

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-053

BEING A BY-LAW TO ESTABLISH REMUNERATION FOR COUNCIL, COMMITTEES OF COUNCIL AND ITS LOCAL BOARDS TO PROVIDE FOR REIMBURSEMENT OF EXPENSES

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, (“*Municipal Act*”) as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5(1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality’s capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Municipal Administration

Section 227 of the *Municipal Act* provides it is the role of the officers and employees of the municipality to implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions.

Remuneration and Expenses

Section 283(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pay any part of the remuneration and expenses of the members of Council, any local board and officers and municipal employees of the municipality.

Section 283(2) of the *Municipal Act* provides that despite any Act, a municipality may only pay the expenses of members of its Council or of a local board of the

Municipality if the expenses are of those persons in their capacity as members and actually incurred or, if the expenses are, in lieu of the expenses actually incurred, a reasonable estimate in the opinion of the Council of the actual expenses that would be incurred.

Section 284 of the *Municipal Act* provides how the remuneration shall be disclosed each year by an itemized statement on or before March 31.

Term of Council Review

Section 283(7) requires Council to review a by-law passed under subsection 283(5) at a public meeting at least once during the four-year period corresponding to the term of office of its members after a regular election.

Preamble

In 2014 Council for the Corporation of the Municipality of Calvin adopted Bylaw 2014-011 providing for the remuneration of Council and the payment of expenses incurred. Council is obligated under law to review the Bylaw once during the four-year term.

This matter has been discussed at previous Council meetings and no changes were recommended.

Inflationary costs (cost of living etc.) are not built into the Bylaw and there is no other automatic rate increase.

The cost of living/inflation has been increasing significantly over the past few years.

For years, members of Council have been compensated at a rate lower than the sector standard.

Decision

Council of the Corporation of the Municipality decides it in the best interest of the Corporation to establish remuneration and expense reimbursement for members of Council.

Direction

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin directs as follows:

1. That Members of Council for the Municipality of Calvin shall receive remuneration in accordance with the provisions of Schedule "A", attached to and forming part of this Bylaw.
2. That remuneration shall be adjusted annually in accordance with the Consumer Price Index.

3. That the Treasurer shall make payments to a member of Council for expenses incurred as provided for in Schedule “B”, attached to and forming part of this Bylaw.
4. That the Treasurer shall prepare a report of the remuneration and expenses paid to each member of Council in accordance with the provisions of Section 284 of the *Municipal Act* and the report will be posted on the Municipality’s website prior to March 31, of any given year.
5. That Schedules “A” and “B” can be amended by resolution.
6. That Bylaw 2014-011 is hereby repealed.
7. This By-law takes effect on the day of its final passing.

Read and adopted by Resolution 2022-290 this 23rd Day of August 2022.

Mayor

Clerk

SCHEDULE "A"

TO BYLAW 2022-053

1. FLAT RATE HONOURARIUM - MEMBERS OF COUNCIL

Starting on January 1, 2022, the members of Council shall receive the following flat rate honorarium:

MAYOR	\$15,600.00 PER ANNUM fully taxable
DEPUTY MAYOR	\$13,200.00 PER ANNUM fully taxable
COUNCILLOR	\$10,800.00 PER ANNUM fully taxable

The flat rate honourarium is to include the following:

- Meeting preparation and research;
- Twenty-six (26) meetings which would include Regular, Special, Closed or Emergency meetings or educational and training meetings of Council, whether attending in-person or by means of virtual meeting;
- Meetings of Boards and Committees to which a Member of Council is appointed by Council whether attending in-person or by means of virtual meeting and otherwise compensated;
- Attendance at meetings held within the municipality with ratepayers, staff, consultants whether at their request or not, etc.;
- Attendance at on-site meetings within the Municipality;
- Attendance at the Municipal Office to sign cheques, by-laws, etc.. and to interact with the staff and public; and
- Attendance at special function, public or ceremonial event related to the municipality.

The flat rate honourarium will be paid bi-weekly and deposited directly into the Member's bank account when municipal employees are paid.

Members will be compensated for all additional meetings in June and December.

In December of any given year, any Member who has not attended twenty-six (26) meetings will have their remuneration reduced by \$150 per meeting not attended.

2. ADDITIONAL MEETINGS

- a. Additional approved meetings will be compensated at \$150 per meeting. Approved meetings will include those called by the Mayor and those approved for the Member to attend by resolution of Council.
- b. Attendance at meetings, functions, or events where participation is out-of-the-interest of a Council member only and not Council as a body (no resolution) will not be paid.

3. APPROVED TRAINING SEMINARS, WORKSHOPS & CONFERENCES

For approved training seminars, workshops and conferences attended in person by a Council member(s) the municipality pays:

Starting on January 1, 2022:

- Actual registration, hotel and transportation costs;
- \$53 per diem (1/2 day) incurred;
- \$106.00 per diem (full day) incurred to a maximum of three (3) days at any one time; and
- \$60 per diem for cost of meals incurred to a maximum of three (3) days at any one time, broken down as follows: Breakfast \$10; Lunch \$20 and Dinner \$30.00.

The Municipality will not pay for costs associated with alcohol charges or spousal expenses.

Remuneration paid to elected Members of Council of the Municipality of Calvin is deemed as expenses incident to the discharge of their duties as members of the Council during their term of office.

4. Reconciliation

The Treasurer shall in June and December of any given year, prior to making fixed remuneration payments, undertake a review of meeting attendance, by each Member of Council. In the event of absence by Council members at Regular, Special, Closed or Emergency meetings or appointed representation on other Committees, the Treasurer shall undertake a calculation of the Flat Rate Honorarium paid to the Council Member, complete a pro-rated calculation and make amendments to the Flat Rate Honorarium paid to the Council Member. Any adjustments will be made in July and December/January as the case may be.

SCHEDULE "B"
TO BYLAW 2022-053

1. Travel Expenses: Members of Council

- a. Actual registration fee, taxi fares and parking fees with receipts;
- b. Meals and gratuities based on current Treasury Board rates.
- c. Actual accommodation cost with receipt;
- d. Actual transportation cost with receipt;
- e. Use of personal vehicle will be reimbursed based on the mileage rate set by Council for the municipality.

2. Approval of Travel Expenses

Travel expense claims by members of Council are subject to review and approval by Municipality of Calvin Council. The Treasurer will not cause expenses to be paid without a resolution of Council.

3. Travel Advance

A travel advance may be requested by providing the Treasurer with the resolution of Council approving attendance at the meeting/training/event along with an estimate of costs upon such form as established by the Treasurer. Travel advances will not exceed seventy-five percent (75%) of the estimate and will be limited to daily per diems, mileage cost and reasonable meal expenditures.

Upon their return the relevant travel expense claim must be submitted no later than two (2) weeks following the completion of the function. The Treasurer will reconcile the advance and compensate the Member for any amounts over and above the advance. Should the advance exceed the actual costs, the Member will be requested to return the excess funds to the Municipality. In the circumstance a member fails to repay any advance or portion thereof, the Treasurer will reduce the Member's honourarium by the outstanding amount.