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council, local Board or Committee.

“Member” means a person duly elected to hold office with the County of Elgin’s constituent municipalities, pursuant to the *Municipal Elections Act, 1996* S.O. Chapter 32, as amended; or, a person appointed by Council to a Committee.

“Minutes” means a written Record of meetings of Council, and the Minutes are to include the events of the meeting, a list of attendees, a statement of the issues considered by the Members, and related responses and decisions on issues.

“Motion” means a proposal moved by a Member, and if moved in Council or Committee, seconded by another Member, to adopt, amend or otherwise deal with a matter before Council or Committee.

“Municipal Office” means 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1 or any location in the County subsequently designated as its municipal office.

“Notice” means written Notice, except where legislation, by-law or Corporate Policy provides for another form and manner of Notice.

“Open Meeting” means a Meeting at which a quorum of Members is present and they discuss or otherwise deal with a matter in a way that materially advances the business or decision-making of the relevant council, local board or Committee.

“Point of order” means a statement made by a Member during a meeting, drawing to the attention of the Chair a breach of the rules of procedure.

“Pecuniary Interest” means an interest that has a direct or indirect financial impact for a Member, be it positive or negative, as defined under the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3.

“Pregnancy and Parental Leave” for the purposes of this by-law means the period of time the Member of Council will not attend meetings of Council or any Committee to which the Member has been appointed as a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member.

“Quasi-Judicial Board” means a local board or Committee that has been delegated Council’s decision-making powers; for example, the Land Division Committee.

“Question” means a Motion that has been appropriately placed before Council or Committee. Only once duly recognized by the Chair and “on the floor” can a Motion be debated and put to a question of the Members for proper resolution.

“Quorum” means, in the case of Council, a majority of Members representing at least one-half of the lower-tier municipalities, pursuant to Section 237 of the Act. In the case of a Committee of Council, quorum is a majority of the whole number of Members of the Committee, including the Chair.

“Recorded Vote” means a vote taken on a matter of business, whereupon the CAO/Clerk duly notes the name of each Member present and their vote in the Minutes, as provided for in Section 246 of the Act. Section 246(2) of the Act specifically notes that a failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

“Rules of Procedure” means the rules and regulations provided in this by-law and, where necessary, Robert’s Rules of Order (Newly Revised).

“Secretary” means the person responsible for recording the Minutes of Council or Committee meetings, the preparation of the agenda and the preparation of any resulting correspondence, as designated by the CAO/Clerk.

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council.

“Steering Committee” means any advisory body, roundtable or other body Council established to advise on specific areas of interest, with Members of the public and staff making up more than 50 per cent of the membership and Council Members or other elected officials making up the rest.

“Warden” means the Warden of the Corporation of the County of Elgin, in accordance with the Act, and the term is interchangeable with “Chair”, “Chief Executive Officer (CEO)”, and “Head of Council” for the purposes of conducting Committee meetings.

2. Purpose

- (a) This by-law (referred to as the Procedural By-law) establishes the rules of order for Council and Committee Meetings.

3. Principles of the Procedural By-law

- (a) The principles of openness, transparency and accountability to the public guide the County’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
- i. Ensuring the decision-making process is understood by the public and other stakeholders;
 - ii. Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements;
 - iii. Exercising and respecting individual and collective roles and responsibilities provided for in this Procedural By-law and other statutory requirements;
 - iv. The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals have the opportunity to participate.

- (c) The principles of parliamentary law governing Council and Committee Meetings include:
- i. The majority of Members have the right to decide;
 - ii. The minority of Members have the right to be heard;
 - iii. All Members have the right to information to help make decisions, unless otherwise prevented by law;
 - iv. All Members have a right to an efficient Meeting;
 - v. All Members have the right to be treated with respect and courtesy; and
 - vi. All Members have equal rights, privileges and obligations.

4. Application

- (a) The rules and regulations contained in this by-law set out the rules of order for the dispatch of business in Council and Committee Meetings and shall be observed in all proceedings of Council and Committees appointed by Council.

5. Interpreting the Procedural By-law

- (a) In the event of conflict between this by-law and a valid and binding statute, the provisions of the statute prevail.
- (b) A specific statement or rule in this by-law has greater authority than a general one.
- (c) If there is a conflict between two or more rules in this by-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the CAO/Clerk, rely on previous rulings or practices, or refer to *Robert's Rules of Order* (Newly Revised).

6. Suspension of Rules

- (a) The rules and regulations contained herein that are discretionary and not mandatory under statute may be temporarily suspended by a majority vote of Council or Committee Members present, with the exception of the following circumstances:
- i. Where required by-law;
 - ii. Contractual agreements binding the County;
 - iii. Amending this Procedural By-law; and,
 - iv. Quorum requirements.

7. Majority Vote

- (a) Unless this Procedural By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

8. Council Composition

- (a) Section 458 of the Act, provides that as of January 2, 2003, the composition of the Council of a municipality, the method of electing or appointing its Members, the number of votes given

to each Member and the titles of its Members shall be the same as they were on December 31, 2002. On December 31, 2002, pursuant to By-law 97-8 passed on March 18, 1997, the composition of the Corporation of the County of Elgin Council ("Elgin County Council" was:

County Council will have nine (9) Members, being the Mayors from each of the seven (7) municipalities within the County of Elgin and the Deputy Mayors of the Municipality of Central Elgin and the Township of Malahide, thereby constituting the composition of such Council as follows:

- i. Municipality of West Elgin – One (1) Member (the Mayor)
 - ii. Municipality of Dutton Dunwich – One (1) Member (the Mayor)
 - iii. Township of Southwold – One (1) Member (the Mayor)
 - iv. Municipality of Central Elgin – Two (2) Members (the Mayor and the Deputy Mayor)
 - v. Township of Malahide – Two (2) Members (the Mayor and the Deputy Mayor)
 - vi. Town of Aylmer – One (1) Member (the Mayor)
 - vii. Municipality of Bayham – One (1) Member (the Mayor)
- (b) The Head of Council, the Warden, will be elected by County Council from amongst the Members of Council on an annual basis.
- (c) Each Member of Council will have one (1) vote.
- (d) As provided for in the Act, the Councils of the seven (7) municipalities have the authority to appoint alternates from the Members of Council to represent the municipality on County Council in the absence of Mayor and/or Deputy Mayor in accordance with Section 32 of this Procedural By-law.

9. Inaugural Meeting and Annual Election of Warden

- (a) A person elected or appointed as a Member of Council shall not take a seat on Elgin County Council until the CAO/Clerk has received the certificate from the constituent municipality certifying the name of each person elected or appointed.
- (b) No business shall be conducted at the first meeting of Council until after the declarations of office have been made by all Members who present themselves for that purpose.
- (c) The first Meeting of a new council of a municipality after a regular election shall be held in the evening of the second Tuesday of the month of December, or at such hour and on such day thereafter as the majority of the Members of the Council are present in the Council Chamber but in any case not later than 31 days after its term commences, as provided for in the Act.
- (d) The annual election of the Warden shall be held in the evening of the second Tuesday of the month of December, or at such hour and on such day thereafter as the majority of the Members of Council are present in the Council Chamber.

- (e) Section 233 of the Act requires Council to appoint the Head of Council ("Warden") at its first Meeting. No other business shall be conducted until the Head of Council is confirmed.
- (f) For the appointment of the Warden, the following regulations and procedures shall be followed:
 - i. The CAO/Clerk shall take the Chair at seven o'clock in the evening of the second Tuesday of the month of December in each year, or at such hour and on such day thereafter as the majority of the Members of Council are present in the Council Chamber.
 - ii. The CAO/Clerk shall prepare ballots for voting.
 - iii. The CAO/Clerk shall inform the Members that he or she is ready to proceed with the election of one of their Members to be Warden, unless only one Member indicates his or her intention to run for the Office, in which case the election procedure is dispensed with in favour of a resolution appointing the Warden.
 - iv. The CAO/Clerk shall ask those Members of Council seeking the Office of Warden to stand.
 - v. The CAO/Clerk shall announce that any person aspiring to the position of Warden shall be granted an opportunity, not exceeding five (5) minutes, to address Council. Candidates will address Council in alphabetical order.
 - vii. Voting shall be by secret ballot and balloting will continue until a candidate obtains a majority of votes. The CAO/Clerk shall count the votes, in the presence of a representative/witness to be chosen by the CAO/Clerk.
 - viii. In the event there are more than two (2) candidates, the candidate receiving the lowest number of votes shall retire. At no time shall the actual number of votes received by any candidate be announced, only the name or names of successful candidate during such round of voting.
 - ix. If two (2) candidates with the least number of votes are tied, then a tie-breaker ballot between the two lowest (tied) votes shall take place.
 - x. By Motion, the CAO/Clerk shall be directed to destroy the ballots after the election has been completed.
 - xi. For the purposes of electing the Warden, each Member of County Council shall have one vote.
 - xii. In the case of an equality of votes for Warden, the successful candidate shall be determined by the CAO/Clerk placing the names of the candidates on equal sized pieces of paper in a box and one name being drawn by a person chosen by the CAO/Clerk.
 - xiii. The Warden-Elect shall forthwith sign and declare and read aloud the Declaration of Office and, on completion thereof, he or she shall take the Chair.

10. Appointment of Deputy Warden

- (a) A position of "Deputy Warden" shall be held by the most immediate past Warden who is a member of Council. In the event that there are no Past Wardens on Council following a Municipal Election, Council shall vote and appoint a Deputy Warden at the Inaugural Meeting.
- (b) The Warden may request said Deputy Warden or any other member of Council to represent him or her at any Meeting or function where the Warden is unable to attend.
- (c) Councillors attending a function as "Deputy Warden" shall be paid mileage at the same rate established for the use of personal vehicles for County business and any other eligible "out of pocket" expense that may occur.

11. Regular Meetings of Council

- (a) Location and Schedule of Meetings of Council and other Committees
 - i. After its Inaugural Meeting, Council shall meet in the Council Chambers of the Elgin County Administration Building, 450 Sunset Drive, St. Thomas, ON or other designated location, at a time designated by the Warden, on the second and fourth Tuesday of each month as provided for in the Act as amended and when Notice is given.
 - ii. Council shall approve a schedule of regular Meetings of Council for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the County's website and from the Municipal Office.
 - iii. The Meeting schedule of all other Committees is determined by its Members, in accordance with each Committee's terms of reference and/or prescribed mandate.
 - iv. As soon after the time appointed for a Meeting of Council as a Quorum is present, the Warden shall assume the Chair and call the Meeting to order.
 - v. Council shall always recess/adjourn no later than 12:00 noon and 6:00 P.M., if in a Meeting at these hours, unless otherwise determined by a resolution, but in all cases shall adjourn no later than 10:00 P.M.
 - vi. The Members of Council shall not leave their places on adjournment, until the Warden or other Presiding Officer leaves the Chair.
- (b) Notice of Meetings of Council
 - i. The agenda shall be considered as Notice of regular Meetings of Council and By-law 07-29, being a by-law to establish a policy respecting the manner in which Notice will be provided, as amended, shall be utilized in respect thereof.
 - ii. Reports or actions before Council that require enactment of a By-law, with Notice, shall be subject to terms of the By-law 07-29, as amended.
 - iii. The CAO/Clerk gives Notice of a Meeting of Council by:
 - a) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council.

- b) Where required, providing Council with a Closed Session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 12, 14 and 15.

(c) Special Meetings of Council

- i. If a matter arises which, in the opinion of the CAO/Clerk, in consultation with the Warden, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of residents of the County, and/or if a state of emergency is declared by any Provincial Ministry, the Notice requirements of By-law 07-29, as amended, may be waived and the CAO/Clerk shall make his or her best effort to provide as much Notice of such Special Meeting of Council as is reasonable under the circumstances.
- ii. A Special Meeting of Council may be called by the Warden at any time. A Special Meeting of Council is limited to business matters included in the Notice of Meeting.
- iii. When the CAO/Clerk receives a petition for a Special Meeting of Council signed by a majority of the Members of Council, a Special Meeting of Council is called for the purpose and at the time identified in the Petition. The Petition shall include:
 - a) Original signatures of Members;
 - b) A clear statement of the purpose of the Special Meeting;
 - c) A proposed date and time for such Special Meeting.

(d) Notice of Special Meetings of Council

The CAO/Clerk gives Notice of Special Meetings of Council by:

- i. Providing Council with an agenda in person or by telephone, mail, or electronic means at least 24 hours prior to the Meeting; and,
- ii. Posting a Notice on the County's website and time permitting, Notice shall be sent to local media that indicates the date and time of the Meeting of Council; or
- iii. Where item (ii.) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Special Meeting of Council and the purpose of the Special Meeting.

(e) Emergency Meetings of Council

- i. Notwithstanding any other provision in this by-law, the Warden may, at any time, call or provide Notice of an Emergency Meeting of Council. An Emergency Meeting of Council is limited to business matters included in the Notice of Meeting.
- ii. In the case of an emergency, Council may hold its Meetings at any convenient location within or outside the territorial limits of Elgin County.

(f) Notice of Emergency Meetings of Council

- i. The CAO/Clerk gives Notice of Emergency Meetings of Council to Members by:
 - (a) Providing Council with an agenda in person or by telephone, mail, or electronic mail at least 24 hours prior to the Meeting.
 - (b) Posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Emergency Meeting of Council and the general nature of the matters to be discussed.

(g) Workshop and Orientation Meetings

- i. The Warden and/or CAO/Clerk may convene a Workshop or Orientation Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no Motions are passed and no matter is discussed which advances the business of the Municipality during the course of such Workshop or Orientation Meeting.
- ii. A record describing, in general terms, the proceedings and the subject matter discussed is made at all Workshop or Orientation Meetings and placed on a future Council agenda to be received only for the purposes of information.

(h) Notice of Workshop and Orientation Meetings

The CAO/Clerk gives Notice of Workshop and Orientation Meetings of Council by:

- i. Providing, at least 24 hours in advance, Notice to Council in person or by telephone, mail or electronic means that indicates the date and time of the Workshop or Orientation Meeting and the general nature of the matters to be discussed; and,
- ii. Posting a Notice on the County's website and time permitting, Notice shall be sent to local media that indicates the date and time of the Workshop or Orientation Meeting and general nature of the matters to be discussed; or
- iii. Where item (i.) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Workshop or Orientation Meeting and general nature of the matters to be discussed.

(i) Cancellation or Postponement of Meetings

- i. A regular, special, or emergency Meeting of Council or a Workshop or Orientation Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Warden and/or CAO/Clerk.
- ii. The CAO/Clerk gives Notice on the County's website and time permitting, through the local media, of a cancellation or postponement of a regular, special, or emergency Meeting of Council or a Workshop or Orientation Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.

iii. Meetings of any Committees of Council may be cancelled or postponed by the CAO/Clerk, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency.

(j) Invalidation of Notice of Meeting

i. If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedural By-law, the ability to hold the Meeting and actions taken at the Meeting are not invalidated.

(k) Quorum

i. Members of Council will attempt to advise the office of the CAO/Clerk at least two days in advance if unable to attend a Meeting of Council. If Quorum cannot be met, the Meeting may be cancelled by the CAO/Clerk.

ii. Unless there shall be a Quorum present within thirty (30) minutes of the time appointed for the Meeting of Council, Council shall then stand absolutely adjourned until the date of the next regular Meeting and the CAO/Clerk shall record the names of the Members present at the expiration of such thirty (30) minutes.

iii. Where there is an insufficient number of Members of Council present to achieve Quorum at a Meeting of Council due to a provision of the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3., the remaining Members of Council constitute Quorum, provided that such number in no case be less than two (2).

iv. Members of other Committees will attempt to advise, at least two days in advance, the office of the CAO/Clerk, Recording Secretary, Chair or other assigned person if unable to attend a Committee Meeting. If Quorum cannot be met, the Meeting may be cancelled and the Committee advised by the CAO/Clerk, Recording Secretary, Chair or other assigned person.

v. Unless there shall be a Quorum present within thirty (30) minutes after the time appointed for the Meeting of a Committee, the Meeting shall be adjourned until the date of its next regular Meeting. Remaining Committee Members may have an informal discussion on matters, but Motions or other affairs of the Committee shall not be addressed. The CAO/Clerk, Recording Secretary or other assigned person will not be required to remain for the informal discussion.

(l) Late Arrival

i. If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

(m) Electronic Participation

i. Electronic Participation at Meetings shall be reserved for emergencies or accessibility requirements. A Council Member who is unable to attend a Council Meeting in person may participate in Council Meeting by electronic or other communication facilities if:

- (a) The facilities enable the other Council Members to hear and be heard by the Council Member.
 - (b) Except for any part of the Council Meeting that is closed to the public, the facilities enable the public to hear, or watch and hear, the Council Member.
 - (c) A Council Member who intends to participate in a Regular Council Meeting by electronic or other communication facilities shall give the CAO/Clerk Notice of this intention at least 72 hours prior to the Council Meeting. The CAO/Clerk shall, as soon as reasonably possible thereafter, provide the Council Member with instructions on how to connect to and participate in the Council Meeting by electronic or other communication facilities.
- ii. If a Council Member participates in a regular Council Meeting by electronic or other communication facilities:
- (a) The Council Member shall advise Council when they join the Council Meeting and when they leave the Council Meeting;
 - (b) The Council Member shall not be counted towards Quorum;
 - (c) The Chair shall repeat the results of each vote, including the names of Council Members voting in favour and opposition, immediately following each vote.
 - (d) Should the Chair be unable to hear a Member participating electronically the vote shall be deemed a negative vote.
 - (e) The Council Member may participate in meetings that are open to the public. Participation in Closed Meetings is restricted to Members who are participating in person.

12. Preparation of the Agendas of Council

- (a) The CAO/Clerk and his or her staff are charged with providing guidance and recommendations to Council related to municipal business and to implement the decisions of Council.
- (b) The CAO/Clerk shall chair a regularly scheduled internal meeting of senior staff and invited attendees to review draft agenda items in order to support the business of Council.
- (c) The CAO/Clerk shall either personally or by his or her approved staff establish an administrative process to support the approval, preparation, notice, publication and distribution/public access to agendas and agenda items.

13. Agenda

In respect of a Regular, Special or Emergency Meeting of Council, the CAO/Clerk shall have prepared an agenda of the Orders of the Day, containing:

(a) Regular Meeting

- 1st Meeting Called to Order
- 2nd Adoption of Minutes
- 3rd Disclosure of Pecuniary Interest and the General Nature Thereof

- 4th Presenting Petitions, Presentations and Delegations
- 5th Motion to Move into Committee of the Whole Council
- 6th Reports of Councillors, Outside Boards and Staff
- 7th Council Correspondence:
 - i. Items for Consideration
 - ii. Items for information (Consent Agenda)
- 8th Other Business:
 - i. Statements/Inquiries by Members
 - ii. Notice of Motion
 - iii. Matters of Urgency
- 9th Closed Meeting Items
- 10th Recess
- 11th Motion to Rise and Report
- 12th Motion to Adopt Recommendations from the Committee of the Whole
- 13th Consideration of By-laws
- 14th Adjournment
- 15th Public Notice

(b) Inaugural Meeting/Annual Warden's Election

- 1st Meeting Called to Order
- 2nd Receipt of Declaration of Acclamation to Office or Declaration of Election from Councillors (the first year only after a municipal election)
- 3rd Declaration of Office by Councillors (the first year only after a municipal election)
- 4th Election of Warden
 - Candidates for Warden to Stand
 - Prospective Candidates to Speak (alphabetical order)
 - Proceed with Election (Ballot or Resolution)
- 5th Administering and Signing of Declaration of Office
- 6th Gowning
- 7th Presentation by Past Warden
 - Chain of Office
 - Lord Elgin Watch
 - Gavel of Office
- 8th Warden's Address
- 9th Resolution to Destroy the Ballots (if required)
- 10th Adoption of Minutes
- 11th Warden to Recommend Committee and Outside Board Appointments
- 12th Consideration of By-laws
- 13th Other Business:
 - i. Statements/Inquiries by Members
 - ii. Notice of Motion
 - iii. Matters of Urgency
- 14th Recess

14. Changes in Order of Agenda of Committee of the Whole

- (a) The business of Council is dealt with in the order stated on the published agenda, unless the Warden consents to changing the order.

15. Matters of Urgency/Addendum to Agenda

- (a) When, after the Agenda has been prepared and distributed as Notice of a Meeting of Council, a Member wishes to inform Council of an additional matter that, in his or her opinion, should be considered immediately and during the course of such Meeting, then, after notification of the CAO/Clerk, he or she shall present such matter to Council at such Meeting through the Chair and, with the consent of the majority of Members present, the matter shall only then be added to the Agenda and considered as an additional Matter of Urgency without any prior or further Notice being given or required.

16. Other Business

(a) Statements/Inquiries by Members

- i. When a Councillor wishes to inform Council of a matter that does not require action and consideration by Council or otherwise wishes clarification of a matter, such information may be announced under "Statements/Inquiries by Members". It is understood that these announcements are made solely for Council's information and that under no circumstances shall Council take action within this category.

(b) Notice of Motion

- i. Notices of Motion shall be received by the CAO/Clerk at any time Council is meeting and in his or her office in advance of the production and distribution of the agenda material and shall be printed in the agenda.
- ii. A Notice of Motion shall be dealt with by Council at the Meeting at which it appears printed in the agenda. A Notice of Motion that is not printed in the agenda shall be dealt with in the order of business of Motions at any subsequent Meeting of Council.
- iii. The business of such Motions shall, in all cases, be taken up in the way in which it appears upon the Orders Of The Day, unless otherwise determined by a vote of the majority of the Members present taken without debate thereon.
- iv. All Motions shall be moved and seconded before being debated or put to vote; and all Motions shall be read and then conveyed to the Warden, who may again read the same.
- v. After a Motion has been received by the Warden or other Chair, it shall be deemed to be in possession of Council or Committee, but may be withdrawn at any time by consent of a majority of the Members present.
- vi. A Motion to refer the main Motion to staff or an outside board shall preclude all amendment of the main question until decided.
- vii. A Motion to adjourn shall always be in order unless a vote is being taken.
- viii. A Motion to table is always in order and will supersede the main Motion.
- ix. All amendments shall be placed in the reverse order in which they are moved; and every amendment to the Motion shall be decided upon or withdrawn before the main question is put to vote.

- x. There shall not be more than two (2) amendments to the main question or any Motion.
- xi. Not more than one (1) amendment shall be allowed to any amendment.
- xii. After any question is finally put to vote by the Warden or other Chair, no Member shall speak to the question nor shall any other Motion be made until after the result is declared.
- xiii. Whenever the Warden or other Chair is of the opinion that a Motion offered to Council is contrary to law or the rules and privileges of Council, he or she shall apprise the Members thereof immediately.
- xiv. Members shall always take their places prior to any decision being called.
- xv. When the Warden or other Chair is called on to decide a point of order or practice, he shall state the rule or authority applicable to the case.

17. Reports from County Staff

- (a) If deemed appropriate by the CAO/Clerk, any County Staff may report to the Warden and Members of Council at any session of Council.

18. Petitions, Delegations, Correspondence and Minutes

(a) Petitions

- i. Every petition, protest, or other written application intended to be presented to Council must be legibly written or printed on paper, and signed by at least one person, complete with their mailing address and telephone number. The Warden, in consultation with the CAO/Clerk, shall determine whether the delegation(s) request is suitable and appropriate for consideration by County Council. In determining the suitability of each delegation for authority to address Council, the Warden shall ensure that the request is within the purview and jurisdiction of Council.
- ii. Every Member presenting any petition, protest, or other written application to Council, shall examine the same and shall be answerable that they contain only relevant or proper matter and that the same is respectful and temperate in its language; he or she shall also endorse thereon the name of the applicant and the substance of such application, sign his or her name thereto, which endorsement only shall be read by the CAO/Clerk, unless a Member shall require the reading of the paper, in which case the whole shall be read.
- iii. All petitions or other written communications received prior to any Meeting of Council and on any subject that falls within the jurisdiction of any outside board shall, upon presentation, be referred to the outside board by the CAO/Clerk for consideration. Any matters arising subsequently shall be referred by the Warden without Motion and no Member shall speak upon nor debate on the presentation of any such petitions or other communications to Council.

(b) Delegations

- i. An individual may make a delegation at any Meeting of Council or Committee related to an item of business on the agenda. Any person or groups of persons wishing to address Council or Committee is required to make the necessary arrangements through the CAO/Clerk, at least eight (8) days prior to the date of the Council or Committee Meeting. Written briefs shall be provided so that sufficient time will permit distribution to the Members of Council, prior to the said Meeting.
- ii. The CAO/Clerk's determination as to when a deputation will be scheduled is final.
- iii. Once a delegation has addressed Council or Committee, no further request on the same issue will be entertained until written information is produced to Council or such Committee and it agrees that another delegation is warranted.
- iv. No person or delegation shall be permitted to address Council or Committee on a subject not on the Agenda, unless permission is granted on the consent of the Chair and on two-thirds majority of members in support of such presentation.
- v. A delegation shall be limited to a maximum of fifteen (15) minutes. Council or Committee may, by Motion, and with the support of the majority of its members lengthen the time for hearing of delegations.
- vi. A delegation consisting of more than five (5) persons shall be limited to two speakers and to a total time limitation of fifteen (15) minutes for the delegation presentation. Council or Committee may by Motion lengthen the time for hearing of delegations.
- vii. No more than four (4) delegations shall be scheduled to address Council at any Regular, Special or Emergency Meeting, unless otherwise permitted by the Warden.
- viii. The CAO/Clerk shall provide all individuals or groups seeking to address Council or Committee with a copy of the appropriate section of this Procedural By-law dealing with delegations.
- ix. No person shall be allowed to address Council during any Meeting of Council without the permission of the Warden or other Chair.
- x. Members of Council may ask questions of a delegation but shall not enter into debate with any representative of any such delegation. With the permission of the Chair, the CAO/Clerk may ask questions of any delegations. All questions to delegations shall be addressed through the Chair. No other person may ask any questions of delegations, unless directed to do so by the Warden or other Chair.
- xi. Should an individual wish to be provided with further Notice related to a matter addressed by a delegation before Council or Committee, he or she is required to indicate this wish to the CAO/Clerk as part of his or her delegation request originally delivered.

(c) Correspondence

- i. When correspondence has been requested to be included on a Council agenda or on the request of a Member of Council or Committee to the CAO/Clerk or any Chair of any Committee, such correspondence is placed on the agenda for a regular Meeting. Correspondence must be received no less than eight (8) days prior to a regular Council

Meeting. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business, as an Addendum to the Agenda, or as a matter for Closed Session.

- ii. Staff may prepare recommendations related to any matter raised in Correspondence for consideration by Council or Committee.
- iii. Council will direct, to the CAO/Clerk, correspondence clearly intended to be considered as part of an agenda of Council.
- iv. The CAO/Clerk is required to verify whether it is the intent of an individual to include his or her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councillors or staff and constituents or stakeholders will not be included unless the CAO/Clerk is satisfied that it was clearly the individual's intent to include his or her correspondence on a public agenda.
- v. Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated or placed on an agenda.
- vi. Receipt of correspondence by Council does not constitute endorsement of either the correspondence by the County or of any recommendations it may contain or actions it may advocate.
- vii. When not requested to be included in a Council agenda, correspondence may be circulated by the CAO/Clerk to Members of Council and applicable staff for their information.

(d) Minutes

- i. The Minutes of Council or Committee Meeting shall consist of:
 - (a) A record of the place, date and time of Meeting;
 - (b) The name of the Chair, a record of all Members present, and the names of those Members who are absent;
 - (c) The reading, if requested, correction and adoption of the Minutes of prior Meetings;
 - (d) All other proceedings of the Meeting without note or comment.
- ii. The CAO/Clerk shall ensure that a copy of the Minutes of each Meeting is delivered to each Member of Council or Committee at least forty-eight (48) hours prior to the commencement of the Meeting of Council or Committee.
- iii. The CAO/Clerk shall keep a permanent copy of all Council or Committee Minutes for public inspection.

19. Committee of the Whole

- (a) When Council wishes to consider a subject(s) with all the freedom granted an ordinary committee, it may refer the matter to Committee of the Whole. Members may speak more than once to the same question and the limitations on length of speaking, if any, are relaxed.

- (b) The rules of Council shall be observed in the Committee of the Whole, so far as may be applicable.
- (c) The Chair, subject to an appeal to Council, shall decide any questions of order arising in Committee of the Whole, and if any sudden disorder should arise in the Committee, then the Warden or other Chair will resume the seat of Chair, without any question being put.

20. Pecuniary Interest

- (a) As required by the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3, at the commencement of a Meeting, or prior to considering a Motion under New Business or at the first Meeting attended thereafter, a Member who was absent from any previous Meeting at which such matter was considered, such Member shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the CAO/Clerk in the Minutes.
- (b) A Member shall file with the CAO/Clerk a written statement of any interest declared by the Member in accordance with the *Municipal Conflict of Interest Act*, RSO 1990 Act and its general nature, and the CAO/Clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure.
- (c) In the case of items to be discussed in a Closed Session Meeting, the Member declaring a pecuniary or other conflict of interest shall leave the Meeting and shall take no action to participate in, or influence, the vote of the other Members when said item is to be resolved by Council.

21. Rules of Debate

- (a) As soon after the hour of Meeting as a Quorum is present, the Warden shall take the Chair and Members present there at shall be called to order.
- (b) The Chair shall maintain a list of Members who have requested to speak or ask questions. The Chair designates Members to speak or ask questions in the order in which they appear on the list.
- (c) When the Warden or other Chair is putting forth the question, no Member shall walk across or out of the room, shall not interrupt the speaker, except to a question of order, nor pass between the speaker and the Chair.
- (d) Any Member called to order shall at once cease speaking, unless permitted to explain, and the ruling of the Warden or other Chair shall be final, unless otherwise decided by Council on an appeal from such ruling.
- (e) No Member shall speak disrespectfully of any person or use un-parliamentary or offensive language in or against Council or Committee or against any Member, staff or other person in the Council Chamber.
- (f) No Member shall partake of food in the Council Chamber while the Council is Meeting. No Member shall speak outside the question in debate.
- (g) Any Member may require the question or Motion under discussion be read at any time during the debate but only so as not to interrupt a Member while speaking.

- (h) During any Council or Committee Meeting, except during any period sitting as Committee of the Whole, no Member, unless Council consents to it, shall speak more than once on the same question or during any period sitting as Committee of the Whole, until all other Members have had the opportunity to speak to the question.
- (i) After a Motion is passed or a report adopted, no Motion to alter or amend the same shall be considered during the same Meeting of Council or Committee, unless the Motion to alter or amend is moved and seconded by two Members of Council or Committee from among those Members in attendance and who voted with the majority that carried said Motion or report.
- (j) Questions under the proper Orders of the Day may be put to the Warden or other Chair or through him or her to any Member of Council, relating to any Motion or other matter connected with the business of Council or Committee or the affairs of the County, but no argument or opinion is to be offered, nor any facts stated, except as may be necessary to explain the same; and in answering any such questions, a Member is not to debate the matter to which the same refers.
- (k) Members of Council or Committee, except the Warden, shall be referred to as County Councillors.
- (l) At any time when a vote, taken by a show of hands, is unclear as to the outcome, the Warden or other Chair may request the Members to stand to indicate their YEA or NAY in respect of such vote. In the case of electronic participation, the attending Member will be asked directly to indicate his or her YEA or NAY.
- (m) Upon a tie vote on any question, by a show of hands, a recorded vote shall then be taken.
- (n) Upon a tie recorded vote the question shall be considered a defeated Motion.
- (o) If the Warden or other Chair, as the case may be, desires to leave the seat of the Chair before adjournment of the Meeting and fails to call some Member to the position of the Chair, Council or Committee may appoint a Member to preside over the Meeting until the business of the Meeting is finished.
- (p) No person other than Members or any Members of a Committee or employees of the County shall be allowed to speak from the gallery during the Meetings of Council or Committee without the permission of the Chair.

22. Reconsideration

- (a) After a Motion has been voted on by County Council, no Motion for reconsideration thereof shall be introduced and such Motion may only be passed by a two-third vote of the entire Council in support of such reconsideration.
- (b) Reconsideration of a Motion must take place at the same meeting or, in a multi-day session, the next day.

23. Readings of By-laws and Proceedings

- (a) Every by-law shall be printed in written or in electronic form and introduced by the CAO/Clerk and shall be considered for enactment by Council.
- (b) All by-laws collectively shall be given first, second and third readings in a single Motion, unless a Member wishes to discuss the contents of a by-law or a matter requires that the by-law receive first and second reading only and third reading at a future Meeting, at which time the subject by-law shall be removed from the Motion list and dealt with separately. The headnote only of the by-law shall be read and a by-law shall not be enacted until it has received three readings.
- (c) After by-laws have passed, the CAO/Clerk shall be responsible for their corrections should amendment be required.
- (d) The Proceedings of every Regular, Special or Emergency Meeting shall be confirmed by a Confirmation By-law so that every decision of Council and every resolution passed at that Meeting shall have the same force and effect as if each one of them had been the subject matter of a separate by-law duly enacted.
- (e) All by-laws adopted by Council shall be printed in the annual Proceedings of Council.
- (f) The CAO/Clerk shall maintain a permanent copy of all by-laws for public inspection.

24. Motions from Other Municipalities and Organizations Requesting Endorsement

- (a) Motions from other municipalities in Elgin County are placed on the agenda for County Council. Where required due to urgency or timing, the Motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.
- (b) Staff may prepare recommendations related to the matter for Council's consideration.
- (c) Council's receipt of Motions from other municipalities in Elgin County does not constitute endorsement by the County of any recommendations or actions they may contain.
- (d) Motions from municipalities outside of Elgin County and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence.

25. Presentations and Recognitions

- (a) Presentations include those of staff or parties invited by staff or those of other government agencies and presentations to Council on matters of interest to the County as well as awards, certificates, grants and other recognitions presented to/by the County or its staff or related parties. Such presentations are received or presented by the Chair.
- (b) Presentations may be up to ten (10) minutes. The consent of Council is required to extend the presentation beyond ten (10) minutes.

26. Open Meetings and Closed Session Meetings

(a) Open Meetings and Improper Conduct

- i. Except as provided in this section, all Meetings of Council and Committee shall be open to the public pursuant to the Act, S. 239 (1).
- ii. The Chair may expel any person for improper conduct at a Meeting, pursuant to the Act, 2001, S. 241 (2).

(b) Closed Session Meetings

- i. Persons may be excluded when Council or Committee is in Closed Meeting in accordance with Section 239 of the Act and amendments thereto. As provided for in the Act, Council or a Committee may resolve to move into a session closed to the public in order to discuss matters related to one or more of the following:
 - (a) the security of the property of the County or local board;
 - (b) personal matters about an identifiable individual, including County or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the County or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the County 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 or 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 the 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.
- ii. 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, 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 appointed by Council or the investigator appointed by Council.
- iii. A meeting of Council 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 Council, local board or committee.
- iv. Before holding a Meeting or part of a Meeting closed to the public, Council or a Committee shall approve a Motion, stating the following:
- (a) The fact that the Meeting will be closed to the public as provided for in the *Act*; and,
 - (b) The general nature of the matter to be considered at the Meeting closed to the public.
- iii. Pursuant to Section 239 of the *Act*, when a Motion to proceed in a Closed Meeting is carried, the Warden or the Chair may, with the approval of Council, exclude such persons as deemed appropriate from the meeting room.
- iv. When in a Closed Meeting, no one shall leave and re-enter the Meeting room without the approval of the Warden or Chair.
- v. All Closed Meeting Minutes for Council and Committee Meetings shall be circulated at the commencement of the next Meeting and addressed to each Member of Council.
- vii. Following approval of the minutes, the copies of the Closed Meeting Minutes will be returned to the CAO/Clerk for shredding.
- viii. Closed Meeting Minute binders for Council and Committee Meetings are maintained by the CAO/Clerk and are only accessible by the CAO/Clerk.
- (c) Voting During Meetings Closed to the Public
- i. No vote will be taken at a Meeting described in Section 26 (b) of this Procedural By-law, and which is closed to the public, unless:
- (a) The subject matter relates to an issue as described in Section 26 (b) of this by-law; and
 - (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons related by or under contract with the Municipality.

- ii. On Motion in Committee of the Whole in a Closed Meeting, to rise and report the question shall be decided without debate involving any of the following:
 - i. Motion to rise without reporting
 - ii. Motion to rise and report
 - iii. Motion to provide staff direction
- iii. With respect to debate and/or vote in a Meeting closed to the public:
 - (a) The number of times a Member may speak to any question shall not be limited during a Closed Session, provided that no Member shall speak more than once until every Member who desires to do so shall have spoken.
 - (b) A Member present at a Closed Session shall, prior to consideration of any matter, declare any pecuniary interest, direct or indirect and the general nature thereof and said Member shall leave the Closed Session, or part thereof, during which the matter is under consideration. The declaration of Pecuniary Interest shall be recorded in the minutes.

(d) Notice of Meetings Closed to the Public

- i. Where a matter may be considered by Council or a Committee for discussion in Closed Session, whenever possible, written Notice provided for in this by-law shall disclose:
 - (a) The fact that the Meeting will be closed to the public as provided for in the Act;
 - (b) The general nature of the matter to be considered at the closed Meeting.

(e) Confidentiality of Closed Session Discussions and Public Disclosure

- i. A summary of any discussion held in Closed Session and any required vote if permitted, will occur following the Closed Session discussion of Council or Committee.
- ii. The summary of Closed Session discussion and vote will provide sufficient detail, without detrimentally affecting the confidentiality of the matter(s) discussed in Closed Session and the position of the Municipality.
- iii. No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a Closed Session Meeting of Council or Committee until such time that such Council or Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Chair or designate under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 or if directed to do so by a court.
- iv. A Motion to adjourn a Closed Meeting shall always be in order and be decided without debate, except when a Member is in possession of the floor.
- v. Upon rising from a Closed Meeting, the Chair shall announce the result of the vote as it is to be recorded in the minutes.

(f) Application of Open and Closed Meeting Provisions to all Committees

- i. The provisions of Section 239 of the Act and Sections 26 (a), (b), and (c) of this by-law apply to any and all Committees, despite Section 238 of the Act.

(g) Closed Meeting Investigation

- i. Council shall appoint a Closed Meeting Investigator to carry out Closed Meeting Investigations.
- ii. If, after completing an investigation, the investigator is of the opinion that the Meeting or part of the Meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to the Act or to this by-law, the investigator shall report his or her opinion and the reasons for it to Council and may make such recommendations as he or she thinks fit.
- iii. The County of Elgin shall ensure that reports contemplated in this section are made available to the public as required by the Act.
- iv. If the investigator is of the opinion that the Meeting was closed to the public contrary to Act, Council shall pass a resolution stating how it intends to address such opinion and the report in which it was delivered.
- v. A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the Act and this by-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by completing and submitting a copy of the *Municipal Investigation of Closed Meetings* form.

27. Duties of the Warden and Chair

- (a) The Chair of a Meeting of Council, whether a Regular, Special, Workshop or Orientation Meeting is the Warden. In the absence of the Warden, the Deputy Warden is Chair as provided for in this by-law.
- (b) The Chair and any Vice Chairs of any Committees are appointed from among their respective Members and shall serve as Chair of any Committee Meetings at all times in accordance with this by-law.
- (c) It shall be the duty of the Warden or other duly appointed Chair:
 - i. to act as Chief Executive Officer of the municipality;
 - ii. to preside over Council Meetings so that its business can be carried out efficiently and effectively;
 - iii. to provide leadership to Council;
 - iv. to represent the County at official functions;
 - v. to carry out the duties of the Chair under any other Act or any other Statute of the Province;

- vi. to provide information and recommendations to the Members of Council with respect to Council's role to ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
- vii. to provide information or recommendations to Council to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- viii. to open the Meeting of Council by taking the Chair and calling the Members to order;
- ix. to announce the business before Council in the order which it is to be acted upon;
- x. to receive, in the proper manner, all Motions presented by the Members of Council and to submit these Motions as questions for proper debate;
- xi. to put to a vote all questions which are duly moved and seconded or which necessarily arise in the course of proceedings and to announce the results;
- xii. to decline to put to a vote Motions which infringe upon the Rules of Procedure as provided for in this by-law;
- xiii. to restrain the Members, within the Rules of Procedures, when engaged in debate;
- xiv. to enforce on all occasions the observance of order and decorum among the Members and those before Council;
- xv. to call by name any Member persisting in breach of the Rules of Procedure, thereby ordering the Member to vacate the meeting place;
- xvi. to receive all messages and other communications and announce them;
- xvii. to authenticate by his or her signature, when necessary, all by-laws and minutes of Council;
- xviii. to inform the Members of Council, when necessary or when referred to for the purpose, on any point of order;
- xix. to represent and support Council, implicitly obeying its decision in all matters;
- xx. to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.
- xxi. When appointed to be, may be an ex-officio Member of all committees of Council;
- xxii. To perform all duties as required of a Member of Council;
- xxiii. To adjourn the Meeting without question in the case of grave disorder arising during the Meeting or suspend the sitting of Council until a time to be named by the Warden; and
- xxiv. To adjourn the Meeting when the business of Council is concluded.

- (d) As Chief Executive Officer of the County, the Warden shall:
- i. uphold and promote the purposes of the municipality;
 - ii. promote public involvement in the municipality's activities;
 - iii. act as the representative of the municipality both within and outside the territorial limits of the municipality, and promote the municipality locally, nationally and internationally; and
 - iv. participate in and foster activities that enhance the economic, social and environmental well-being for the municipality and its residents.

28. Warden Entering Debate

- (a) If the Warden desires to take part in the debate of Council, he or she may remain in the Chair to do so. Alternatively and when he or she deems appropriate, he or she may leave the Chair and, at that time, call on the Deputy Warden to fill their place until they resume the Chair.

29. Council Member Roles and Responsibilities

- (a) Council Members are responsible for, where applicable:
- i. Attending scheduled Meetings;
 - ii. Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
 - iii. Voting on Motions put to a vote;
 - iv. Respecting the rules of order in this Procedural By-law;
 - v. Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order;
 - vi. Remaining silent in their seats while Council or a Committee votes and until the Chair announces the results of the vote;
 - vii. Refraining from using any offensive, disrespectful or un-parliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a whole;
 - viii. Respecting and following the decisions of Council or a Committee;
 - ix. Respecting the confidentiality of matters discussed in Closed Session Meetings and not disclosing the subject or substance of these discussions unless authorized to do so;
 - x. Complying with the Chair's rulings and Council's decisions; and
 - xi. Complying with the Council Code of Conduct.

- (b) The role of Council Members also includes, where applicable:
- i. to represent the public and to consider the well-being and interests of the County;
 - ii. to develop and evaluate the policies and programs of the County;
 - iii. to determine which services and the extent to which such services are provided to the residents of the County;
 - iv. to ensure that administrative policies, practices and procedures and financial policies, practices and procedures are in place to implement the decisions of Council;
 - v. to ensure the accountability and transparency of the operations of the County, including the activities of the senior management of the County;
 - vi. to maintain the financial integrity of the County; and
 - vii. to carry out the duties of a Member as provided for under any Act or by-law.

30. Absence of Warden and/or Deputy Warden

- (a) In case the Warden does not attend within fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Deputy Warden shall call the Meeting to order and preside as Chair, subject to any restrictions regarding Conflict of Interest.
- (b) In case the Warden and Deputy Warden are unable to attend the Meeting, the Members will, by resolution duly moved and seconded, appoint a Chair. While so presiding, the Chair shall have all the powers of the Chair.
- (c) Should the Warden or Deputy Warden, as the case may be, arrive after the Meeting has been called to order, the Chair shall relinquish the position of the Chair to the Warden, or Deputy Warden as the case may be, immediately after the current item of business on the Council Orders of the Day is considered or otherwise disposed.

31. Alternate Council Member

- (a) General Procedures
- i. This following procedure relates to alternates to County Council who are appointed by local municipalities under section 268 of the Act when they are required to attend a Council Meeting.
 - ii. The Council of a constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of a person who is a Member of the Council of the constituent municipality and the County when the Member is unable to attend a Meeting of County Council for any reason.
 - iii. County Council has no role in the appointment of Alternate Members but it can establish procedures for accommodating Alternate Members at County Council.
 - iv. Constituent municipalities are able to appoint an Alternate Member of County Council in accordance with the following provisions:
 - (a) There can only be one Alternate Member appointed per municipality;

- (b) The appointment is for the term of Council; and
 - (c) Municipalities cannot appoint another Alternate Member to act in place of the appointed Alternate Member.
- v. Alternate Members shall make their declaration of office prior to taking their seat as an Alternate Member of Council. This is not required for subsequent Meetings they might attend.
 - vi. The Alternate Member shall have all the powers and duties of a Member, including the power to make motions and vote and the duty to abide by this by-law and Code of Conduct, as applicable.
 - vii. Alternate Members must only be used when the Member is unable to attend an entire Meeting with the exception of an Inaugural Meeting or Meeting of any County Board or Agency.
- (b) Notification Process
- i. A local municipality shall notify the CAO/Clerk in the event that its council appoints an Alternate Member of County Council.
 - ii. The CAO/Clerk shall keep a record of all appointed Alternate Members which shall be available to the public.
 - iii. The local Clerk or incumbent Council Member shall notify the CAO/Clerk, in writing, as soon as reasonably possible when an Alternate Member shall be attending a Meeting of Council.
 - iv. Each local municipality will be responsible for notifying its Alternate Member that they are to attend any County Council Meeting.
 - v. In situations where no prior notice has been given, the Alternate Member shall at the time they attend a County Council Meeting, provide the CAO/Clerk with written confirmation that they are acting as an Alternate Member for that Council Meeting.
 - vi. Alternate Members shall receive a regular agenda on each Thursday preceding a Meeting day of Council. If no notice was provided, they shall receive a hard copy agenda at the time they attend the Council Meeting.
 - vii. Closed Meeting agendas, reports and minutes will be provided to the Alternate Member on paper and shall be returned at the end of the meeting.
- (c) Meeting Administration
- i. The Alternate Member's powers and duties as a Member extend only to the time they are present at the Council Meeting.
 - ii. Council Minutes shall note the absence of the incumbent Member and the attendance of an Alternate Member.
 - iii. Where both an Alternate Member and Member attend a Council Meeting, the Member shall assume their seat. The Alternate Member may attend as a spectator.

(d) Appointment of Alternate Member for a Period of Less Than One (1) Month

- i. If a person who is a Member of the council of a constituent municipality and a Member of County Council is unable to act as a Member of those councils for a period of less than one (1) month, the Council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of the Member until the Member is able to resume acting as a Member of those councils.
- ii. An Alternate Member appointed at the discretion of a constituent municipality as contemplated by section 31 (d)(i) above shall not receive compensation from the County for any Meetings of Council they are required to attend in the absence of the Member but shall be paid mileage at the same rate established for the use of personal vehicles for County business and any other eligible “out of pocket” expense that may occur.
- iii. An Alternate Member shall not be eligible to be reimbursed for attendance at conventions, seminars or training.
- iv. An Alternate Member while acting in his or her capacity, shall be governed by all applicable policies of the County such as but not limited to this by-law and Council Code of Conduct;
- v. An Alternate Member shall have access to applicable support resources such as but not limited to the County’s Integrity Commissioner.

(e) Appointment of Alternate Member for a Period Exceeding One (1) Month

- i. If a person who is a Member of the council of a constituent municipality and a Member of County Council is unable to act as a Member of those councils for a successive period exceeding one (1) month, the council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of the Member until the Member is able to resume acting as a Member of those councils.
- ii. Upon notice of vacancy of a Member exceeding one (1) month, the Member’s compensation and expense reimbursement eligibility will cease and will be provided to the Alternate Member so appointed in his or her place by the constituent municipality in the same manner.
- iii. An Alternate Member so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.
- iv. An Alternate Member, while acting in this capacity, shall be governed by all applicable policies of the County such as but not limited to this by-law and Council Code of Conduct.
- v. An Alternate Member so appointed shall have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and applicable support resources such as but not limited to the County’s Integrity Commissioner.

32. Member Vacancy

(a) Vacancy of Seat of Member of Council

- i. The Council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of Member Vacancy. The office of a Member of Council becomes vacant if the Member:
 - (a) becomes disqualified from holding the office of a Member of Council;
 - (b) fails to make the declaration of office before the deadline;
 - (c) is absent from the meetings of council for three (3) successive months without being authorized to do so by a resolution of Council;
 - (d) resigns from his or her office;
 - (e) is appointed or elected to fill any vacancy in any other office on the same council;
 - (f) has his or her office declared vacant in any judicial proceeding;
 - (g) forfeits his or her office under the Act or any other Act; or
 - (h) dies, whether before or after accepting office and making the prescribed declarations.
- ii. Seats declared vacant by a constituent municipality will be dealt with as outlined in the Act.
- iii. Upon notice of vacancy, the Member's compensation and expense reimbursement eligibility will cease and will be provided to the Alternate Member so appointed by the constituent municipality in the same manner.
- iv. An Alternate Member, so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.
- v. An Alternate Member, while acting in this capacity, shall be governed by all applicable policies of the County such as but not limited to the Council Code of Conduct.
- vi. An Alternate Member so appointed shall have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and applicable support resources such as but not limited to the County's Integrity Commissioner.

(b) Vacancy of Seat of Warden

- i. If the position of Warden is vacant, Council shall fill the vacancy by appointment in the same manner as Warden was originally appointed, as provided for in this by-law.

(c) Pregnancy and Parental Leave

- i. The provisions of this sub-section applies to a Member of Council who is absent from Meetings of Council for at least three (3) consecutive months as a result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.
- ii. The office of a Member of Council shall not become vacant if a Member is absent for twenty (20) consecutive weeks or less when such absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
- iii. Prior to the Member missing meetings of Council for three (3) consecutive months, a Member of Council shall provide a request for pregnancy and/or parental leave in writing to the CAO/Clerk.
- iv. If a Member wishes to seek a leave in excess of twenty (20) consecutive weeks, the Member shall request an extended leave, in writing to the CAO/Clerk, as soon as the need for an extended leave is known. If an extended leave is requested, the CAO/Clerk shall prepare a report for Council's consideration of the extended leave.
- v. Member on pregnancy or paternity leave is exempt from attending meetings of Council and any other Committee to which the Member has been appointed.
- vi. Members shall still receive all Council Agenda packages.
- vii. Any Member on pregnancy or paternity leave shall participate in events, conferences, committee meetings, constituent meetings or respond to communications at the level they determine, utilizing an out of office email feature to identify they are on leave, the level of service offered and an alternate contact if required.
- viii. Members of Council on pregnancy or paternity leave shall continue to receive all remuneration afforded to regular Members of Council.
- ix. Members of Council on pregnancy or paternity leave shall continue to have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and staff support.

33. Administrative Authority of CAO/Clerk

- (a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of proceedings.
- (b) Significant changes to by-laws, minutes and other Council and Committee documentation including a change in meaning, shall be presented to Council or the involved Committee for approval and adoption.

34. Organization of Committees

- (a) The Warden shall recommend and Council shall appoint representatives from within their membership to various committees/boards/agencies at the first Meeting in December of each year.

- (b) A Meeting of any Committee may be called by the Chair thereof whenever a Meeting is considered necessary by at least a majority of the Members of such committee and it shall be his or her duty to call such Meeting in writing.
- (c) All Members of Council shall be appointed to at least one position on any Committee, Board or Agency.
- (d) All Members of Council are equally eligible to serve on any Committee, local board or agency.
- (e) Any Member attending at any Meeting of a Committee, local board or agency shall not be entitled to additional compensation but shall be entitled to reimbursement of travel expenses.

35. Ad Hoc, Committee or Steering Committees

- (a) Council may at any time, on Motion of a Member duly considered and agreed to by a majority vote strike a Committee, Ad Hoc Committee and/or Steering Committee, as the case may be, which shall consider and report on any matter or to perform any special service within the spheres of jurisdiction of Elgin County, pursuant to the Act. Unless specifically provided for in this by-law, such Committee, Ad Hoc Committee and/or Steering Committee shall dissolve as soon as the services for which that Committee was appointed are performed. Council may appoint an Ad Hoc Committee and/or Steering Committee if an issue must be addressed and it does not fall within the scope of management staff.
- (b) For every Committee, Ad Hoc Committee and/or Steering Committee established by Council, Council shall adopt terms of reference and these terms of reference shall be reviewed with each term of Council and prior to any new Committee appointments.
- (c) The terms of reference adopted by Council must include the:
 - i. Identification of Members as appointed including term of office for lay appointments if the term does not coincide with the term of council;
 - ii. The mandate of such Committee, Ad Hoc Committee and/or Steering Committee;
 - iii. Specific duties, including delegated duties (if any); and
 - iv. Requirement for a term report to provide a status update on the activities and accomplishments of the Committee, Ad Hoc Committee and/or Steering Committee.
- (d) The powers and duties of established Committees, Ad Hoc Committees and/or Steering Committees shall be pursuant to this by-law, giving direction but shall not include the decision-making authority of Council, pursuant to the Act, except in the case of a Quasi-Judicial Board, or as otherwise explicitly provided for in this by-law.
- (e) Unless Council specifically sets out in this by-law, or unless legislation provides otherwise, the term of office for Member appointments to Committees, Ad Hoc Committees and/or Steering Committees shall coincide with the term of Council.
- (f) Unless the terms of reference or legislation provides otherwise, the term of office for lay appointments to Committees, Ad Hoc Committees and/or Steering Committees shall coincide with the term of Council or until their successors are appointed.
- (g) A majority of the Members of a Committee is necessary to constitute a Quorum.

- (h) All decisions of Committees, Ad Hoc Committees and Steering Committees shall be in the form of recommendations to Council, except as otherwise explicitly provided by Council resolution and/or by-law striking the Committee and shall be forwarded by the Secretary to the CAO/Clerk for inclusion in the Agenda of the next Meeting of Council.
- (i) An employee of the County shall be the Secretary of the Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee and shall act as a resource person in a non-voting capacity.

36. Committee Vacancies/Appointments

- (a) Committee, local board or agency vacancies, which occur during the year, shall be filled by Council and in respect thereof, persons serving on local boards or Committees shall be eligible for re-appointment, but shall not be eligible for re-appointment to the same position for a period of more than eight (8) consecutive years. After an absence of not less than one (1) year, such person shall be eligible for re-appointment.

37. Other Committees/Local Board/Agencies

The following sets forth the permanent Boards and the numbers and identity of appointees.

<u>Committee</u>	<u>Appointees</u>
Dispute Resolution	2 Members + Warden
Elgin County Museum	1 Member
Southwestern Public Health	2 Members
Health Recruitment Partnership	1 Member
Human Resources Committee (as needed)	2 Members
Joint Elgin/Central Elgin Accessibility Advisory Committee	1 Member
Building Committee(s)	3 Members + Warden (per project)
Rural Initiatives Committee	3 Members
St. Thomas-Elgin Public Art Centre	1 Member
Waste Management/Liaison	All Members of Council
Water Advisory Committee	1 Member

Land Division Committee – Council shall appoint a seven (7) Member Land Division Committee, one Member from each constituent municipality, who shall individually hold office during the term of the Council that appointed them. Persons serving on Land Division Committee shall be eligible for re-appointment, but shall not be eligible for re-appointment to the same position for more than eight (8) consecutive years. After an absence of not less than one (1) year, such person shall be eligible for reappointment.

38. General Rules for All Committees

- (a) Any Member of Council or Committee may be placed on a Committee notwithstanding the absence of such Member at the time of their being named on such Committee.
- (b) The Warden shall be a Member ex-officio of all Committees of Council as required and may vote on all questions before the Committee and the ex-officio Member shall not be counted in the formation of a Quorum.
- (c) Members of Council or Committee may attend the Meetings of any of its Committees, but shall not be allowed to vote, nor should they be allowed to take part in any discussion or debate, except with the permission of the majority of the Members of the Committee.
- (d) Council may appoint a Member thereof to act on any Committee or Meeting in lieu and during the absence of any Member thereof, who is absent from the municipality, or unable from illness to attend the Meetings of such Committee, and the Member so appointed shall be deemed a Member of the Committee and entitled to act thereon, only during such absence or illness.
- (e) Should any Member of a Committee fail, neglect or refuse to attend the properly summoned Meetings of their Committees, the Chair shall report such failure, neglect or refusal to Council, which may remove the said Member or Members from the Committee and appoint another Member in his or her place or places; or should any Committee neglect or refuse to give due attention to all business or matters before them, Council may by resolution discharge such Committee and appoint another in its stead.
- (f) A majority of all Members of the Committee shall constitute Quorum.

39. Duties of Committees

- (a) Without limiting the generality of the foregoing, the duties of any Committee of Council will more specifically include:
 - i. the general duties of the Committees of Council shall be to report to Council from time to time, whenever desired by Council and as often as the interest of the County may require, on all matters concerned with the duties imposed on them respectfully, and to recommend such action by Council in relation thereto as may be deemed necessary.
 - ii. to cause to be prepared and introduced into Council all by-laws as may be necessary to give effect to such of their reports or recommendations as are adopted by Council.
 - iii. to consider and report on any and all matters referred to them by Council and every such report shall be signed by the Chair submitting the same.
 - iv. to comply strictly with the transaction of all business to the rules prescribed in this by-law.

40. Restriction on Power of Members

- (a) No Member of Council shall have power to direct or interfere with the performance of any work of the County Corporation.

41. Repeal or Amendment of this By-law

- (a) This by-law is not to be amended or repealed except by a majority vote when all Members of Council are present.
- (b) No amendment or repeal of this by-law is to be considered at any Meeting of Council unless Notice of the proposed amendment or repeal has been given at a previous regular Meeting of Council.

42. Convention Attendance

- (a) County Councillors shall be permitted to attend any convention or conference in accordance with the established convention policy, provided the said convention or conference is relevant to the business of the County, subject to a maximum allowance.

43. Public Record

- (a) All communications that the CAO/Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of his or her personal information when submitting it or when otherwise confirmed by the CAO/Clerk.

44. General Provisions

- (a) The rules and regulations contained herein shall be observed in all proceedings of Council or Committee and shall be the rules and regulations for the order and dispatch of business in Council and in the Committees.
- (b) Notwithstanding that set forth in subsection (a) above, the rules and regulations contained herein may be suspended by vote of two-thirds of the whole Council and otherwise in any case for which provision is not made herein.
- (c) That all newly-elected Mayors and Deputy Mayors to become Members of Council to be invited to attend upon Council proceedings at a November Session immediately preceding the commencement of their terms of office.

45. Conflict with the Municipal Act

- (a) In cases where the Rules of Procedure contained in this by-law conflict with the Act, the Act shall prevail.

46. Severability

- (a) Each provision of this by-law is distinct and severable. If any provision of this by-law, in whole or in part, is or becomes illegal, invalid, void, voidable or unenforceable in any jurisdiction by order of any court of competent jurisdiction, the illegality, invalidity or unenforceability of that section, in whole or in part, will not affect:
 - i. the legality, validity or enforceability of the remaining provisions of this by-law, in whole or in part; or

- ii. the legality, validity or enforceability of that section, in whole or in part, in any other jurisdiction.

ENACTED THIS 16th DAY OF OCTOBER, 2018.

REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer/Clerk

DATE: September 29, 2018

SUBJECT: Elgin County Council Policies Manual

INTRODUCTION:

Council completed a comprehensive review of the Council Policies Manual and Council's Procedural By-law on September 25, 2018.

This review seeks Council's final approval for the amended Council Policy Manual.

ANALYSIS:

Incorporated suggestions from the Council Meeting on September 25, 2018:

1. Change in Warden's Election Reception and Annual Warden's Dinner;
2. Addition of Official Statements concerning management, services and staffing to be made by the Chief Administrative Officer/Clerk with the permission of the Warden;
3. Revised definition of Meeting – to align with Procedural By-law and new legislation and updated Land Division Section to align with Procedural By-law.
4. Revised remuneration for Warden and Councillors;
5. Corporate Branding information;
6. Appendices will be included (Grants Policy, etc.)

CONCLUSION:

The purpose of this final review of the Council Policy Manual is to obtain final approval from County Council that this document sufficiently captures the suggestions provided on September 25, 2018.

RECOMMENDATIONS:

THAT the report titled "Elgin County Council's Policies Manual" from the Chief Administrative Officer, dated September 29, 2018, be received and filed; and,

THAT the "Elgin County Council Policies Manual" be approved as presented.

All of which is Respectfully Submitted

Julie Gonyou
Chief Administrative Officer/Clerk

ELGIN COUNTY COUNCIL POLICIES MANUAL

WARDEN

CELLULAR TELEPHONE/ELECTRONIC COMMUNICATION DEVICE

The Warden shall be provided with a cell phone or other electronic device approved by Information Technology for business use. Personal use is subject to Council Policy. Retiring Warden will return said equipment to the County as soon as possible after completion/termination of their term for distribution to the new Warden, or at the discretion of the Director of Financial Services, may be retained due to the age or condition of the equipment.

CHAIN OF OFFICE/GOWN/LORD ELGIN WATCH

The Warden is authorized to use his/her own discretion as to whether the traditional Chain of Office, Gown, or Lord Elgin Watch will be worn at meetings of Council, other than at the time of election to Office, or other events or occasions as warranted.

MILEAGE

Mileage will be paid at the same rate as staff established for the use of personal vehicles for County business (2018 rate - \$0.495 per km).

CONVENTION/WORKSHOP/SEMINAR ATTENDANCE AND HOSPITALITY ROOMS

1. The Warden may attend any number of conventions/workshops/seminars or conferences, provided the said convention/conference/workshop/seminar is relevant to the business of the County and does not exceed budget allocations. This shall be decided by Council not later than in October of the preceding year.
2. The Warden shall be paid the following rates for attending conventions/conferences/ workshops/seminars:
 - a) Registration fee, approved expenses and standard travel from St. Thomas to the convention site and return shall be paid at the same rate established for the use of personal vehicles for County business.

Whenever possible the Warden and delegates are encouraged to travel together in order to reduce costs.

- b) Accommodation, at the approved hotel rate, shall be reimbursed from receipts and limited to the actual number of days that the convention has sessions listed which the delegate attends.
- c) A meal allowance of \$75.00 per day, adjusted from time to time, will be paid, if not provided or included in the registration, and limited to the actual number of days that the convention has sessions listed which the delegate attends.

- d) Parking shall be reimbursed from receipts and limited to the actual number of days that the convention has sessions listed which the delegate attends.
- e) Claim for reimbursement of expenses shall be made on approved claim form. Reimbursement shall be made as soon as possible after receipt of claim but will coincide with the next scheduled cheque run.

ELECTION RECEPTION

A reception will be held immediately following the Warden's Election each year. The County will also provide a Guest Book and purchase the liquor license. The Administrative Services Department will make the necessary arrangements for the reception.

OFFICIAL STATEMENTS

Statements concerning official policies of County Council shall be released by the Warden only or a person named by the Warden (CAO/Clerk) to provide statements or information to the media. Statements concerning management, services and staffing shall be released by the CAO/Clerk with permission from the Warden. Senior staff are encouraged to provide timely responses to media inquiries by providing factual information, subject to freedom of information provisions, as requested and subject to the CAO/Clerk's approval.

PHOTOGRAPH

After the Warden is elected, arrangements will be made for taking a photograph of the Warden in official attire. Two copies of the photograph will be purchased, one to be displayed in the Council Chambers and one to be given to the Warden. Copies will be supplied to the County in digital format for departmental use and for use by the media.

MEETING DEFINITION

Pursuant to Council's Procedural By-law a "meeting" means an event wherein business is transacted for any regular or special purpose by the Council or local board, or a committee or sub-committee of either of them, as the case may be, where, (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

Occasionally, the Warden may designate a Councillor to meet with staff or to attend meetings on behalf of County Council. These meetings are to be kept to a minimum.

REMUNERATION

1. The following remuneration shall be paid to the Warden for attending meetings of the Council, committees/boards, and performing all other duties applicable to the Office:
 - a) The Warden shall be paid an annual remuneration of, \$69,918 (2019) to be paid monthly, with said stipend to include all meeting and incidental claims (telephone, paper, etc.) for all responsibilities including work associated with outside boards, meetings with ratepayers, etc. The above remuneration shall be automatically adjusted annually by the same percentage as is determined for non-union staff.

- b) In addition to the above remuneration, the Warden shall be paid for each kilometre necessarily travelled in attending meetings as established for the use of personal vehicles for County business and shall submit a monthly account to Administrative Services on the form provided and would receive payment on the next scheduled pay date.
- c) Monthly accounts for kilometres travelled for other than Council meetings shall be submitted to Administrative Services on the form provided and receive payment on the next scheduled pay date.
- d) The Warden shall be provided with a credit card upon which expenditures can be made applicable to the Office. All receipts must be signed by the Warden and submitted to staff to attach to the monthly billing. If receipts are not submitted, the Warden shall be responsible to reimburse the County for any unsupported costs.

ELGIN COUNTY COUNCIL POLICIES MANUAL

COUNCIL

ASSET DISPOSAL

Periodically, equipment, furniture, supplies, materials and other County property (excluding land) will be deemed to be surplus and of no potential use for County purposes. The Asset Disposal Policy shall be followed in determining the disposition of property and is available upon request.

BEREAVEMENT

Flowers or a donation up to an amount of \$100, as adjusted from time to time, will be sent, in the event of bereavement, for current Councillors, Department Heads, and their Spouses or Children; Past Councillors who served during the previous term; all Past Wardens and Past Department Heads; and Residents of County Homes. In addition, flowers or a donation may be sent to other persons who have had considerable dealings with the County, at the discretion of the Warden.

BUSINESS CARDS

Business Cards with the County Insignia/logo will be supplied to the Warden annually, denoting his/her year(s) as Warden, and to Councillors as requested.

CODE OF CONDUCT

A Code of Conduct has been established for the Warden, Council and Members of Outside Boards to establish guidelines for ethical and interpersonal standards of conduct.

COFFEE/REFRESHMENT

The County will purchase coffee or tea or other non-alcoholic refreshments for Council meetings and to be used by the staff in the Administration Building for business meetings.

COMMITTEE MEETINGS

All committee meetings shall be open to the public, except for Closed Meetings held in accordance with the Municipal Act or any other relevant Act pursuant to Council's Procedural By-law.

CONVENTION ATTENDANCE

1. County Councillors shall be permitted to attend any convention/conference/workshop/seminar in accordance with the established convention policy, provided the said attendance is relevant to the business of the County and is contained within approved budgetary limits.

2. Members of County Council shall be paid the following rates for attending conventions/conferences/ workshops/seminars.

- a) The per diem rate, (currently \$150) registration fee, approved expenses and standard travel from St. Thomas to the convention site and return (see Schedule "A"), paid at the same rate established for the use of personal vehicles for County business.

Whenever possible, Councillors are encouraged to travel together in order to reduce costs.

- b) The per diem rate of \$150.00 (adjusted from time to time) shall be paid and limited to the actual number of days that the convention/conference/workshop/seminar has sessions listed which the delegate attends.
- c) Accommodation, at the approved hotel rate, shall be reimbursed from receipts and limited to the actual number of days that the event has sessions listed which the delegate attends.
- d) A meal allowance of \$75.00 per day will be paid, if not provided or included in the registration, and limited to the actual number of days that the event has sessions listed which the delegate attends. The meal allowance is applied when staying at least one night, otherwise meals are reimbursed through receipt and actual cost.
- e) Parking shall be reimbursed from receipts and limited to the actual number of days that the convention has sessions listed which the delegate attends.
- f) Claims for reimbursement of expenses and per diem shall be made on approved claim forms (see Schedule "B"). Reimbursement shall be made as soon as possible after receipt of claim but will coincide with the next scheduled cheque run.
- g) The above provisions shall be subject to the payment of a maximum of \$4,000.00 per member (excludes registration and travel), per calendar year, subject to adjustment from time to time.

CORRESPONDENCE

1. The deadline for correspondence is eight (8) days prior to a regular Council meeting. Correspondence received after the deadline may be forwarded to the Councillors by no later than the Friday preceding a regular Council meeting. Notwithstanding the deadline limitation, if an item must be dealt with due to an emergency situation or extreme time constraints, the item may be dealt with as an Addendum to the Council Agenda, pursuant to Council's Procedural By-law.
2. No action will be taken on any unsigned and unsolicited correspondence received by County staff with said correspondence being destroyed immediately upon receipt.

COUNCIL PHOTOGRAPH

Arrangements will be made for taking the annual photograph of the Council, Department Heads and Seconds-In-Command. The photograph will be displayed in the hallway outside Council Chambers and a copy supplied to the Council and appropriate staff at no charge.

COUNCILLOR ORIENTATION

Following the election of a new Council, a general Orientation Session for new Councillors will be held. The orientation would cover Council procedures and departmental operations and include topics such as departmental organization and functions, introduction of key personnel, tours of facilities, etc.

COUNTY COUNCIL DRESS CODE

The following dress code for County Council Members and Officials was adopted on May 25, 2010 and became effective on December 1, 2010:

Council Members and Officials shall wear appropriate business attire for Council meetings (defined as semi-formal and not business casual – specifically dress shirt/blouse, jacket, dress pants or suit);

Traditional attire shall be mandated at the Warden's Election, the Warden's Annual Dinner, the annual photo, and any other function as determined by the Warden. Members and Officials are also permitted to wear traditional attire at other functions, when not mandated by the Warden, at their discretion;

An allowance of up to \$200 will be provided (with receipts) once per term to each Council Member and Official required to wear traditional attire at aforementioned times for the purchase of said attire;

The Warden, who by by-law is responsible for Council decorum, shall also enforce the dress code.

CORPORATE BRANDING

Members of Council and staff may purchase County items such as County-logoed clothing, at cost, and other persons will be charged cost plus 10%. An allowance of up to \$300 for the Warden and \$200 for members of Council and County Directors will be provided once per term for the purchase of County-logoed clothing.

COUNTY CRESTS AND TIES

County Crests and Ties, supplied to Councillors and Officials, are expected to last at least four (4) years. Anyone requiring a replacement prior to the end of the term will be required to purchase it at actual cost.

COUNTY RINGS

A gold County Wardens' Ring may be purchased by Wardens, past and present, and a standard gold County Ring may be purchased by Wardens, County Councillors and staff, past and present, at their cost, each available in men's and women's sizes.

DISTRIBUTION OF LITERATURE FROM OUTSIDE AGENCIES

No person shall cause any printed matter to be circulated or posted on corporate property without obtaining the approval of the Department Head or the CAO/Clerk.

ELGIN MUNICIPAL ASSOCIATION

Past Wardens shall be recognized by the Elgin Municipal Association at the annual dinner meeting, and County Council shall provide complimentary tickets for the current Warden, Past Wardens and guest.

iPADS OR OTHER ELECTRONIC DEVICES

1. An iPAD and keyboard or other electronic device as approved by Council shall be supplied for conducting County business such as receiving and reading County Council agendas, as determined by Information Technology and based on approved budgets.
2. Damaged and unrepairable equipment or lost electronic devices must be replaced – each member of Council is permitted one replacement per term at the County's cost. Subsequent losses or damage shall be replaced at the Councillor's or Warden's cost.
3. Retiring Councillors will return said equipment to the County as soon as possible after completion/termination of their term for distribution to the new Councillors, or at the discretion of the Director of Financial Services, may be retained due to the age or condition of the equipment.

MEALS

Councillors and appointed officials shall be provided with a meal, when appropriate during Council meetings.

POCKET GREETERS

A pocket-type greeter with the County Logo and the person's name and title will be supplied to the Warden, Council & Senior Staff.

PURCHASING

The Procurement Policy was established to standardize procedures to ensure fair and equitable practices for the procurement of all County goods and services and will be adhered to for all purchases made on behalf of the County. The Procurement Policy is available upon request.

REMUNERATION

Pursuant to Council's Procedural By-law a "Meeting" means an event wherein business is transacted for any regular or special purpose by the Council or local board, or a committee or sub-committee of either of them, as the case may be, where, (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

Occasionally, a Member designated by the Warden may be required to meet with staff or attend meetings on behalf of Council. These meetings are to be kept to a minimum and must have prior approval of the Warden.

2. The following remuneration shall be paid to each Member of County Council, for attending meetings of the Council and committees thereof:

- a) County Councillors shall be paid an annual remuneration of \$25,607 (2019) to be paid monthly, with said stipend to include all meeting and incidental claims (telephone, paper, etc.) for all responsibilities including work associated with outside boards, meetings with ratepayers, etc. The above remuneration shall be automatically adjusted annually by the same percentage as is determined for non-union staff.
- b) In addition to the above remuneration, each Member shall be paid for each kilometre necessarily travelled in attending meetings as established for the use of personal vehicles for County business.
- c) Members of Council will submit their kilometres travelled for attending Council and other approved meetings to the Administrative Services at the final Council meeting of each month, thereby being paid once a month on the next scheduled pay date.
- d) Councillors attending a function as "Deputy Warden" shall be paid kilometres travelled at the same rate established for the use of personal vehicles for County business.
- e) Councillors are permitted to claim kilometres travelled for attendance at ceremonial functions (i.e. official openings and sod turnings).
- f) Separate per diems for attending outside board meetings (i.e. Board of Health) shall not be permitted since the Council remuneration is designed to cover these obligations.

REPORTS

All reports to Council will be presented by the author or alternate and shall include a recommendation for Council's consideration.

RESOLUTIONS

1. Where a resolution is endorsed, a reply is sent to the originating body only, regardless of the request for copies to be sent to others.
2. Where a resolution is filed or not endorsed, no reply is sent, it being felt that no response will indicate non-support.
3. In the event Council wishes copies of resolutions, etc., sent to other than the originating body, direction to this effect is incorporated into the recommendation.

RETIREMENT GIFT

Every retiring County Councillor shall receive a desk pen set or other suitable commemorative item with the County Crest affixed and a suitable plaque indicating the term held on Council.

WARDEN'S DINNER

- a) Council shall host an annual dinner or recognition evening at which the Warden and spouse/guest shall be recognized for their achievements and contributions during the year.
- b) The dinner shall be arranged and by Administrative Services and the Warden with participation in the programme by members of County Council.
- c) The timing of the dinner shall be near completion of the term as Warden (early November).
- d) The Warden may determine the location of the dinner if so desired; otherwise Administration shall decide in consultation with the Warden.
- e) The Warden may invite family members and guests as complimentary as appropriate within the established budget. Additional invitations shall be paid at the per ticket cost as determined by Administration.
- f) Past Wardens, Visiting Dignitaries, Department Heads and constituent municipal CAOs shall be invited as complimentary guests. Department heads and guests shall be invited as complimentary guests. Other guests may be invited as complimentary as determined by Administration in consultation with the Warden.
- g) A recognition gift or donation at a cost of up to \$500 shall be chosen by the Warden.

ELGIN COUNTY COUNCIL POLICIES MANUAL

FINANCES

EXPENDITURES

Departments are permitted to expend up to 75% of the previous year's budget in the following year, prior to the annual composite budget approval.

ELGIN COUNTY COUNCIL POLICIES MANUAL

OUTSIDE BOARDS

APPOINTMENTS

Persons serving on local boards or committees shall be eligible for re-appointment, but shall not be eligible for re-appointment to the same position for a period of more than eight (8) consecutive years. After an absence of not less than one (1) year, such person shall be eligible for re-appointment.

Any local board or committee to whom County Council makes appointments must receive Council's approval prior to anyone being appointed to a further board.

LAND DIVISION COMMITTEE

Land Division – Council shall appoint a seven (7) member Land Division Committee, one member from each constituent municipality, who shall individual hold office during the term of the Council that appointed them, pursuant to Council's Procedural By-law. Appointments to the Land Division Committee are for a four (4) year term and no one member will serve longer than eight (8) consecutive years where applicable, municipalities are encouraged to alternate nominees once every four (4) years.

ELGIN COUNTY COUNCIL POLICIES MANUAL

COUNTY LOGO AND RECOGNITION ITEMS

CREST

The original crest was designed for use as the corporate seal, to officially indicate the authenticity of documents. Subsequently, the Crest was incorporated for use on letterhead, cheques, and other items used by the County. The initial intent was for County purposes only and the use by other than the County proper should not be permitted.

All County departments have been authorized to use the Crest for any County purposes.

COUNTY LOGO AND VISUAL IDENTITY STANDARDS

The use of the county logo is prescribed by the visual identity standards.

COUNTY FLAG

1. The County Flag shall be flown on the Administration Building.
2. The County Flag may be displayed in municipally-owned buildings or other facilities at the discretion of County Council.
3. One County Flag, complete with stand, shall be available for use upon request by outside organizations, with the approval of County Council. The request shall state the reason and location where the Flag shall be flown.
4. The County reserves the legal right to prevent continued use of the County Flag at its discretion.
5. The County Flag emblem cannot be used for commercial purposes without the expressed written permission of County Council.
6. Private purchase and use of the County Flag may be permitted, upon written application to County Council, who reserves the right to deny permission to purchase the Flag if there is just cause to believe that it will be degraded in any way and its dignity not upheld.
7. County Council shall have authority to specify whether the County Flag will be donated or the appropriate charge made.
8. Should the request, due to time constraints, need consideration prior to a regular meeting of County Council; the Warden shall have authority to make the appropriate decision.

LAPEL PINS AND PENS

1. Five (5) County Lapel Pins will be supplied to the current Councillors, Department Heads and Seconds-In-Command annually. Additional pins may be purchased in minimum lots of five (5) pins.
2. Lapel Pins will be supplied to each new employee along with the first paycheque.
3. The Warden has authority to give out pins and pens.

CORRESPONDENCE – October 16, 2018

Item for Information (Consent Agenda) – (Attached)

1. Meredith Tutching, Director, Forest of Reading, Ontario Library Association acknowledging their appreciation for County Library staff employee, Leah Ede-Pisano's dedication and work with the Forest of Reading Programs.



.. ontario library association

October 1, 2018

Brian Masschaele,
Director Community and Cultural Services
Elgin County Library
450 Sunset Drive
St. Thomas ON , N5R 5V1

Dear Brian Masschaele,

The Ontario Library Association would like to take this opportunity to make you aware of how appreciative the OLA, and its 5000 members, are of your staff member, Leah Ede-Pisano, for all of their work with our Forest of Reading® Programs.

Their work on the Selection Committee for the Blue Spruce™ program was truly appreciated throughout the Spring and Summer of 2018. They have been key to enhancing The Forest of Reading® programs being delivered to readers across the country and without keen volunteers, programs like these could not be offered.

The value of their dedication does not go unappreciated. OLA recognizes the numerous hours spent by each volunteer in participating in regular meetings, doing countless hours of volunteer work, including reading hundreds of pages for the program. They have had the daunting task, along with their other committee members, of narrowing the list and bringing the best in Children's literature for 2017 and 2018 to children across Canada, making the Blue Spruce Program truly successful.

The Blue Spruce program was hugely successful again this year, with thousands of Canadian children reading across the country. In 2018 the Forest of Reading® programs had over 270,000 eager readers and the numbers continue to grow every year.

We hope you will recognize your staff member for their dedication to The Forest of Reading® Programs and their volunteer commitments, as they were vital to our Association.

Volunteering, it makes a difference!

Sincerely,

Meredith Tutching
Director, Forest of Reading

ontario library association
2 Toronto Street, 3rd Floor
toronto, ontario, canada
m5c 2b6

a member of PARTNERSHIP

phone: 416.363.3388
.. toll-free: 1.866.873.9867
fax: 416.941.9581
.. toll-free: 1.800.387.1181
email: info@accessola.com
web: www.accessola.com

COUNTY OF ELGIN

By-Law No. 18-35

**"TO REGULATE THE PROCEEDINGS IN THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE COUNTY OF ELGIN AND COMMITTEES THEREOF,
AND TO REPEAL BY-LAW NO. 11-06"**

WHEREAS pursuant to Section 238 of the Municipal Act, 2001, S.O. 2001, Chapter M. 45, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of Meetings; and

WHEREAS the Council of the Corporation of the County of Elgin did pass By-law No. 11-06 and amendments thereto, in order to make and establish rules and regulations for governing the proceedings of Council; and

WHEREAS it is necessary to update the procedural by-law in keeping with the requirements of *Bill 68 "Modernizing Ontario's Municipal Legislation Act* and to repeal previous by-laws to comply with amendments to the Municipal Act, 2001, S.O. 2001.

NOW THEREFORE the Municipal Council of the Corporation of the County of Elgin enacts as follows:

1. THAT this by-law shall apply to Council's local boards and committees where applicable.
2. THAT this by-law comes into force and take effect upon passing.
3. THAT By-law 11-06 and any previous by-law inconsistent with this by-law be and are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF OCTOBER 2018.

Julie Gonyou,
Chief Administrative Officer

David Marr,
Warden

APPENDIX B
By-law No. 18-35

**RULES OF ORDER AND PROCEDURES GOVERNING THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE COUNTY OF ELGIN AND COMMITTEES THEREOF**

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1. Definitions

(a) In this By-law:

“Act” means the *Municipal Act, 2001 S.O. 2001, Chapter 25*, as amended from time to time.

“Ad Hoc Committee” means a committee, sub-committee or similar entity of which at least 50 per cent of the Members are also Members of Council, appointed by Council to review and report on a specific issue. Once the final report is delivered and a resolution of Council is adopted concerning the specific issue, the Ad Hoc Committee is automatically dissolved.

“Alternate Member” means an authorized individual who, during the absence of the Member for whom that individual is an alternate, shall act in the place and stead of such member and perform such other duties as assigned.

“Business Day” means the days of the week in which Council or Committee shall conduct its business transactions and hold its meetings, excluding Saturday and Sunday or statutory holidays.

“CAO/Clerk” means the Chief Administrative Officer/Clerk of the County or his or her designate. Clerk means the person duly appointed, by by-law pursuant to Section 228 of the Act, as the Clerk of the County.

“Chair” means the position of the person appointed to preside, or presiding at, a meeting, whether that person is the regular Chair or not.

“Closed Session” means a meeting of Council or Committee that is not open to the public, pursuant to Section 239 of the Act or any successor provision thereto.

“Committee” means any advisory or other committee created by Council, of which at least one Member is also a Member of Council, which is established under any Act with respect to the affairs or purposes of one or more municipalities.

“Committee of the Whole” means the committee of which all Members present sit on Council. The purpose of this committee is to enable Council to give detailed consideration to a matter under conditions of freedom approximating that of a Committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of Council, but have the status of recommendations which Council is given the opportunity to consider further and which it votes on finally under its regular rules.

“Confidential matter” means those items of business discussed in *Closed Session*.

“Council” means the elected Mayors and/or Deputy Mayors or alternate of the County’s constituent municipalities when they sit in deliberative assembly.

“County” means the Corporation of the County of Elgin.

“Delegation” means to address Council or a Committee at the request of the person wishing to speak.

“Deputy Warden” means the Member of Council appointed, by by-law or resolution, pursuant to Section 242 of the Act, to act in the place of the Warden when the Warden is absent or refuses to act or when the office of the Head of Council is vacant and while so acting such Member has all the powers and duties of the Head of Council.

“Ex-Officio” means a Member who has the right, but not the obligation, to participate in the proceedings of the meeting, and is not counted in determining the number required for a quorum or whether a quorum is present at a meeting. Ex-Officio cannot attend a Committee meeting if by attending a minimum quorum of Council is created.

“Inaugural Meeting” means the first meeting of Council after a regular election as set out in the Act.

“Meeting” means an event wherein business is transacted for any regular or special purpose by Council or local board, or a Committee or sub-Committee of either of them, as the case may be, where, (a) a quorum of Members is present, and (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council, local Board or Committee.

“Member” means a person duly elected to hold office with the County of Elgin’s constituent municipalities, pursuant to the *Municipal Elections Act, 1996* S.O. Chapter 32, as amended; or, a person appointed by Council to a Committee.

“Minutes” means a written Record of meetings of Council, and the Minutes are to include the events of the meeting, a list of attendees, a statement of the issues considered by the Members, and related responses and decisions on issues.

“Motion” means a proposal moved by a Member, and if moved in Council or Committee, seconded by another Member, to adopt, amend or otherwise deal with a matter before Council or Committee.

“Municipal Office” means 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1 or any location in the County subsequently designated as its municipal office.

“Notice” means written Notice, except where legislation, by-law or Corporate Policy provides for another form and manner of Notice.

“Open Meeting” means a Meeting at which a quorum of Members is present and they discuss or otherwise deal with a matter in a way that materially advances the business or decision-making of the relevant council, local board or Committee.

“Point of order” means a statement made by a Member during a meeting, drawing to the attention of the Chair a breach of the rules of procedure.

“Pecuniary Interest” means an interest that has a direct or indirect financial impact for a Member, be it positive or negative, as defined under the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3.

“Pregnancy and Parental Leave” for the purposes of this by-law means the period of time the Member of Council will not attend meetings of Council or any Committee to which the Member has been appointed as a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member.

“Quasi-Judicial Board” means a local board or Committee that has been delegated Council’s decision-making powers; for example, the Land Division Committee.

“Question” means a Motion that has been appropriately placed before Council or Committee. Only once duly recognized by the Chair and “on the floor” can a Motion be debated and put to a question of the Members for proper resolution.

“Quorum” means, in the case of Council, a majority of Members representing at least one-half of the lower-tier municipalities, pursuant to Section 237 of the Act. In the case of a Committee of Council, quorum is a majority of the whole number of Members of the Committee, including the Chair.

“Recorded Vote” means a vote taken on a matter of business, whereupon the CAO/Clerk duly notes the name of each Member present and their vote in the Minutes, as provided for in Section 246 of the Act. Section 246(2) of the Act specifically notes that a failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

“Rules of Procedure” means the rules and regulations provided in this by-law and, where necessary, Robert’s Rules of Order (Newly Revised).

“Secretary” means the person responsible for recording the Minutes of Council or Committee meetings, the preparation of the agenda and the preparation of any resulting correspondence, as designated by the CAO/Clerk.

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council.

“Steering Committee” means any advisory body, roundtable or other body Council established to advise on specific areas of interest, with Members of the public and staff making up more than 50 per cent of the membership and Council Members or other elected officials making up the rest.

“Warden” means the Warden of the Corporation of the County of Elgin, in accordance with the Act, and the term is interchangeable with “Chair”, “Chief Executive Officer (CEO)”, and “Head of Council” for the purposes of conducting Committee meetings.

2. Purpose

- (a) This by-law (referred to as the Procedural By-law) establishes the rules of order for Council and Committee Meetings.

3. Principles of the Procedural By-law

- (a) The principles of openness, transparency and accountability to the public guide the County’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
- i. Ensuring the decision-making process is understood by the public and other stakeholders;
 - ii. Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements;
 - iii. Exercising and respecting individual and collective roles and responsibilities provided for in this Procedural By-law and other statutory requirements;
 - iv. The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals have the opportunity to participate.

- (c) The principles of parliamentary law governing Council and Committee Meetings include:
- i. The majority of Members have the right to decide;
 - ii. The minority of Members have the right to be heard;
 - iii. All Members have the right to information to help make decisions, unless otherwise prevented by law;
 - iv. All Members have a right to an efficient Meeting;
 - v. All Members have the right to be treated with respect and courtesy; and
 - vi. All Members have equal rights, privileges and obligations.

4. Application

- (a) The rules and regulations contained in this by-law set out the rules of order for the dispatch of business in Council and Committee Meetings and shall be observed in all proceedings of Council and Committees appointed by Council.

5. Interpreting the Procedural By-law

- (a) In the event of conflict between this by-law and a valid and binding statute, the provisions of the statute prevail.
- (b) A specific statement or rule in this by-law has greater authority than a general one.
- (c) If there is a conflict between two or more rules in this by-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the CAO/Clerk, rely on previous rulings or practices, or refer to *Robert's Rules of Order* (Newly Revised).

6. Suspension of Rules

- (a) The rules and regulations contained herein that are discretionary and not mandatory under statute may be temporarily suspended by a majority vote of Council or Committee Members present, with the exception of the following circumstances:
- i. Where required by-law;
 - ii. Contractual agreements binding the County;
 - iii. Amending this Procedural By-law; and,
 - iv. Quorum requirements.

7. Majority Vote

- (a) Unless this Procedural By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

8. Council Composition

- (a) Section 458 of the Act, provides that as of January 2, 2003, the composition of the Council of a municipality, the method of electing or appointing its Members, the number of votes given

to each Member and the titles of its Members shall be the same as they were on December 31, 2002. On December 31, 2002, pursuant to By-law 97-8 passed on March 18, 1997, the composition of the Corporation of the County of Elgin Council ("Elgin County Council" was:

County Council will have nine (9) Members, being the Mayors from each of the seven (7) municipalities within the County of Elgin and the Deputy Mayors of the Municipality of Central Elgin and the Township of Malahide, thereby constituting the composition of such Council as follows:

- i. Municipality of West Elgin – One (1) Member (the Mayor)
 - ii. Municipality of Dutton Dunwich – One (1) Member (the Mayor)
 - iii. Township of Southwold – One (1) Member (the Mayor)
 - iv. Municipality of Central Elgin – Two (2) Members (the Mayor and the Deputy Mayor)
 - v. Township of Malahide – Two (2) Members (the Mayor and the Deputy Mayor)
 - vi. Town of Aylmer – One (1) Member (the Mayor)
 - vii. Municipality of Bayham – One (1) Member (the Mayor)
- (b) The Head of Council, the Warden, will be elected by County Council from amongst the Members of Council on an annual basis.
- (c) Each Member of Council will have one (1) vote.
- (d) As provided for in the Act, the Councils of the seven (7) municipalities have the authority to appoint alternates from the Members of Council to represent the municipality on County Council in the absence of Mayor and/or Deputy Mayor in accordance with Section 32 of this Procedural By-law.

9. Inaugural Meeting and Annual Election of Warden

- (a) A person elected or appointed as a Member of Council shall not take a seat on Elgin County Council until the CAO/Clerk has received the certificate from the constituent municipality certifying the name of each person elected or appointed.
- (b) No business shall be conducted at the first meeting of Council until after the declarations of office have been made by all Members who present themselves for that purpose.
- (c) The first Meeting of a new council of a municipality after a regular election shall be held in the evening of the second Tuesday of the month of December, or at such hour and on such day thereafter as the majority of the Members of the Council are present in the Council Chamber but in any case not later than 31 days after its term commences, as provided for in the Act.
- (d) The annual election of the Warden shall be held in the evening of the second Tuesday of the month of December, or at such hour and on such day thereafter as the majority of the Members of Council are present in the Council Chamber.

- (e) Section 233 of the Act requires Council to appoint the Head of Council ("Warden") at its first Meeting. No other business shall be conducted until the Head of Council is confirmed.
- (f) For the appointment of the Warden, the following regulations and procedures shall be followed:
 - i. The CAO/Clerk shall take the Chair at seven o'clock in the evening of the second Tuesday of the month of December in each year, or at such hour and on such day thereafter as the majority of the Members of Council are present in the Council Chamber.
 - ii. The CAO/Clerk shall prepare ballots for voting.
 - iii. The CAO/Clerk shall inform the Members that he or she is ready to proceed with the election of one of their Members to be Warden, unless only one Member indicates his or her intention to run for the Office, in which case the election procedure is dispensed with in favour of a resolution appointing the Warden.
 - iv. The CAO/Clerk shall ask those Members of Council seeking the Office of Warden to stand.
 - v. The CAO/Clerk shall announce that any person aspiring to the position of Warden shall be granted an opportunity, not exceeding five (5) minutes, to address Council. Candidates will address Council in alphabetical order.
 - vii. Voting shall be by secret ballot and balloting will continue until a candidate obtains a majority of votes. The CAO/Clerk shall count the votes, in the presence of a representative/witness to be chosen by the CAO/Clerk.
 - viii. In the event there are more than two (2) candidates, the candidate receiving the lowest number of votes shall retire. At no time shall the actual number of votes received by any candidate be announced, only the name or names of successful candidate during such round of voting.
 - ix. If two (2) candidates with the least number of votes are tied, then a tie-breaker ballot between the two lowest (tied) votes shall take place.
 - x. By Motion, the CAO/Clerk shall be directed to destroy the ballots after the election has been completed.
 - xi. For the purposes of electing the Warden, each Member of County Council shall have one vote.
 - xii. In the case of an equality of votes for Warden, the successful candidate shall be determined by the CAO/Clerk placing the names of the candidates on equal sized pieces of paper in a box and one name being drawn by a person chosen by the CAO/Clerk.
 - xiii. The Warden-Elect shall forthwith sign and declare and read aloud the Declaration of Office and, on completion thereof, he or she shall take the Chair.

10. Appointment of Deputy Warden

- (a) A position of "Deputy Warden" shall be held by the most immediate past Warden who is a member of Council. In the event that there are no Past Wardens on Council following a Municipal Election, Council shall vote and appoint a Deputy Warden at the Inaugural Meeting.
- (b) The Warden may request said Deputy Warden or any other member of Council to represent him or her at any Meeting or function where the Warden is unable to attend.
- (c) Councillors attending a function as "Deputy Warden" shall be paid mileage at the same rate established for the use of personal vehicles for County business and any other eligible "out of pocket" expense that may occur.

11. Regular Meetings of Council

- (a) Location and Schedule of Meetings of Council and other Committees
 - i. After its Inaugural Meeting, Council shall meet in the Council Chambers of the Elgin County Administration Building, 450 Sunset Drive, St. Thomas, ON or other designated location, at a time designated by the Warden, on the second and fourth Tuesday of each month as provided for in the Act as amended and when Notice is given.
 - ii. Council shall approve a schedule of regular Meetings of Council for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the County's website and from the Municipal Office.
 - iii. The Meeting schedule of all other Committees is determined by its Members, in accordance with each Committee's terms of reference and/or prescribed mandate.
 - iv. As soon after the time appointed for a Meeting of Council as a Quorum is present, the Warden shall assume the Chair and call the Meeting to order.
 - v. Council shall always recess/adjourn no later than 12:00 noon and 6:00 P.M., if in a Meeting at these hours, unless otherwise determined by a resolution, but in all cases shall adjourn no later than 10:00 P.M.
 - vi. The Members of Council shall not leave their places on adjournment, until the Warden or other Presiding Officer leaves the Chair.
- (b) Notice of Meetings of Council
 - i. The agenda shall be considered as Notice of regular Meetings of Council and By-law 07-29, being a by-law to establish a policy respecting the manner in which Notice will be provided, as amended, shall be utilized in respect thereof.
 - ii. Reports or actions before Council that require enactment of a By-law, with Notice, shall be subject to terms of the By-law 07-29, as amended.
 - iii. The CAO/Clerk gives Notice of a Meeting of Council by:
 - a) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council.

- b) Where required, providing Council with a Closed Session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 12, 14 and 15.

(c) Special Meetings of Council

- i. If a matter arises which, in the opinion of the CAO/Clerk, in consultation with the Warden, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of residents of the County, and/or if a state of emergency is declared by any Provincial Ministry, the Notice requirements of By-law 07-29, as amended, may be waived and the CAO/Clerk shall make his or her best effort to provide as much Notice of such Special Meeting of Council as is reasonable under the circumstances.
- ii. A Special Meeting of Council may be called by the Warden at any time. A Special Meeting of Council is limited to business matters included in the Notice of Meeting.
- iii. When the CAO/Clerk receives a petition for a Special Meeting of Council signed by a majority of the Members of Council, a Special Meeting of Council is called for the purpose and at the time identified in the Petition. The Petition shall include:
 - a) Original signatures of Members;
 - b) A clear statement of the purpose of the Special Meeting;
 - c) A proposed date and time for such Special Meeting.

(d) Notice of Special Meetings of Council

The CAO/Clerk gives Notice of Special Meetings of Council by:

- i. Providing Council with an agenda in person or by telephone, mail, or electronic means at least 24 hours prior to the Meeting; and,
- ii. Posting a Notice on the County's website and time permitting, Notice shall be sent to local media that indicates the date and time of the Meeting of Council; or
- iii. Where item (ii.) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Special Meeting of Council and the purpose of the Special Meeting.

(e) Emergency Meetings of Council

- i. Notwithstanding any other provision in this by-law, the Warden may, at any time, call or provide Notice of an Emergency Meeting of Council. An Emergency Meeting of Council is limited to business matters included in the Notice of Meeting.
- ii. In the case of an emergency, Council may hold its Meetings at any convenient location within or outside the territorial limits of Elgin County.

(f) Notice of Emergency Meetings of Council

- i. The CAO/Clerk gives Notice of Emergency Meetings of Council to Members by:
 - (a) Providing Council with an agenda in person or by telephone, mail, or electronic mail at least 24 hours prior to the Meeting.
 - (b) Posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Emergency Meeting of Council and the general nature of the matters to be discussed.

(g) Workshop and Orientation Meetings

- i. The Warden and/or CAO/Clerk may convene a Workshop or Orientation Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no Motions are passed and no matter is discussed which advances the business of the Municipality during the course of such Workshop or Orientation Meeting.
- ii. A record describing, in general terms, the proceedings and the subject matter discussed is made at all Workshop or Orientation Meetings and placed on a future Council agenda to be received only for the purposes of information.

(h) Notice of Workshop and Orientation Meetings

The CAO/Clerk gives Notice of Workshop and Orientation Meetings of Council by:

- i. Providing, at least 24 hours in advance, Notice to Council in person or by telephone, mail or electronic means that indicates the date and time of the Workshop or Orientation Meeting and the general nature of the matters to be discussed; and,
- ii. Posting a Notice on the County's website and time permitting, Notice shall be sent to local media that indicates the date and time of the Workshop or Orientation Meeting and general nature of the matters to be discussed; or
- iii. Where item (i.) cannot be achieved, posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Workshop or Orientation Meeting and general nature of the matters to be discussed.

(i) Cancellation or Postponement of Meetings

- i. A regular, special, or emergency Meeting of Council or a Workshop or Orientation Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Warden and/or CAO/Clerk.
- ii. The CAO/Clerk gives Notice on the County's website and time permitting, through the local media, of a cancellation or postponement of a regular, special, or emergency Meeting of Council or a Workshop or Orientation Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.

iii. Meetings of any Committees of Council may be cancelled or postponed by the CAO/Clerk, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency.

(j) Invalidation of Notice of Meeting

i. If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedural By-law, the ability to hold the Meeting and actions taken at the Meeting are not invalidated.

(k) Quorum

i. Members of Council will attempt to advise the office of the CAO/Clerk at least two days in advance if unable to attend a Meeting of Council. If Quorum cannot be met, the Meeting may be cancelled by the CAO/Clerk.

ii. Unless there shall be a Quorum present within thirty (30) minutes of the time appointed for the Meeting of Council, Council shall then stand absolutely adjourned until the date of the next regular Meeting and the CAO/Clerk shall record the names of the Members present at the expiration of such thirty (30) minutes.

iii. Where there is an insufficient number of Members of Council present to achieve Quorum at a Meeting of Council due to a provision of the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3., the remaining Members of Council constitute Quorum, provided that such number in no case be less than two (2).

iv. Members of other Committees will attempt to advise, at least two days in advance, the office of the CAO/Clerk, Recording Secretary, Chair or other assigned person if unable to attend a Committee Meeting. If Quorum cannot be met, the Meeting may be cancelled and the Committee advised by the CAO/Clerk, Recording Secretary, Chair or other assigned person.

v. Unless there shall be a Quorum present within thirty (30) minutes after the time appointed for the Meeting of a Committee, the Meeting shall be adjourned until the date of its next regular Meeting. Remaining Committee Members may have an informal discussion on matters, but Motions or other affairs of the Committee shall not be addressed. The CAO/Clerk, Recording Secretary or other assigned person will not be required to remain for the informal discussion.

(l) Late Arrival

i. If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

(m) Electronic Participation

i. Electronic Participation at Meetings shall be reserved for emergencies or accessibility requirements. A Council Member who is unable to attend a Council Meeting in person may participate in Council Meeting by electronic or other communication facilities if:

- (a) The facilities enable the other Council Members to hear and be heard by the Council Member.
 - (b) Except for any part of the Council Meeting that is closed to the public, the facilities enable the public to hear, or watch and hear, the Council Member.
 - (c) A Council Member who intends to participate in a Regular Council Meeting by electronic or other communication facilities shall give the CAO/Clerk Notice of this intention at least 72 hours prior to the Council Meeting. The CAO/Clerk shall, as soon as reasonably possible thereafter, provide the Council Member with instructions on how to connect to and participate in the Council Meeting by electronic or other communication facilities.
- ii. If a Council Member participates in a regular Council Meeting by electronic or other communication facilities:
- (a) The Council Member shall advise Council when they join the Council Meeting and when they leave the Council Meeting;
 - (b) The Council Member shall not be counted towards Quorum;
 - (c) The Chair shall repeat the results of each vote, including the names of Council Members voting in favour and opposition, immediately following each vote.
 - (d) Should the Chair be unable to hear a Member participating electronically the vote shall be deemed a negative vote.
 - (e) The Council Member may participate in meetings that are open to the public. Participation in Closed Meetings is restricted to Members who are participating in person.

12. Preparation of the Agendas of Council

- (a) The CAO/Clerk and his or her staff are charged with providing guidance and recommendations to Council related to municipal business and to implement the decisions of Council.
- (b) The CAO/Clerk shall chair a regularly scheduled internal meeting of senior staff and invited attendees to review draft agenda items in order to support the business of Council.
- (c) The CAO/Clerk shall either personally or by his or her approved staff establish an administrative process to support the approval, preparation, notice, publication and distribution/public access to agendas and agenda items.

13. Agenda

In respect of a Regular, Special or Emergency Meeting of Council, the CAO/Clerk shall have prepared an agenda of the Orders of the Day, containing:

(a) Regular Meeting

- 1st Meeting Called to Order
- 2nd Adoption of Minutes
- 3rd Disclosure of Pecuniary Interest and the General Nature Thereof

- 4th Presenting Petitions, Presentations and Delegations
- 5th Motion to Move into Committee of the Whole Council
- 6th Reports of Councillors, Outside Boards and Staff
- 7th Council Correspondence:
 - i. Items for Consideration
 - ii. Items for information (Consent Agenda)
- 8th Other Business:
 - i. Statements/Inquiries by Members
 - ii. Notice of Motion
 - iii. Matters of Urgency
- 9th Closed Meeting Items
- 10th Recess
- 11th Motion to Rise and Report
- 12th Motion to Adopt Recommendations from the Committee of the Whole
- 13th Consideration of By-laws
- 14th Adjournment
- 15th Public Notice

(b) Inaugural Meeting/Annual Warden's Election

- 1st Meeting Called to Order
- 2nd Receipt of Declaration of Acclamation to Office or Declaration of Election from Councillors (the first year only after a municipal election)
- 3rd Declaration of Office by Councillors (the first year only after a municipal election)
- 4th Election of Warden
 - Candidates for Warden to Stand
 - Prospective Candidates to Speak (alphabetical order)
 - Proceed with Election (Ballot or Resolution)
- 5th Administering and Signing of Declaration of Office
- 6th Gowning
- 7th Presentation by Past Warden
 - Chain of Office
 - Lord Elgin Watch
 - Gavel of Office
- 8th Warden's Address
- 9th Resolution to Destroy the Ballots (if required)
- 10th Adoption of Minutes
- 11th Warden to Recommend Committee and Outside Board Appointments
- 12th Consideration of By-laws
- 13th Other Business:
 - i. Statements/Inquiries by Members
 - ii. Notice of Motion
 - iii. Matters of Urgency
- 14th Recess

14. Changes in Order of Agenda of Committee of the Whole

- (a) The business of Council is dealt with in the order stated on the published agenda, unless the Warden consents to changing the order.

15. Matters of Urgency/Addendum to Agenda

- (a) When, after the Agenda has been prepared and distributed as Notice of a Meeting of Council, a Member wishes to inform Council of an additional matter that, in his or her opinion, should be considered immediately and during the course of such Meeting, then, after notification of the CAO/Clerk, he or she shall present such matter to Council at such Meeting through the Chair and, with the consent of the majority of Members present, the matter shall only then be added to the Agenda and considered as an additional Matter of Urgency without any prior or further Notice being given or required.

16. Other Business

(a) Statements/Inquiries by Members

- i. When a Councillor wishes to inform Council of a matter that does not require action and consideration by Council or otherwise wishes clarification of a matter, such information may be announced under "Statements/Inquiries by Members". It is understood that these announcements are made solely for Council's information and that under no circumstances shall Council take action within this category.

(b) Notice of Motion

- i. Notices of Motion shall be received by the CAO/Clerk at any time Council is meeting and in his or her office in advance of the production and distribution of the agenda material and shall be printed in the agenda.
- ii. A Notice of Motion shall be dealt with by Council at the Meeting at which it appears printed in the agenda. A Notice of Motion that is not printed in the agenda shall be dealt with in the order of business of Motions at any subsequent Meeting of Council.
- iii. The business of such Motions shall, in all cases, be taken up in the way in which it appears upon the Orders Of The Day, unless otherwise determined by a vote of the majority of the Members present taken without debate thereon.
- iv. All Motions shall be moved and seconded before being debated or put to vote; and all Motions shall be read and then conveyed to the Warden, who may again read the same.
- v. After a Motion has been received by the Warden or other Chair, it shall be deemed to be in possession of Council or Committee, but may be withdrawn at any time by consent of a majority of the Members present.
- vi. A Motion to refer the main Motion to staff or an outside board shall preclude all amendment of the main question until decided.
- vii. A Motion to adjourn shall always be in order unless a vote is being taken.
- viii. A Motion to table is always in order and will supersede the main Motion.
- ix. All amendments shall be placed in the reverse order in which they are moved; and every amendment to the Motion shall be decided upon or withdrawn before the main question is put to vote.

- x. There shall not be more than two (2) amendments to the main question or any Motion.
- xi. Not more than one (1) amendment shall be allowed to any amendment.
- xii. After any question is finally put to vote by the Warden or other Chair, no Member shall speak to the question nor shall any other Motion be made until after the result is declared.
- xiii. Whenever the Warden or other Chair is of the opinion that a Motion offered to Council is contrary to law or the rules and privileges of Council, he or she shall apprise the Members thereof immediately.
- xiv. Members shall always take their places prior to any decision being called.
- xv. When the Warden or other Chair is called on to decide a point of order or practice, he shall state the rule or authority applicable to the case.

17. Reports from County Staff

- (a) If deemed appropriate by the CAO/Clerk, any County Staff may report to the Warden and Members of Council at any session of Council.

18. Petitions, Delegations, Correspondence and Minutes

(a) Petitions

- i. Every petition, protest, or other written application intended to be presented to Council must be legibly written or printed on paper, and signed by at least one person, complete with their mailing address and telephone number. The Warden, in consultation with the CAO/Clerk, shall determine whether the delegation(s) request is suitable and appropriate for consideration by County Council. In determining the suitability of each delegation for authority to address Council, the Warden shall ensure that the request is within the purview and jurisdiction of Council.
- ii. Every Member presenting any petition, protest, or other written application to Council, shall examine the same and shall be answerable that they contain only relevant or proper matter and that the same is respectful and temperate in its language; he or she shall also endorse thereon the name of the applicant and the substance of such application, sign his or her name thereto, which endorsement only shall be read by the CAO/Clerk, unless a Member shall require the reading of the paper, in which case the whole shall be read.
- iii. All petitions or other written communications received prior to any Meeting of Council and on any subject that falls within the jurisdiction of any outside board shall, upon presentation, be referred to the outside board by the CAO/Clerk for consideration. Any matters arising subsequently shall be referred by the Warden without Motion and no Member shall speak upon nor debate on the presentation of any such petitions or other communications to Council.

(b) Delegations

- i. An individual may make a delegation at any Meeting of Council or Committee related to an item of business on the agenda. Any person or groups of persons wishing to address Council or Committee is required to make the necessary arrangements through the CAO/Clerk, at least eight (8) days prior to the date of the Council or Committee Meeting. Written briefs shall be provided so that sufficient time will permit distribution to the Members of Council, prior to the said Meeting.
- ii. The CAO/Clerk's determination as to when a deputation will be scheduled is final.
- iii. Once a delegation has addressed Council or Committee, no further request on the same issue will be entertained until written information is produced to Council or such Committee and it agrees that another delegation is warranted.
- iv. No person or delegation shall be permitted to address Council or Committee on a subject not on the Agenda, unless permission is granted on the consent of the Chair and on two-thirds majority of members in support of such presentation.
- v. A delegation shall be limited to a maximum of fifteen (15) minutes. Council or Committee may, by Motion, and with the support of the majority of its members lengthen the time for hearing of delegations.
- vi. A delegation consisting of more than five (5) persons shall be limited to two speakers and to a total time limitation of fifteen (15) minutes for the delegation presentation. Council or Committee may by Motion lengthen the time for hearing of delegations.
- vii. No more than four (4) delegations shall be scheduled to address Council at any Regular, Special or Emergency Meeting, unless otherwise permitted by the Warden.
- viii. The CAO/Clerk shall provide all individuals or groups seeking to address Council or Committee with a copy of the appropriate section of this Procedural By-law dealing with delegations.
- ix. No person shall be allowed to address Council during any Meeting of Council without the permission of the Warden or other Chair.
- x. Members of Council may ask questions of a delegation but shall not enter into debate with any representative of any such delegation. With the permission of the Chair, the CAO/Clerk may ask questions of any delegations. All questions to delegations shall be addressed through the Chair. No other person may ask any questions of delegations, unless directed to do so by the Warden or other Chair.
- xi. Should an individual wish to be provided with further Notice related to a matter addressed by a delegation before Council or Committee, he or she is required to indicate this wish to the CAO/Clerk as part of his or her delegation request originally delivered.

(c) Correspondence

- i. When correspondence has been requested to be included on a Council agenda or on the request of a Member of Council or Committee to the CAO/Clerk or any Chair of any Committee, such correspondence is placed on the agenda for a regular Meeting. Correspondence must be received no less than eight (8) days prior to a regular Council

Meeting. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business, as an Addendum to the Agenda, or as a matter for Closed Session.

- ii. Staff may prepare recommendations related to any matter raised in Correspondence for consideration by Council or Committee.
- iii. Council will direct, to the CAO/Clerk, correspondence clearly intended to be considered as part of an agenda of Council.
- iv. The CAO/Clerk is required to verify whether it is the intent of an individual to include his or her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councillors or staff and constituents or stakeholders will not be included unless the CAO/Clerk is satisfied that it was clearly the individual's intent to include his or her correspondence on a public agenda.
- v. Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated or placed on an agenda.
- vi. Receipt of correspondence by Council does not constitute endorsement of either the correspondence by the County or of any recommendations it may contain or actions it may advocate.
- vii. When not requested to be included in a Council agenda, correspondence may be circulated by the CAO/Clerk to Members of Council and applicable staff for their information.

(d) **Minutes**

- i. The Minutes of Council or Committee Meeting shall consist of:
 - (a) A record of the place, date and time of Meeting;
 - (b) The name of the Chair, a record of all Members present, and the names of those Members who are absent;
 - (c) The reading, if requested, correction and adoption of the Minutes of prior Meetings;
 - (d) All other proceedings of the Meeting without note or comment.
- ii. The CAO/Clerk shall ensure that a copy of the Minutes of each Meeting is delivered to each Member of Council or Committee at least forty-eight (48) hours prior to the commencement of the Meeting of Council or Committee.
- iii. The CAO/Clerk shall keep a permanent copy of all Council or Committee Minutes for public inspection.

19. Committee of the Whole

- (a) When Council wishes to consider a subject(s) with all the freedom granted an ordinary committee, it may refer the matter to Committee of the Whole. Members may speak more than once to the same question and the limitations on length of speaking, if any, are relaxed.

- (b) The rules of Council shall be observed in the Committee of the Whole, so far as may be applicable.
- (c) The Chair, subject to an appeal to Council, shall decide any questions of order arising in Committee of the Whole, and if any sudden disorder should arise in the Committee, then the Warden or other Chair will resume the seat of Chair, without any question being put.

20. Pecuniary Interest

- (a) As required by the *Municipal Conflict of Interest Act*, RSO 1990, c. M.50, ss. 2, ss. 3, at the commencement of a Meeting, or prior to considering a Motion under New Business or at the first Meeting attended thereafter, a Member who was absent from any previous Meeting at which such matter was considered, such Member shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the CAO/Clerk in the Minutes.
- (b) A Member shall file with the CAO/Clerk a written statement of any interest declared by the Member in accordance with the *Municipal Conflict of Interest Act*, RSO 1990 Act and its general nature, and the CAO/Clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure.
- (c) In the case of items to be discussed in a Closed Session Meeting, the Member declaring a pecuniary or other conflict of interest shall leave the Meeting and shall take no action to participate in, or influence, the vote of the other Members when said item is to be resolved by Council.

21. Rules of Debate

- (a) As soon after the hour of Meeting as a Quorum is present, the Warden shall take the Chair and Members present there at shall be called to order.
- (b) The Chair shall maintain a list of Members who have requested to speak or ask questions. The Chair designates Members to speak or ask questions in the order in which they appear on the list.
- (c) When the Warden or other Chair is putting forth the question, no Member shall walk across or out of the room, shall not interrupt the speaker, except to a question of order, nor pass between the speaker and the Chair.
- (d) Any Member called to order shall at once cease speaking, unless permitted to explain, and the ruling of the Warden or other Chair shall be final, unless otherwise decided by Council on an appeal from such ruling.
- (e) No Member shall speak disrespectfully of any person or use un-parliamentary or offensive language in or against Council or Committee or against any Member, staff or other person in the Council Chamber.
- (f) No Member shall partake of food in the Council Chamber while the Council is Meeting. No Member shall speak outside the question in debate.
- (g) Any Member may require the question or Motion under discussion be read at any time during the debate but only so as not to interrupt a Member while speaking.

- (h) During any Council or Committee Meeting, except during any period sitting as Committee of the Whole, no Member, unless Council consents to it, shall speak more than once on the same question or during any period sitting as Committee of the Whole, until all other Members have had the opportunity to speak to the question.
- (i) After a Motion is passed or a report adopted, no Motion to alter or amend the same shall be considered during the same Meeting of Council or Committee, unless the Motion to alter or amend is moved and seconded by two Members of Council or Committee from among those Members in attendance and who voted with the majority that carried said Motion or report.
- (j) Questions under the proper Orders of the Day may be put to the Warden or other Chair or through him or her to any Member of Council, relating to any Motion or other matter connected with the business of Council or Committee or the affairs of the County, but no argument or opinion is to be offered, nor any facts stated, except as may be necessary to explain the same; and in answering any such questions, a Member is not to debate the matter to which the same refers.
- (k) Members of Council or Committee, except the Warden, shall be referred to as County Councillors.
- (l) At any time when a vote, taken by a show of hands, is unclear as to the outcome, the Warden or other Chair may request the Members to stand to indicate their YEA or NAY in respect of such vote. In the case of electronic participation, the attending Member will be asked directly to indicate his or her YEA or NAY.
- (m) Upon a tie vote on any question, by a show of hands, a recorded vote shall then be taken.
- (n) Upon a tie recorded vote the question shall be considered a defeated Motion.
- (o) If the Warden or other Chair, as the case may be, desires to leave the seat of the Chair before adjournment of the Meeting and fails to call some Member to the position of the Chair, Council or Committee may appoint a Member to preside over the Meeting until the business of the Meeting is finished.
- (p) No person other than Members or any Members of a Committee or employees of the County shall be allowed to speak from the gallery during the Meetings of Council or Committee without the permission of the Chair.

22. Reconsideration

- (a) After a Motion has been voted on by County Council, no Motion for reconsideration thereof shall be introduced and such Motion may only be passed by a two-third vote of the entire Council in support of such reconsideration.
- (b) Reconsideration of a Motion must take place at the same meeting or, in a multi-day session, the next day.

23. Readings of By-laws and Proceedings

- (a) Every by-law shall be printed in written or in electronic form and introduced by the CAO/Clerk and shall be considered for enactment by Council.
- (b) All by-laws collectively shall be given first, second and third readings in a single Motion, unless a Member wishes to discuss the contents of a by-law or a matter requires that the by-law receive first and second reading only and third reading at a future Meeting, at which time the subject by-law shall be removed from the Motion list and dealt with separately. The headnote only of the by-law shall be read and a by-law shall not be enacted until it has received three readings.
- (c) After by-laws have passed, the CAO/Clerk shall be responsible for their corrections should amendment be required.
- (d) The Proceedings of every Regular, Special or Emergency Meeting shall be confirmed by a Confirmation By-law so that every decision of Council and every resolution passed at that Meeting shall have the same force and effect as if each one of them had been the subject matter of a separate by-law duly enacted.
- (e) All by-laws adopted by Council shall be printed in the annual Proceedings of Council.
- (f) The CAO/Clerk shall maintain a permanent copy of all by-laws for public inspection.

24. Motions from Other Municipalities and Organizations Requesting Endorsement

- (a) Motions from other municipalities in Elgin County are placed on the agenda for County Council. Where required due to urgency or timing, the Motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.
- (b) Staff may prepare recommendations related to the matter for Council's consideration.
- (c) Council's receipt of Motions from other municipalities in Elgin County does not constitute endorsement by the County of any recommendations or actions they may contain.
- (d) Motions from municipalities outside of Elgin County and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence.

25. Presentations and Recognitions

- (a) Presentations include those of staff or parties invited by staff or those of other government agencies and presentations to Council on matters of interest to the County as well as awards, certificates, grants and other recognitions presented to/by the County or its staff or related parties. Such presentations are received or presented by the Chair.
- (b) Presentations may be up to ten (10) minutes. The consent of Council is required to extend the presentation beyond ten (10) minutes.

26. Open Meetings and Closed Session Meetings

(a) Open Meetings and Improper Conduct

- i. Except as provided in this section, all Meetings of Council and Committee shall be open to the public pursuant to the Act, S. 239 (1).
- ii. The Chair may expel any person for improper conduct at a Meeting, pursuant to the Act, 2001, S. 241 (2).

(b) Closed Session Meetings

- i. Persons may be excluded when Council or Committee is in Closed Meeting in accordance with Section 239 of the Act and amendments thereto. As provided for in the Act, Council or a Committee may resolve to move into a session closed to the public in order to discuss matters related to one or more of the following:
 - (a) the security of the property of the County or local board;
 - (b) personal matters about an identifiable individual, including County or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the County or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the County 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 or 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 the 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.
- ii. 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, 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 appointed by Council or the investigator appointed by Council.
- iii. A meeting of Council 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 Council, local board or committee.
- iv. Before holding a Meeting or part of a Meeting closed to the public, Council or a Committee shall approve a Motion, stating the following:
- (a) The fact that the Meeting will be closed to the public as provided for in the *Act*; and,
 - (b) The general nature of the matter to be considered at the Meeting closed to the public.
- iii. Pursuant to Section 239 of the *Act*, when a Motion to proceed in a Closed Meeting is carried, the Warden or the Chair may, with the approval of Council, exclude such persons as deemed appropriate from the meeting room.
- iv. When in a Closed Meeting, no one shall leave and re-enter the Meeting room without the approval of the Warden or Chair.
- v. All Closed Meeting Minutes for Council and Committee Meetings shall be circulated at the commencement of the next Meeting and addressed to each Member of Council.
- vii. Following approval of the minutes, the copies of the Closed Meeting Minutes will be returned to the CAO/Clerk for shredding.
- viii. Closed Meeting Minute binders for Council and Committee Meetings are maintained by the CAO/Clerk and are only accessible by the CAO/Clerk.
- (c) Voting During Meetings Closed to the Public
- i. No vote will be taken at a Meeting described in Section 26 (b) of this Procedural By-law, and which is closed to the public, unless:
 - (a) The subject matter relates to an issue as described in Section 26 (b) of this by-law; and
 - (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons related by or under contract with the Municipality.

- ii. On Motion in Committee of the Whole in a Closed Meeting, to rise and report the question shall be decided without debate involving any of the following:
 - i. Motion to rise without reporting
 - ii. Motion to rise and report
 - iii. Motion to provide staff direction
- iii. With respect to debate and/or vote in a Meeting closed to the public:
 - (a) The number of times a Member may speak to any question shall not be limited during a Closed Session, provided that no Member shall speak more than once until every Member who desires to do so shall have spoken.
 - (b) A Member present at a Closed Session shall, prior to consideration of any matter, declare any pecuniary interest, direct or indirect and the general nature thereof and said Member shall leave the Closed Session, or part thereof, during which the matter is under consideration. The declaration of Pecuniary Interest shall be recorded in the minutes.

(d) Notice of Meetings Closed to the Public

- i. Where a matter may be considered by Council or a Committee for discussion in Closed Session, whenever possible, written Notice provided for in this by-law shall disclose:
 - (a) The fact that the Meeting will be closed to the public as provided for in the Act;
 - (b) The general nature of the matter to be considered at the closed Meeting.

(e) Confidentiality of Closed Session Discussions and Public Disclosure

- i. A summary of any discussion held in Closed Session and any required vote if permitted, will occur following the Closed Session discussion of Council or Committee.
- ii. The summary of Closed Session discussion and vote will provide sufficient detail, without detrimentally affecting the confidentiality of the matter(s) discussed in Closed Session and the position of the Municipality.
- iii. No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a Closed Session Meeting of Council or Committee until such time that such Council or Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Chair or designate under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 or if directed to do so by a court.
- iv. A Motion to adjourn a Closed Meeting shall always be in order and be decided without debate, except when a Member is in possession of the floor.
- v. Upon rising from a Closed Meeting, the Chair shall announce the result of the vote as it is to be recorded in the minutes.

(f) Application of Open and Closed Meeting Provisions to all Committees

- i. The provisions of Section 239 of the Act and Sections 26 (a), (b), and (c) of this by-law apply to any and all Committees, despite Section 238 of the Act.

(g) Closed Meeting Investigation

- i. Council shall appoint a Closed Meeting Investigator to carry out Closed Meeting Investigations.
- ii. If, after completing an investigation, the investigator is of the opinion that the Meeting or part of the Meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to the Act or to this by-law, the investigator shall report his or her opinion and the reasons for it to Council and may make such recommendations as he or she thinks fit.
- iii. The County of Elgin shall ensure that reports contemplated in this section are made available to the public as required by the Act.
- iv. If the investigator is of the opinion that the Meeting was closed to the public contrary to Act, Council shall pass a resolution stating how it intends to address such opinion and the report in which it was delivered.
- v. A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the Act and this by-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by completing and submitting a copy of the *Municipal Investigation of Closed Meetings* form.

27. Duties of the Warden and Chair

- (a) The Chair of a Meeting of Council, whether a Regular, Special, Workshop or Orientation Meeting is the Warden. In the absence of the Warden, the Deputy Warden is Chair as provided for in this by-law.
- (b) The Chair and any Vice Chairs of any Committees are appointed from among their respective Members and shall serve as Chair of any Committee Meetings at all times in accordance with this by-law.
- (c) It shall be the duty of the Warden or other duly appointed Chair:
 - i. to act as Chief Executive Officer of the municipality;
 - ii. to preside over Council Meetings so that its business can be carried out efficiently and effectively;
 - iii. to provide leadership to Council;
 - iv. to represent the County at official functions;
 - v. to carry out the duties of the Chair under any other Act or any other Statute of the Province;

- vi. to provide information and recommendations to the Members of Council with respect to Council's role to ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
- vii. to provide information or recommendations to Council to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- viii. to open the Meeting of Council by taking the Chair and calling the Members to order;
- ix. to announce the business before Council in the order which it is to be acted upon;
- x. to receive, in the proper manner, all Motions presented by the Members of Council and to submit these Motions as questions for proper debate;
- xi. to put to a vote all questions which are duly moved and seconded or which necessarily arise in the course of proceedings and to announce the results;
- xii. to decline to put to a vote Motions which infringe upon the Rules of Procedure as provided for in this by-law;
- xiii. to restrain the Members, within the Rules of Procedures, when engaged in debate;
- xiv. to enforce on all occasions the observance of order and decorum among the Members and those before Council;
- xv. to call by name any Member persisting in breach of the Rules of Procedure, thereby ordering the Member to vacate the meeting place;
- xvi. to receive all messages and other communications and announce them;
- xvii. to authenticate by his or her signature, when necessary, all by-laws and minutes of Council;
- xviii. to inform the Members of Council, when necessary or when referred to for the purpose, on any point of order;
- xix. to represent and support Council, implicitly obeying its decision in all matters;
- xx. to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.
- xxi. When appointed to be, may be an ex-officio Member of all committees of Council;
- xxii. To perform all duties as required of a Member of Council;
- xxiii. To adjourn the Meeting without question in the case of grave disorder arising during the Meeting or suspend the sitting of Council until a time to be named by the Warden; and
- xxiv. To adjourn the Meeting when the business of Council is concluded.

- (d) As Chief Executive Officer of the County, the Warden shall:
- i. uphold and promote the purposes of the municipality;
 - ii. promote public involvement in the municipality's activities;
 - iii. act as the representative of the municipality both within and outside the territorial limits of the municipality, and promote the municipality locally, nationally and internationally; and
 - iv. participate in and foster activities that enhance the economic, social and environmental well-being for the municipality and its residents.

28. Warden Entering Debate

- (a) If the Warden desires to take part in the debate of Council, he or she may remain in the Chair to do so. Alternatively and when he or she deems appropriate, he or she may leave the Chair and, at that time, call on the Deputy Warden to fill their place until they resume the Chair.

29. Council Member Roles and Responsibilities

- (a) Council Members are responsible for, where applicable:
- i. Attending scheduled Meetings;
 - ii. Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
 - iii. Voting on Motions put to a vote;
 - iv. Respecting the rules of order in this Procedural By-law;
 - v. Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order;
 - vi. Remaining silent in their seats while Council or a Committee votes and until the Chair announces the results of the vote;
 - vii. Refraining from using any offensive, disrespectful or un-parliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a whole;
 - viii. Respecting and following the decisions of Council or a Committee;
 - ix. Respecting the confidentiality of matters discussed in Closed Session Meetings and not disclosing the subject or substance of these discussions unless authorized to do so;
 - x. Complying with the Chair's rulings and Council's decisions; and
 - xi. Complying with the Council Code of Conduct.

- (b) The role of Council Members also includes, where applicable:
- i. to represent the public and to consider the well-being and interests of the County;
 - ii. to develop and evaluate the policies and programs of the County;
 - iii. to determine which services and the extent to which such services are provided to the residents of the County;
 - iv. to ensure that administrative policies, practices and procedures and financial policies, practices and procedures are in place to implement the decisions of Council;
 - v. to ensure the accountability and transparency of the operations of the County, including the activities of the senior management of the County;
 - vi. to maintain the financial integrity of the County; and
 - vii. to carry out the duties of a Member as provided for under any Act or by-law.

30. Absence of Warden and/or Deputy Warden

- (a) In case the Warden does not attend within fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Deputy Warden shall call the Meeting to order and preside as Chair, subject to any restrictions regarding Conflict of Interest.
- (b) In case the Warden and Deputy Warden are unable to attend the Meeting, the Members will, by resolution duly moved and seconded, appoint a Chair. While so presiding, the Chair shall have all the powers of the Chair.
- (c) Should the Warden or Deputy Warden, as the case may be, arrive after the Meeting has been called to order, the Chair shall relinquish the position of the Chair to the Warden, or Deputy Warden as the case may be, immediately after the current item of business on the Council Orders of the Day is considered or otherwise disposed.

31. Alternate Council Member

- (a) General Procedures
- i. This following procedure relates to alternates to County Council who are appointed by local municipalities under section 268 of the Act when they are required to attend a Council Meeting.
 - ii. The Council of a constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of a person who is a Member of the Council of the constituent municipality and the County when the Member is unable to attend a Meeting of County Council for any reason.
 - iii. County Council has no role in the appointment of Alternate Members but it can establish procedures for accommodating Alternate Members at County Council.
 - iv. Constituent municipalities are able to appoint an Alternate Member of County Council in accordance with the following provisions:
 - (a) There can only be one Alternate Member appointed per municipality;

- (b) The appointment is for the term of Council; and
 - (c) Municipalities cannot appoint another Alternate Member to act in place of the appointed Alternate Member.
- v. Alternate Members shall make their declaration of office prior to taking their seat as an Alternate Member of Council. This is not required for subsequent Meetings they might attend.
 - vi. The Alternate Member shall have all the powers and duties of a Member, including the power to make motions and vote and the duty to abide by this by-law and Code of Conduct, as applicable.
 - vii. Alternate Members must only be used when the Member is unable to attend an entire Meeting with the exception of an Inaugural Meeting or Meeting of any County Board or Agency.
- (b) Notification Process
- i. A local municipality shall notify the CAO/Clerk in the event that its council appoints an Alternate Member of County Council.
 - ii. The CAO/Clerk shall keep a record of all appointed Alternate Members which shall be available to the public.
 - iii. The local Clerk or incumbent Council Member shall notify the CAO/Clerk, in writing, as soon as reasonably possible when an Alternate Member shall be attending a Meeting of Council.
 - iv. Each local municipality will be responsible for notifying its Alternate Member that they are to attend any County Council Meeting.
 - v. In situations where no prior notice has been given, the Alternate Member shall at the time they attend a County Council Meeting, provide the CAO/Clerk with written confirmation that they are acting as an Alternate Member for that Council Meeting.
 - vi. Alternate Members shall receive a regular agenda on each Thursday preceding a Meeting day of Council. If no notice was provided, they shall receive a hard copy agenda at the time they attend the Council Meeting.
 - vii. Closed Meeting agendas, reports and minutes will be provided to the Alternate Member on paper and shall be returned at the end of the meeting.
- (c) Meeting Administration
- i. The Alternate Member's powers and duties as a Member extend only to the time they are present at the Council Meeting.
 - ii. Council Minutes shall note the absence of the incumbent Member and the attendance of an Alternate Member.
 - iii. Where both an Alternate Member and Member attend a Council Meeting, the Member shall assume their seat. The Alternate Member may attend as a spectator.

(d) Appointment of Alternate Member for a Period of Less Than One (1) Month

- i. If a person who is a Member of the council of a constituent municipality and a Member of County Council is unable to act as a Member of those councils for a period of less than one (1) month, the Council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of the Member until the Member is able to resume acting as a Member of those councils.
- ii. An Alternate Member appointed at the discretion of a constituent municipality as contemplated by section 31 (d)(i) above shall not receive compensation from the County for any Meetings of Council they are required to attend in the absence of the Member but shall be paid mileage at the same rate established for the use of personal vehicles for County business and any other eligible “out of pocket” expense that may occur.
- iii. An Alternate Member shall not be eligible to be reimbursed for attendance at conventions, seminars or training.
- iv. An Alternate Member while acting in his or her capacity, shall be governed by all applicable policies of the County such as but not limited to this by-law and Council Code of Conduct;
- v. An Alternate Member shall have access to applicable support resources such as but not limited to the County’s Integrity Commissioner.

(e) Appointment of Alternate Member for a Period Exceeding One (1) Month

- i. If a person who is a Member of the council of a constituent municipality and a Member of County Council is unable to act as a Member of those councils for a successive period exceeding one (1) month, the council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of the Member until the Member is able to resume acting as a Member of those councils.
- ii. Upon notice of vacancy of a Member exceeding one (1) month, the Member’s compensation and expense reimbursement eligibility will cease and will be provided to the Alternate Member so appointed in his or her place by the constituent municipality in the same manner.
- iii. An Alternate Member so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.
- iv. An Alternate Member, while acting in this capacity, shall be governed by all applicable policies of the County such as but not limited to this by-law and Council Code of Conduct.
- v. An Alternate Member so appointed shall have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and applicable support resources such as but not limited to the County’s Integrity Commissioner.

32. Member Vacancy

(a) Vacancy of Seat of Member of Council

- i. The Council of the constituent municipality may appoint one of its Members as an Alternate Member of County Council to act in place of Member Vacancy. The office of a Member of Council becomes vacant if the Member:
 - (a) becomes disqualified from holding the office of a Member of Council;
 - (b) fails to make the declaration of office before the deadline;
 - (c) is absent from the meetings of council for three (3) successive months without being authorized to do so by a resolution of Council;
 - (d) resigns from his or her office;
 - (e) is appointed or elected to fill any vacancy in any other office on the same council;
 - (f) has his or her office declared vacant in any judicial proceeding;
 - (g) forfeits his or her office under the Act or any other Act; or
 - (h) dies, whether before or after accepting office and making the prescribed declarations.
- ii. Seats declared vacant by a constituent municipality will be dealt with as outlined in the Act.
- iii. Upon notice of vacancy, the Member's compensation and expense reimbursement eligibility will cease and will be provided to the Alternate Member so appointed by the constituent municipality in the same manner.
- iv. An Alternate Member, so appointed shall be eligible to be reimbursed for attendance at conventions, seminars or training.
- v. An Alternate Member, while acting in this capacity, shall be governed by all applicable policies of the County such as but not limited to the Council Code of Conduct.
- vi. An Alternate Member so appointed shall have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and applicable support resources such as but not limited to the County's Integrity Commissioner.

(b) Vacancy of Seat of Warden

- i. If the position of Warden is vacant, Council shall fill the vacancy by appointment in the same manner as Warden was originally appointed, as provided for in this by-law.

(c) Pregnancy and Parental Leave

- i. The provisions of this sub-section applies to a Member of Council who is absent from Meetings of Council for at least three (3) consecutive months as a result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.
- ii. The office of a Member of Council shall not become vacant if a Member is absent for twenty (20) consecutive weeks or less when such absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
- iii. Prior to the Member missing meetings of Council for three (3) consecutive months, a Member of Council shall provide a request for pregnancy and/or parental leave in writing to the CAO/Clerk.
- iv. If a Member wishes to seek a leave in excess of twenty (20) consecutive weeks, the Member shall request an extended leave, in writing to the CAO/Clerk, as soon as the need for an extended leave is known. If an extended leave is requested, the CAO/Clerk shall prepare a report for Council's consideration of the extended leave.
- v. Member on pregnancy or paternity leave is exempt from attending meetings of Council and any other Committee to which the Member has been appointed.
- vi. Members shall still receive all Council Agenda packages.
- vii. Any Member on pregnancy or paternity leave shall participate in events, conferences, committee meetings, constituent meetings or respond to communications at the level they determine, utilizing an out of office email feature to identify they are on leave, the level of service offered and an alternate contact if required.
- viii. Members of Council on pregnancy or paternity leave shall continue to receive all remuneration afforded to regular Members of Council.
- ix. Members of Council on pregnancy or paternity leave shall continue to have access to all equipment supplied to a regular Member including but not limited to information technology equipment, account access and staff support.

33. Administrative Authority of CAO/Clerk

- (a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of proceedings.
- (b) Significant changes to by-laws, minutes and other Council and Committee documentation including a change in meaning, shall be presented to Council or the involved Committee for approval and adoption.

34. Organization of Committees

- (a) The Warden shall recommend and Council shall appoint representatives from within their membership to various committees/boards/agencies at the first Meeting in December of each year.

- (b) A Meeting of any Committee may be called by the Chair thereof whenever a Meeting is considered necessary by at least a majority of the Members of such committee and it shall be his or her duty to call such Meeting in writing.
- (c) All Members of Council shall be appointed to at least one position on any Committee, Board or Agency.
- (d) All Members of Council are equally eligible to serve on any Committee, local board or agency.
- (e) Any Member attending at any Meeting of a Committee, local board or agency shall not be entitled to additional compensation but shall be entitled to reimbursement of travel expenses.

35. Ad Hoc, Committee or Steering Committees

- (a) Council may at any time, on Motion of a Member duly considered and agreed to by a majority vote strike a Committee, Ad Hoc Committee and/or Steering Committee, as the case may be, which shall consider and report on any matter or to perform any special service within the spheres of jurisdiction of Elgin County, pursuant to the Act. Unless specifically provided for in this by-law, such Committee, Ad Hoc Committee and/or Steering Committee shall dissolve as soon as the services for which that Committee was appointed are performed. Council may appoint an Ad Hoc Committee and/or Steering Committee if an issue must be addressed and it does not fall within the scope of management staff.
- (b) For every Committee, Ad Hoc Committee and/or Steering Committee established by Council, Council shall adopt terms of reference and these terms of reference shall be reviewed with each term of Council and prior to any new Committee appointments.
- (c) The terms of reference adopted by Council must include the:
 - i. Identification of Members as appointed including term of office for lay appointments if the term does not coincide with the term of council;
 - ii. The mandate of such Committee, Ad Hoc Committee and/or Steering Committee;
 - iii. Specific duties, including delegated duties (if any); and
 - iv. Requirement for a term report to provide a status update on the activities and accomplishments of the Committee, Ad Hoc Committee and/or Steering Committee.
- (d) The powers and duties of established Committees, Ad Hoc Committees and/or Steering Committees shall be pursuant to this by-law, giving direction but shall not include the decision-making authority of Council, pursuant to the Act, except in the case of a Quasi-Judicial Board, or as otherwise explicitly provided for in this by-law.
- (e) Unless Council specifically sets out in this by-law, or unless legislation provides otherwise, the term of office for Member appointments to Committees, Ad Hoc Committees and/or Steering Committees shall coincide with the term of Council.
- (f) Unless the terms of reference or legislation provides otherwise, the term of office for lay appointments to Committees, Ad Hoc Committees and/or Steering Committees shall coincide with the term of Council or until their successors are appointed.
- (g) A majority of the Members of a Committee is necessary to constitute a Quorum.

- (h) All decisions of Committees, Ad Hoc Committees and Steering Committees shall be in the form of recommendations to Council, except as otherwise explicitly provided by Council resolution and/or by-law striking the Committee and shall be forwarded by the Secretary to the CAO/Clerk for inclusion in the Agenda of the next Meeting of Council.
- (i) An employee of the County shall be the Secretary of the Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee and shall act as a resource person in a non-voting capacity.

36. Committee Vacancies/Appointments

- (a) Committee, local board or agency vacancies, which occur during the year, shall be filled by Council and in respect thereof, persons serving on local boards or Committees shall be eligible for re-appointment, but shall not be eligible for re-appointment to the same position for a period of more than eight (8) consecutive years. After an absence of not less than one (1) year, such person shall be eligible for re-appointment.

37. Other Committees/Local Board/Agencies

The following sets forth the permanent Boards and the numbers and identity of appointees.

<u>Committee</u>	<u>Appointees</u>
Dispute Resolution	2 Members + Warden
Elgin County Museum	1 Member
Southwestern Public Health	2 Members
Health Recruitment Partnership	1 Member
Human Resources Committee (as needed)	2 Members
Joint Elgin/Central Elgin Accessibility Advisory Committee	1 Member
Building Committee(s)	3 Members + Warden (per project)
Rural Initiatives Committee	3 Members
St. Thomas-Elgin Public Art Centre	1 Member
Waste Management/Liaison	All Members of Council
Water Advisory Committee	1 Member

Land Division Committee – Council shall appoint a seven (7) Member Land Division Committee, one Member from each constituent municipality, who shall individually hold office during the term of the Council that appointed them. Persons serving on Land Division Committee shall be eligible for re-appointment, but shall not be eligible for re-appointment to the same position for more than eight (8) consecutive years. After an absence of not less than one (1) year, such person shall be eligible for reappointment.

38. General Rules for All Committees

- (a) Any Member of Council or Committee may be placed on a Committee notwithstanding the absence of such Member at the time of their being named on such Committee.
- (b) The Warden shall be a Member ex-officio of all Committees of Council as required and may vote on all questions before the Committee and the ex-officio Member shall not be counted in the formation of a Quorum.
- (c) Members of Council or Committee may attend the Meetings of any of its Committees, but shall not be allowed to vote, nor should they be allowed to take part in any discussion or debate, except with the permission of the majority of the Members of the Committee.
- (d) Council may appoint a Member thereof to act on any Committee or Meeting in lieu and during the absence of any Member thereof, who is absent from the municipality, or unable from illness to attend the Meetings of such Committee, and the Member so appointed shall be deemed a Member of the Committee and entitled to act thereon, only during such absence or illness.
- (e) Should any Member of a Committee fail, neglect or refuse to attend the properly summoned Meetings of their Committees, the Chair shall report such failure, neglect or refusal to Council, which may remove the said Member or Members from the Committee and appoint another Member in his or her place or places; or should any Committee neglect or refuse to give due attention to all business or matters before them, Council may by resolution discharge such Committee and appoint another in its stead.
- (f) A majority of all Members of the Committee shall constitute Quorum.

39. Duties of Committees

- (a) Without limiting the generality of the foregoing, the duties of any Committee of Council will more specifically include:
 - i. the general duties of the Committees of Council shall be to report to Council from time to time, whenever desired by Council and as often as the interest of the County may require, on all matters concerned with the duties imposed on them respectfully, and to recommend such action by Council in relation thereto as may be deemed necessary.
 - ii. to cause to be prepared and introduced into Council all by-laws as may be necessary to give effect to such of their reports or recommendations as are adopted by Council.
 - iii. to consider and report on any and all matters referred to them by Council and every such report shall be signed by the Chair submitting the same.
 - iv. to comply strictly with the transaction of all business to the rules prescribed in this by-law.

40. Restriction on Power of Members

- (a) No Member of Council shall have power to direct or interfere with the performance of any work of the County Corporation.

41. Repeal or Amendment of this By-law

- (a) This by-law is not to be amended or repealed except by a majority vote when all Members of Council are present.
- (b) No amendment or repeal of this by-law is to be considered at any Meeting of Council unless Notice of the proposed amendment or repeal has been given at a previous regular Meeting of Council.

42. Convention Attendance

- (a) County Councillors shall be permitted to attend any convention or conference in accordance with the established convention policy, provided the said convention or conference is relevant to the business of the County, subject to a maximum allowance.

43. Public Record

- (a) All communications that the CAO/Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of his or her personal information when submitting it or when otherwise confirmed by the CAO/Clerk.

44. General Provisions

- (a) The rules and regulations contained herein shall be observed in all proceedings of Council or Committee and shall be the rules and regulations for the order and dispatch of business in Council and in the Committees.
- (b) Notwithstanding that set forth in subsection (a) above, the rules and regulations contained herein may be suspended by vote of two-thirds of the whole Council and otherwise in any case for which provision is not made herein.
- (c) That all newly-elected Mayors and Deputy Mayors to become Members of Council to be invited to attend upon Council proceedings at a November Session immediately preceding the commencement of their terms of office.

45. Conflict with the Municipal Act

- (a) In cases where the Rules of Procedure contained in this by-law conflict with the Act, the Act shall prevail.

46. Severability

- (a) Each provision of this by-law is distinct and severable. If any provision of this by-law, in whole or in part, is or becomes illegal, invalid, void, voidable or unenforceable in any jurisdiction by order of any court of competent jurisdiction, the illegality, invalidity or unenforceability of that section, in whole or in part, will not affect:
 - i. the legality, validity or enforceability of the remaining provisions of this by-law, in whole or in part; or

- ii. the legality, validity or enforceability of that section, in whole or in part, in any other jurisdiction.

ENACTED THIS 16th DAY OF OCTOBER, 2018.

COUNTY OF ELGIN

By-Law No. 18-36

**"A BY-LAW TO PRESCRIBE PROCEDURES FOR GOVERNING THE CALLING,
PLACE AND PROCEEDINGS OF THE ELGIN COUNTY LAND DIVISION COMMITTEE"**

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

WHEREAS the Elgin County Land Division Committee is a local board as defined in the Municipal Affairs Act, R.S.O. 1990, c. M.46.

NOW THEREFORE the Municipal Council of the Corporation of the County of Elgin enacts as follows:

1. THAT the procedures governing the calling, place and proceedings of meetings of the Elgin County Land Division Committee, attached hereto as Schedule "A", be and are hereby adopted.
2. THAT this by-law shall become effective upon its passing.
3. THAT By-law 05-24 and any previous by-law inconsistent with this by-law be and are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF OCTOBER 2018.

Julie Gonyou,
Chief Administrative Officer.

David Marr,
Warden.

SCHEDULE "A"

BY-LAW NO. 18-36

PROCEDURES GOVERNING THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE LAND DIVISION COMMITTEE FOR THE COUNTY OF ELGIN

1. AUTHORITY:

Elgin County Council, by By-law No. 2162 dated June 15, 1971, in accordance with provisions in the Planning Act, did constitute and appoint a five-member Land Division Committee and authority to decide planning matters was thereby delegated to said Committee. County Council has the right to alter, amend or revoke these delegated powers as deemed appropriate. On June 10, 2014 County Council adopted a resolution increasing the Land Division Committee to seven (7) members effective January 1, 2015 and that the new Land Division Committee consist of one (1) appointee, either elected or non-elected, from each of Elgin's constituent municipalities.

2. MANDATE AND PURPOSE:

The mandate and purpose of the Land Division Committee is to determine the viability of Applications for Consent and to make Decisions that reflect sound planning principles, based on their understanding and judgement of the information provided. Consent may be given if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. A Decision is to approve or to deny.

Statutory requirements governing Consent Authorities are found in Sections 50 through 57 of the Planning Act (Section 53 deals specifically with consents, however, the consent process relates to subdivision of land and other issues and additional sections must be consulted); Ontario Regulation 197/96 (which sets out in more detail what the Planning Act requires when processing applications); and the Provincial Policy Statement. Local Municipal Official Plans and Zoning By-laws; agency correspondence; and public input are also considered.

For example, together with necessary modifications, to grant a provisional consent the Committee shall have regard to the following criteria:

- (a) (i) Does the application conform to the necessary plans and policies?
 - (ii) Does the application contribute toward a development pattern that should be encouraged?
 - (iii) Does the application avoid a need for costly municipal expenditures?
 - (iv) Does the application permit the continuation of safe and efficient traffic patterns and efficient land use?
 - (v) Does the application contribute toward or preserve the visual appearance of the municipality?
 - (vi) Are the physical site characteristics suitable for the use proposed?
 - (vii) Is the site access safe?
 - (viii) Will the proposed use be compatible with surrounding uses?
- (b) the effect of development of the proposed subdivision on matters of provincial interest;
- (c) whether the proposed subdivision is premature or in the public interest;
- (d) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (e) the suitability of the land for the purposes for which it is to be subdivided;

- (f) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (g) the dimensions and shapes of the proposed lots;
- (h) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (i) conservation of natural resources and flood control;
- (j) the adequacy of utilities and municipal services;
- (k) the adequacy of school sites;
- (l) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (m) the physical layout of the plan having regard to energy conservation.

3. DEFINITIONS:

- (a) "Committee" means a group of individuals appointed by the County Council, to the Elgin County Land Division Committee, pursuant to provisions of the Planning Act, P.13, R.S.O. 1990, as amended.
- (b) "Member" means an individual appointed by County Council, to the Elgin County Land Division Committee, pursuant to the provisions of the Planning Act, P.13, R.S.O. 1990, as amended.
- (c) "Chair" means the Chairman of the Elgin County Land Division Committee, elected from amongst the Members of the Committee at the first general meeting of the Committee of each year and the person responsible for conducting a meeting to consider consent applications.
- (d) "Vice-Chair" means a Vice-Chairman of the Elgin County Land Division Committee, elected from amongst the Members of the Committee at the first general Committee meeting of each year. The Vice-Chair shall act as and have all the responsibilities of the Chair, in the absence of the Chair.
- (e) "Secretary-Treasurer" means the Secretary-Treasurer of the Elgin County Land Division Committee, pursuant to the provisions of the Planning Act, P.13, R.S.O. 1990 as amended.

4. CALLING OF MEETINGS

All meetings of the Committee, pursuant to Section 239 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be called by the Secretary-Treasurer or by the Chair of the Committee.

5. NOTICE

- (a) The Notice of an Application for Consent to be considered at a meeting shall be given in a manner that the Committee deems appropriate, in accordance with the provisions of the Planning Act, as amended; O. Reg. 197/96 Section 3; and any regulations passed thereunder.
- (b) Notice of Application procedures with respect to an application for Validation of Title; Power of Sale and Foreclosure; and for change to conditions shall be the same as the procedures for Consent Applications.

- (c) Notice of Hearing giving the date on which the Committee will hear the application shall be mailed to the applicant and persons or interested parties who have expressed an interest in the application and requested such notice.

In consultation with the Chair, the Secretary-Treasurer may cancel or reschedule a meeting.

6. LOCATION OF MEETINGS

All meetings of the Committee shall be held in a meeting room located within the County Administration Building, 450 Sunset Drive, St. Thomas, or another location as directed by County Council. The room shall be identified on the Notice of Hearing that is circulated by the Secretary-Treasurer of the Committee.

7. QUORUM

- (a) The quorum for the Elgin County Land Division Committee shall be four (4) of the seven (7) members on the Committee.
- (b) The Chair shall be counted in determining a quorum and shall be entitled to all the rights of a member on the Committee, including voting. The Elgin County Warden (or Deputy Warden), is an Ex-Officio Member of the Committee and shall be entitled to all the rights of a member on the Committee, including voting.
- (c) If no quorum is present within thirty (30) minutes after the time appointed for a meeting, the Committee Chair or the Secretary-Treasurer may discharge the members present and may cancel or reschedule the meeting and notice for same shall be given.

8. APPLICATION INFORMATION

An application information packet shall be provided by the Secretary-Treasurer or designate prior to the meeting for the use of applicants, authorized agents, applicant representatives, Committee Members and anyone having an interest in an application. A copy of the comments received from various agencies shall be made available at the meeting for the Committee members.

9. MEETING PROCEDURES

- (a) The meeting of the Committee shall be called to order by the Chair of the Committee or the Secretary-Treasurer or a designate of the Committee.
- (b) Any member required doing so shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and the Secretary-Treasurer shall record such disclosure. Any Member who discloses such a pecuniary interest shall refrain from discussion or voting on the matter.
- (c) The Secretary-Treasurer or designate shall call for any requests for deferral of an application or for any request for withdrawal of an application.
- (d) A request for deferral of an application to a later meeting date must be for reasonable cause. The Committee shall set a new meeting date for the consideration of a deferred application and shall indicate any other requirements or conditions for deferral, such as re-notification, amendment or additional required information.
- (e) The Secretary-Treasurer or designate shall call each application in an order determined by the agenda or in an order determined by the Chair and/or the Committee.

- (f) The Secretary-Treasurer or Chair will read the application and any comments received from agencies, residents and others who responded to the circulation of Notice of Application. At the discretion of the Chair, the Secretary-Treasurer or designate may summarize the nature of the interests or concerns being expressed.
- (g) The Chair shall ask the applicant, authorized agent or the applicant's representative to explain the application and offer any further information or comments.
- (h) The Committee may ask questions of the applicant, authorized agent or applicant's representative at this time. Questions may be asked during the presentation, however, typically questions are put forward by members of the Committee at the conclusion of the presentation.
- (i) The Chair shall ask the applicant, authorized agent or applicant's representative whether or not he/she is able to indicate consent to the imposition of the conditions should the application be favourably considered.
- (j) The Chair shall invite anyone else having an interest or concern with respect to the application(s) to come forward and advise the Committee of his or her position. The Committee members may ask questions of those parties expressing an interest or concern.
- (k) The Chair shall give the applicant, authorized agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies or interested parties.
- (l) The Committee members may ask additional questions at this time.
- (m) The Chair shall ask the members of the Committee for a motion with respect to the disposition of each application after all applications presented at the meeting have been considered. Consideration shall include issues raised by the applicant, authorized agencies, applicant's representative(s), respondent(s), planning evidence heard at the meeting, and requirements of the Planning Act and Provincial Policy Statement. The Chair upon receipt of a motion from a Committee member shall ask for a seconder to the motion.
- (n) The Secretary-Treasurer shall be asked to repeat the motion and any conditions placed on an approval or reasons if the Consent was denied.
- (o) The Chair shall call for a vote by the Committee on the motion and the Chair shall announce, at the meeting, the Decision of the Committee.
- (p) Committee members concurring in the Decision of the Committee shall sign the Decision.
- (q) The Committee shall deal with the business matters in the following order:
 - (i) adoption of Minutes of the previous meeting
 - (ii) business arising out of the Minutes
 - (iii) disclosure of pecuniary interest and the general nature
 - (iv) correspondence
 - (v) business arising from correspondence
 - (vi) new business
 - (vii) new files
 - (viii) set date for next meeting.

10. VOTING

All members of the Committee shall vote and each vote shall be counted as one.

11. APPEALS

All Consent Appeals to the Local Planning Appeal Tribunal (LPAT) are to be referred to a Solicitor and/or Professional Planner, as deemed appropriate, in order that the Decision of the Land Division Committee is defended at LPAT Hearings.

12. CONDUCT OF MEETINGS AND MEMBERS

The conduct of meetings and members, with respect to matters not specifically addressed, shall generally be considered in accordance with the Statutory Powers Procedure Act, c.S 22, R.S.O. 1990, as amended, the Municipal Conflict of Interest Act, c.M 50, R.S.O. 1990, as amended, Robert's Rules of Order, and the County of Elgin Procedural By-law.

13. COMMITTEE REMUNERATION

Members of the Committee shall be paid a per diem for attendance at each Committee meeting, travel to attend Committee meetings at the approved County travel rate, and a fee for investigation of applicable applications, which are established by by-law.

14. CONVENTION/WORKSHOP ATTENDANCE

A Member may attend a convention/workshop that is relevant to the business of the Land Division Committee. Convention/workshop attendance is subject to budgetary limitations and must be submitted on the County Convention Expense Claim Form.

15. ANNUAL BUDGET

An annual budget is established to provide for expenditures of the Committee. Expenditures may not exceed budgetary limitations without the County Council approval. Fees charged for Applications for Consent are designed to meet the anticipated cost to the County to process such Applications and may change from time to time.

16. GENERAL

The conditions and policies, as set out in this Policy Manual and the Procedural By-law for the County of Elgin, which relate to the Land Division Committee and which are consistent with this by-law, shall be the conditions and policies for the operation of the Elgin County Land Division Committee.

CLOSED MEETING AGENDA

October 16, 2018

Staff Reports & Correspondence:

- 1) County Solicitor - *Municipal Act Section 239.2 (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* – Termination of Road Allowance Agreement.
- 2) County Solicitor - *Municipal Act Section 239.2 (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board* – Litigation.
- 3) Chief Administrative Officer and Director of Human Resources - *Municipal Act Section 239.2 (b) personal matters about an identifiable individual, including municipal or local board employees* – Organizational Update.