



Calvin

November 8, 2022 - Regular Council Meeting - 07:00 PM

- 1 **Call To Order**
- 2 **Approval of Agenda**
- 3 **Declarations of Disqualifying Interest (Pecuniary)**
- 4 **Approval of the Minutes of the Most Recent Meeting(s)**
 - 📎 April 12, 2022
 - 📎 April 27, 2022
 - 📎 October 25, 2022
- 5 **Council Direction From the Previous Meeting-**
- 6 **Delegations**
- 7 **Legislative Matters**
 - 7.1 Consent Agenda (no items)
 - 7.2 Committee (Internal/External Reports) (none)
 - 7.3 Public Hearings: Planning/Zoning Matter (none)
 - 7.4 By-Laws for Consideration
 - 7.4.1 Bylaw 2022-062 Being a Bylaw to Establish Rules Governing the Proceedings of Council, the Calling of Meetings, and the Conduct of Members, Staff and the Public
 - 📎 Bylaw 2022-062
 - 7.4.2 Bylaw 2022-063 Being a Bylaw to Establish Schedules of Retention and Disposition for All Records Maintained By the Municipality of Calvin
 - 📎 Bylaw 2022-063
 - 7.4.3 Bylaw 2022-064 Being a Bylaw to Designate a head of the Municipal Corporation for the purposes of the Municipal Freedom of Information and Protection of Privacy Act
 - 📎 Bylaw 2022-064
 - 7.4.4 Amendment to Bylaw 2022-039 Being a Bylaw to Authorize Bank Signing Authority
 - 7.4.5 Bylaw 2022-065 Being a Bylaw to Adopt a Respect in the Workplace Policy
 - 📎 Bylaw 2022-065
- 8 **Administrative Matters**
 - 8.1 Report from Election Clerk
 - 📎 Election Clerk Report
 - 8.2 Letter from E4m - Discontinuation of Integrity Commissioner Services
 - 📎 Letter from E4m

9 Leadership Issues

10 Closed Session

10.1 Purpose

10.1.1 Closed meeting minutes not previously reviewed from the following meetings:

10.1.1.1 March 8, 2022

10.1.1.2 March 22, 2022

10.1.1.3 April 27, 2022

10.1.1.4 September 7, 2022

10.1.1.5 September 27, 2022

10.1.1.6 October 20, 2022

10.2 Return to Open Meeting and Report Nature of Discussion in Closed Session.

11 Confirmatory By-law

 Confirmatory By-law 2022-066

12 Adjournment

Minutes

Regular Meeting of Council
Municipality of Calvin
Tuesday April 12, 2022
7:00 p.m.
ELECTRONIC MEETING

The regular meeting of Council was held this date by Zoom electronic meetings (due to Covid-19 pandemic).

ATTENDANCE

Council: Mayor Pennell
Councillor Brooker
Councillor Cross
Councillor Castelijin
Councillor Shippam

Staff: Alysha Blake, Interim Deputy Clerk
Jacob Grove, Landfill & Recreation Manager
Barbara Major, Designated Closed Meeting Session Clerk

CALL TO ORDER

Chair Mayor Pennell called the meeting to order at 7:00 pm.

DECLARATIONS OF DISQUALIFYING INTEREST (PECUNIARY)

There were none.

AMENDMENT TO AGENDA

RESOLUTION NUMBER: 2022-084

Moved By: Councillor Brooker

Seconded By: Councillor Castelijin

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin do hereby amend the Agenda to add the following: Under Section 6. Action Letters: 6.13 Bylaw 2022-025 being a bylaw to enter into a Guarantee and Postponement of Claims Agreement with the Ontario Infrastructure and Lands Corporation. 6.14 Changes to Municipal Operations (Resolution) Under Section 11. Closed Session: 11.1 Confidential Human Resource matters: a) Employment Contracts b) Work Performance – Two (2) matters c) Interim Deputy Clerk; Interim Deputy Treasurer wages. AND hereby remove the following: Under Section 6. Action Letters: 6.1 April 12, 2022 – Agenda – Adoption of Agenda.

"CARRIED"

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Brooker

Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DELEGATIONS AND PETITIONS

John Manson gave presentation to Council with respect to a property occupancy matter regarding Mike Lalonde related a contravention of the zoning by-law. Mr. Manson noted that Mr. Lalonde had received an eviction notice from the Municipality and requested that Council pause the notice to assist in Mr. Lalonde’s intention to rebuild the house which burned in a fire. Mayor Pennell advised Mr. Manson that due to the matter being before the Courts, Council cannot provide any comments on the matter.

REPORTS FROM MUNICIPAL OFFICERS

Council reviewed the following reports:

1. Shane Conrad, Chief Building Official
2. Chris Whalley, Roads Superintendent
3. Jacob Grove, Landfill and Recreation Manager. Council directed that staff examine costs for the purchase of a security camera at the landfill site.
4. Dean Maxwell – no report submitted
5. Aleysha Blake, Interim Deputy Clerk

REPORTS FROM COMMITTEES NIL

ACTION LETTERS

RESOLUTION NUMBER: 2022-085

Moved By: Councillor Cross

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“That the minutes of the regular meeting of Council held on Tuesday, March 8th, 2022 be hereby adopted and signed as circulated.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-086

Moved By: Councillor Castelijm

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“That the minutes of the regular meeting of Council held on Tuesday, March 22nd, 2022 be hereby adopted and signed as circulated.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-087

Moved By: Councillor Brooker

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin receives for information the February 9, 2022 correspondence from Township of Clearview regarding their letter to Premier Ford for funding support for infrastructure projects, bridge and culvert replacements in rural municipalities; AND THAT Council direct that this resolution be forwarded to Ontario Municipalities, AMO, Premier of Ontario, Provincial Minister of Finance, Federal Finance Minister and ROMA for support.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

By-law #2022- DRAFT SHARED CBO SERVICES

RESOLUTION NUMBER: 2022-088

Moved By: Councillor Brooker

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin has read our Current By-Law 2018-018 Shared Chief Building Official/Building Inspector/Property Standards By-Law Officer Services Agreement and the New Drafted Copy hereby agrees to the updated draft with no additions, amendments or deletions. AND FURTHER request that Staff provide Council with the Final Copy of this By-Law within the next (60) days to be read and passed before an open Council.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BY-LAW #2022-026 – AGREEMENT WITH CANADIAN ECOLOGY CENTRE (FIRE SERVICES)

RESOLUTION NUMBER: 2022-089A

Moved By: Councillor Castelijn

Seconded By: Councillor Shippam

BEING A BY-LAW TO ENTER INTO AN AGREEMENT BETWEEN THE CORPORATION OF THE MUNICIPALITY OF CALVIN AND THE CANADIAN ECOLOGY CENTRE (FIRE) be received and read a first time.

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-089B

Moved By: Councillor Cross

Seconded By: Councillor Castelijn

BEING A BY-LAW TO ENTER INTO AN AGREEMENT BETWEEN THE CORPORATION OF THE MUNICIPALITY OF CALVIN AND THE CANADIAN ECOLOGY CENTRE (FIRE) be read a second time and be referred to a Committee of the whole Council.

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-089C

Moved By: Councillor Brooker
Seconded By: Councillor Shippam

BEING A BY-LAW TO ENTER INTO AN AGREEMENT BETWEEN THE CORPORATION OF THE MUNICIPALITY OF CALVIN AND THE CANADIAN ECOLOGY CENTRE (FIRE) As reported by the Committee of the Whole be read a third time, passed and numbered 2022-026 and that the said By-Law be signed by the Mayor and the Clerk, sealed with the seal of the Corporation and be engrossed in the by-law book.

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BY-LAW #2022-027 – EXPECTED CONDUCT

RESOLUTION NO. 2022-090

Moved By: Councillor Cross
Seconded By: Councillor Castelijm

“That By-Law #2022-027 being a By-Law To Adopt An Expected Conduct Policy; NOW THEREFORE the Council of the Corporation of the Municipality of Calvin directs as follows:

1. Schedule “1” – Expected Conduct Policy attached hereto forms part of this bylaw.
2. Any changes to Schedule “1” may be adopted by resolution.
3. This Bylaw supersedes any Bylaw previously passed that is contrary to this Bylaw. 4. This Bylaw takes effect upon its passing.”

“CARRIED”

****Council requested that resolution be brought forward to include groups/organizations.**

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

By-Law #2022-028 -ELECTRONIC SIGNATURE

RESOLUTION NUMBER: 2022-091

Moved By: Councillor Castelijm
Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED:

“That By-Law #2022-028 being a By-Law To Authorize The Electronic Signing of Documents; NOW THEREFORE the Council of the Corporation of the Municipality of Calvin directs as follows:

1. Any member of Council, officer, or an employee that is authorized by legislation, bylaw, or policy to execute documents on behalf of the Municipality of Calvin may do so by affixing an electronic signature.
2. Document means any written document (paper or electronic) including Bylaw, agreement, contract, memorandum, letter of intent, application, permit, report, notice, waiver, purchase order, lease, deed, or acknowledgement.
3. The following documents may NOT be signed by electronic signature under this Bylaw:
 - a. Third-party agreements of contracts that the third-party does not consent to the use of an electronic signature;
 - b. Cheques, bank drafts, debentures and other similar financial documents;
 - c. Agreements and other documents having a total value of over \$500,000; and
 - d. Any document prohibited by law from being signed electronically.
4. Electronic signature has the meaning as described in the Electronic Commerce Act.
5. Any document issued on behalf of the Municipality of Calvin that may be signed using an electronic signature shall contain a statement explaining that when affixed, an electronic signature on behalf of the municipality is binding and references this Bylaw.
6. Nothing in this Bylaw requires other parties to electronically sign documents or for the Municipality of Calvin to automatically accept documents signed electronically by a third-party.
7. Any conflict arising between this Bylaw and provincial or federal legislation shall cause those specific provisions not to be in force.
8. If a court of competent jurisdiction declares any provision or part of this Bylaw to be invalid or to be of no force or effect, the remainder of this Bylaw shall continue to be in force.
9. That this Bylaw will be reviewed one year from the date of passing.
10. This Bylaw takes effect on the day of its final passing.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijns	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-092

Moved By: Councillor Brooker

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“Council of the Municipality of Calvin agree to participate in its 2022 Household Hazardous waste program. The funding formula is \$2 per dwelling and based on 2021 Census. We estimate our cost to be \$526 this year.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONSENT APPLICATION # 2021-20-MAXWELL

RESOLUTION NUMBER: 2022-093

Moved By: Councillor Brooker

Seconded By: Councillor Shippam

WHEREAS an application for Consent No. 2021-20 in the name of Daniel and Jodi Maxwell has been filed with the East Nipissing Planning Board on land known as Concession 7 Part Lot 17, Municipality of Calvin,

AND WHEREAS the applicants have applied for an amendment to their application to change the severed lot with the retained lot and vice versa.

AND WHEREAS this change has been made in order to meet the North Bay-Mattawa Conservation Authority requirements of the severed lot needing to have sufficient room for a septic system outside the 300m influence area of Smith Lake.

NOW THEREFORE BE IT RESOLVED THAT: “Council for the Corporation of the Municipality of Calvin approves this change to the Consent Application 2021-20. AND THAT Council still recommend “that the East Nipissing Planning Board give provisional consent to this application, and; A copy of the completed survey for the new residential lot shall be provided to the municipality, in both digital format and hard copy, and; That the 5% Cash in lieu shall apply to the newly created lots and is payable in full to the municipality as a requirement of consent.” As per both Resolutions#2021-166 & #2022-031. ”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BY-LAW #2022-29 (AMENDS BY-LAW 2011-001-Calvin Union Cemetery)

RESOLUTION NUMBER: 2022-094

Moved By: Councillor Castelijm

Seconded By: Councillor Cross

BEING A BY-LAW TO AMEND BY-LAW 2011-001 WHICH REGULATES THE CALVIN UNION CEMETERY IN THE CORPORATION OF THE MUNICIPALITY OF CALVIN

WHEREAS the Funeral, Burial and Cremation Services Act (FBCSA), 2002 has made changes to the cemetery care and maintenance funds. AND WHEREAS the Council of the Corporation of the Municipality of Calvin deems it expedient to enact certain amendments for the efficient operation and management of the Cemetery;

NOW THEREFORE BE IT RESOLVED THAT: “Council for the Corporation of the Municipality of Calvin amends as follows:

4 Sale and Transfer of Interment Rights

4.8 The deposit to the Care and Maintenance Fund shall be as specified in the Regulations made under the Act

a) In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$ 290.00

b) In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price or \$175.00.

4.13 If the original selling price is unknown, the repurchase price shall be deemed to be \$100.00 as in accordance with the Act.

8 Monuments and Markers – General Information

8.9 The required Care and Maintenance Fund amounts are as follows:

a) in the case of installing a flat marker measuring at least 439.42 sq. cm (173 sq. in), \$ 100.00.

b) in the case of installing an upright marker measuring 1.22 m (4 ft) or less in height and 1.22 m (4 ft) or less in length, including the base, \$ 200.00 c) in the case of installing an upright marker measuring more than 1.22 m (4 ft) in either height or length, including the base, \$ 400.00 (markers of this size are not permitted in the Cemetery - see 9.2 & 9.3).

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BY-LAW #2022-030 (FEES AND CHARGES AMENDMENT)

RESOLUTION NUMBER: 2022-095A

Moved By: Councillor Castelijm

Seconded By: Councillor Cross

BEING A BY-LAW TO IMPOSE AND CONSOLIDATE THE FEES AND CHARGES FOR MUNICIPAL SERVICES OR ACTIVITIES AND FOR THE USE OF ITS PROPERTY. be received and read a first time.

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Councillor Shippam

RESOLUTION NUMBER: 2022-095B

Moved By: Councillor Brooker

Seconded By: Councillor Castelijm

BEING A BY-LAW TO IMPOSE AND CONSOLIDATE THE FEES AND CHARGES FOR MUNICIPAL SERVICES OR ACTIVITIES AND FOR THE USE OF ITS PROPERTY, be read a second time and be referred to a Committee of the whole Council.

“CARRIED”

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Brooker

Councillor Castelijm

Councillor Cross

Councillor Shippam

RESOLUTION NUMBER: 2022-095C

Moved By: Councillor Cross

Seconded By: Councillor Shippam

BEING A BY-LAW TO IMPOSE AND CONSOLIDATE THE FEES AND CHARGES FOR MUNICIPAL SERVICES OR ACTIVITIES AND FOR THE USE OF ITS PROPERTY. As reported by the Committee of the Whole be read a third time, passed and numbered 2022-030 and that the said By-Law be signed by the Mayor and the Clerk, sealed with the seal of the Corporation and be engrossed in the by-law book.

“CARRIED”

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Brooker

Councillor Castelijm

Councillor Cross

Councillor Shippam

BY-LAW 2022-025 – GUARANTEE AND POSTPONEMENT OF CLAIM AGREEMENT WITH THE ONTARIO INFRASTRUCTURE AND LANDS CORPORATION

RESOLUTION NUMBER: 2022-096

Moved By: Councillor Cross

Seconded By: Councillor Brooker

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin does hereby adopt Bylaw #2022-025 being a bylaw to enter into a Guarantee and Postponement of Claims Agreement with the Ontario Infrastructure and Lands Corporation. ”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ADMINISTRATION- CHANGES TO MUNICIPAL OPERATIONS

RESOLUTION NUMBER: 2022-097

Moved By: Councillor Brooker

Seconded By: Councillor Castelijin

Council for the Corporation of the Municipality of Calvin continues to seek qualified professionals to provide the administrative supports and fulfill the statutory roles of Municipal Clerk and Municipal Treasurer needed by the Municipality; Council recognizes the significant additional workload that current employees have taken on during this time and sincerely thanks each of the employees for their commitment; and Council acknowledges that in order to support employees successfully deliver municipal services until the administrative role(s) can be filled some minor service level and other operational changes will need to be made.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin directs that:

1. A portion of Section 4.3 of Bylaw 2008-008, known as the “Procedure Bylaw”, related to Regular Council meetings being held on the fourth (4th) Tuesday is hereby suspended for a period of three (3) months and Council will continue to meet the first (2nd) Tuesday of each month (April, May and June).
2. The Municipal Office will be closed to the public on Thursdays and the doors will be locked at all times. Phone calls will not be answered and every effort will be made to respond to voice messages on Fridays.
3. The Municipal Office will be open to the public Monday, Tuesday, Wednesday and Friday by appointment only. 4. And that all the above matters will be reviewed at the July 12, 2022 Regular Meeting of Council. ”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

INFORMATION ITEMS

Council reviewed the information with no action.

CLOSED SESSION

RESOLUTION NUMBER: 2022-098:

Moved By: Councillor Brooker

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

Council meet in Closed session pursuant to section 239(2)(b) to deal with a personal matter about an identifiable individual, including municipal employees and pursuant to section 239(2)(d) labour relations or employee negotiations to deal with confidential human resource matters:

- a) Employment Contracts,
- b) Work Performance – Two (2) Matters &
- c) Interim Deputy Clerk; Interim Deputy Treasurer Wages.

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RETURN TO OPEN (OUT AT 9:30 P.M.)

RESOLUTION NUMBER : 2022-098A

Moved By: Councillor Brooker

Seconded By: Councillor Castelijn

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin arise from Closed Session at 9:30 p.m. and report as follows: That Council reviewed recommendations pertaining to employment contracts and work performance and directed staff to undertake the following: 1. Obtain quotations to update employee contracts; 2. Approve remuneration changes and proposed learning plans for the Interim Deputy Clerk/Interim Deputy Treasurer.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BY-LAW 2022-024: CONFIRMATORY BY-LAW

RESOLUTION NUMBER: 2022-099:

Moved By: Councillor Castelijn

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“By-Law No. 2022-024 being a By-Law to confirm the proceedings of the regular meeting of Council held Tuesday, April 12, 2022 be read and adopted.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NUMBER: 2022-100: ADJOURNMENT

Moved By: Councillor Castelijn

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT :

“This regular meeting of Council now be adjourned at 9:34 p.m.”

"CARRIED"

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mayor Ian Pennell, Chair

Alysha Blake, Interim Deputy Clerk

Minutes

SPECIAL Meeting of Council
Municipality of Calvin
Wednesday April 27, 2022
7:04 p.m.
ELECTRONIC MEETING

The regular meeting of Council was held this date by Zoom electronic meetings (due to Covid-19 pandemic).

ATTENDANCE

Council: Mayor Pennell
Councillor Brooker
Councillor Cross
Councillor Castelijn
Councillor Shippam (7:09 p.m.)

Staff: Aleysha Blake, Interim Deputy Clerk
Peggy Young-Lovelace, Expertise for Municipalities
Barbara Major-Expertise for Municipalities

1. CALL TO ORDER

Chair Mayor Pennell called the meeting to order at 7:04 pm.

2. DECLARATIONS OF DISQUALIFYING INTEREST (PECUNIARY)

None

3. ACTION LETTERS

3.1 2022 Municipal Elections **3.1.1 Alternative Voting Method**

Resolution Number: 2022-101

Moved By: Councillor Brooker

Seconded By: Councillor Castelijn

NOW THEREFORE BE IT RESOLVED THAT:

“By-Law #2022-031 being a By-Law to authorize the use of alternative voting methods in the 2022 Municipality of Calvin school board and municipal elections be read and adopted”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.1.2 Use of Municipal Resources

Resolution Number: 2022-102

Moved By: Councillor Cross

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin prohibits Candidates and members of Council running in the 2022 Municipal Election from using Municipal Resources, financial, human, or otherwise, for any election-related purposes.”

“CARRIED”**Recorded Vote:**

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.1.3 Automatic Recount

Resolution Number: 2022-103

Moved By: Councillor Castelijm

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin will not set out an automatic recount for the 2022 Municipal Election.”

“CARRIED”**Recorded Vote:**

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.2 Use of Credit Card

Municipality of Calvin Council discussed and provided direction to staff regarding application of a credit card for municipal purchases. Council agreed that a credit card is required and directed staff to bring the matter forth at the next regular meeting with by-law outlining which staff name(s) should be on the credit card.

5. CLOSED SESSION

Resolution Number: 2022-104

Moved By: Councillor Brooker

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby move into closed session at 7:51 P.M. pursuant to the *Municipal Act* section 239(2)(b) to deal with a personal matter about an identifiable individual, including municipal employees, section 239(2)(d) labour relations or employee negotiations, section 239(2)(f) for Council to get advice from the Municipality’s legal counsel which will be subject to solicitor-client privilege and section 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization to deal with:

- 1.1.1 Employment Contracts, Employee performance, Employee Wages and Workload management
- 1.1.2 OILC Guarantee Postponement Agreement
- 1.1.3 Confidential Workplace Investigation”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Resolution Number 2022-105
Motion to move back into open Session

Moved By: Councillor Brooker

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby move back into the open session at 10:22 P.M. and report that Council discussed employment contracts, employee performance, employee wages and workload management, received legal advice regarding the OILC Guarantee Postponement Agreement and a confidential workplace investigation and gave direction related to the matters under consideration.”

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONFIRMATORY BY-LAW

RESOLUTION NUMBER: 2022-106

Moved By: Councillor Castelijm

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

NOW THEREFORE BE IT RESOLVED THAT:

“That By-Law No. 2022-032 being a By-Law to confirm the proceedings of the Special Meeting of Council held Wednesday April 27, 2022 be read and adopted. “

“CARRIED”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Adjournment

Resolution Number: 2022-107

Moved By: Councillor Cross
Seconded By: Councillor Brooker
NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin adjourns this meeting at 10:25 P.M.”

"CARRIED"

Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Brooker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Mayor Ian Pannell, Chair

Aleysha Blake, Interim Deputy Clerk



Calvin

Meeting Minutes

October 25, 2022 - Council - 07:00 PM

1. **Call To Order**

The Chair called the meeting to order at 7:01 P.M..

Resolution No: 2022-335

2. **Approval of Agenda**

Moved By: Councillor Shippam

Seconded By: Councillor Castelijin

NOW THEREFORE BE IT RESOLVED THAT:

"Council for the Corporation of the Municipality of Calvin hereby adopts the Agenda as presented."

Name	Yes	No	Abstained	Absent
Councillor Castelijin	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

3. **Declarations of Disqualifying Interest (Pecuniary)**

None

Resolution No: 2022-336

4. **Approval of the Minutes of the Most Recent Meeting(s)**

Moved By: Deputy Mayor Cross

Seconded By: Councillor Castelijin

NOW THEREFORE BE IT RESOLVED THAT:

"Council for the Corporation of the Municipality of Calvin hereby adopts the minutes for the September 29, 2022 Regular Meeting, the October 12, Regular Meeting and the October 20, 2022 Special Meeting as circulated."

Name	Yes	No	Abstained	Absent
Councillor Castelijin	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

4.1 **September 29, 2022, Regular Meeting Minutes**

4.2 **October 12, 2022, Regular Meeting Minutes**

4.3 **October 20, 2022, Special Meeting Minutes**

5. Council Direction From the Previous Meeting-

Moved By: Councillor Shippam
Seconded By: Deputy Mayor Cross

Name	Yes	No	Abstained	Absent
Councillor Castelijin	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

Resolution No: 2022-337 5.1 Draft Procedure Bylaw

NOW THEREFORE BE IT RESOLVED THAT:

"Council for the Corporation of the Municipality of Calvin hereby receives the Draft Interim Procedure Bylaw and directs that comments be provided to the Clerk by October 31, 2022 and the finalized bylaw be considered at the November 8, 2022, Regular Meeting."

Resolution No: 2022-038 5.2 Draft Retention Bylaw

"Council for the Corporation of the Municipality of Calvin hereby receives the Draft Interim Procedure Bylaw and directs that comments be provided to the Clerk by October 31, 2022 and the finalized bylaw be considered at the November 8, 2022, Regular Meeting."

TABLED

6. Delegations

None

7. Legislative Matters

Resolution No: 2022-339 7.1 Consent Agenda

Moved By: Deputy Mayor Cross
Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

"Council for the Corporation of the Municipality of Calvin hereby receive the Consent Agenda Items of October 25, 2022, as circulated, less any items requested for separate review and discussion."

Name	Yes	No	Abstained	Absent
Councillor Castelijin	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

8. Administrative Matters (None)

New Business/Reports from Officers/Employees on Various Issues
(Including reports from Departments which require Council approval- NIL

9. Leadership Issues (None)

10. Closed Session (None)

Resolution No: 2022-340 11. Confirmatory By-law

Moved By: Councillor Castelijin
Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

"Bylaw 2022- 061 being a By-Law to condirm the proceedings of Council, its Regular Meeting of October

25, 2022, and its Special Council Meeting held October 20, 2022 be read and adopted.”

Name	Yes	No	Abstained	Absent
Councillor Castelijjn	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

Resolution No: 2022-341 12. Adjournment

Moved By: Councillor Castelijjn

Seconded By: Deputy Mayor Cross

NOW THEREFORE BE IT RESOLVED THAT:

“The Regular Council Meeting of October 25, 2022, be adjourned at 7:18 P.M..”

Name	Yes	No	Abstained	Absent
Councillor Castelijjn	✓			
Deputy Mayor Cross	✓			
Mayor Pennell	✓			
Councillor Shippam	✓			

CARRIED

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-062

BEING A BYLAW TO ESTABLISH RULES GOVERNING THE PROCEEDINGS OF COUNCIL, THE CALLING OF MEETINGS, AND THE CONDUCT OF MEMBERS, STAFF AND THE PUBLIC

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.

Procedure By-laws

Section 238(2) of the *Municipal Act* requires municipalities to adopt a procedure by-law for governing the calling, place and proceedings of meetings.

Preamble

Council for the Corporation of the Municipality of Calvin ("Council") adopted By-law 2008-08 Being a bylaw to govern and regulate the meetings and proceedings of council and committees of the Corporation Of The Municipality of Calvin and commonly called "The Procedural Bylaw" in accordance with section 238 of the *Municipal Act*.

A Municipality is a level of government and requires formality and procedures in meetings so that clear, informed, written decisions, direction, resolutions, and bylaws can be both adopted and implemented.

Council must adopt by bylaw, the procedures which addresses the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise.

Currently, provisions of Bylaw 2008-08 and amending Bylaw 2020-019, need to be changed to accommodate the current staffing situation in the Municipality.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Corporation to adopt an Interim Procedural Bylaw.

Direction

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

1. That this Bylaw may be cited as the “Interim Procedural Bylaw”.
2. That in addition to this Bylaw, Members of Council are governed by the following documents and legislation:
 - a) *Municipal Act, 2001*
 - b) *Municipal Conflict of Interest Act*
 - c) Municipal Code of Conduct
 - d) *Municipal Elections Act*
 - e) *Municipal Freedom of Information and Protection of Privacy Act*
 - f) *Accessibility for Ontarians with Disabilities Act*
 - g) *Occupational Health and Safety Act*
 - h) Workplace Harassment/Workplace Violence Policy, By-Law 2010-020
 - i) Staff Council Relations Policy
 - j) *Planning Act*
 - k) Accountability and Transparency By-Law 2010-026
 - l) Remuneration of Council Members
 - m) Delegation of Powers & Duties, By-Law 2010-025
3. Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.
4. That Schedule “A” attached hereto forms part of this bylaw:
5. That any changes to Schedule “A” may be adopted by resolution.

6. That this Bylaw temporarily suspends Bylaw 2008-008 or portions thereof that are contrary to this Interim Bylaw.
7. That this Bylaw be reviewed in May 2023.
8. This Bylaw takes effect on November 1, 2022.

Read and adopted by Resolution 2022-334 this 8th Day of November 2022.

Mayor

Municipal Clerk

Schedule "A"
To Bylaw 2022-062
Interim Procedure Bylaw

Preamble

This Interim Procedure Bylaw is based on the Draft Bylaw prepared by Wishart Law who maintains the copyright and has authorized the changes contained herein.

Council acknowledges that this Bylaw and the attached schedules have been prepared by Expertise for Municipalities Non-profit Association ("E4m") and legally reviewed by Wishart Municipal Law Group/Wishart Law Firm LLP (WMG) for compliance with all applicable legislation and E4m or WMG are not responsible for the results of any edit to this policy other than as expressly authorized or directed by E4m and WMG.

Council further acknowledges and agrees that all rights are reserved by E4m, and no part of this Bylaw may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, taping or information and retrieval systems) by any other party without the written permission of E4m.

Council further acknowledges that E4m has given license to the Township to print, copy, save, or post on its official website for its own use only and the Township may not repurpose or resell this Bylaw in any way.

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1. Definitions

In this By-Law:

1.1 Ad-Hoc Committee.

“Ad-Hoc Committee” means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference, set out in a Resolution or By-Law which includes language indicating when the Committee will cease to exist.

1.2 Agenda.

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

1.3 Chair.

“Chair” means the person presiding at a Meeting.

1.4 Clerk.

“Clerk” means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act*, and other relevant legislation.

1.5 Committee of the Whole.

“Committee of the Whole” means a Committee of all Members of Council.

1.6 Consent Agenda.

“Consent Agenda” means a list of items of a routine nature that do not require substantial discussion or debate at a Council Meeting. Items on the Consent Agenda are approved in a single Resolution.

1.7 Council.

“Council” means the elected Members of the Municipal Council.

1.8 Council Package.

“Council Package” means a copy of the Agenda, Closed Meeting Agenda, Reports and all other information that Members require prior to a Meeting.

1.9 Closed Meeting.

“Closed Meeting” means a Meeting of Council or Committee that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislation.

1.10 Deputy Mayor.

“Deputy Mayor” means a Member of Council appointed, in accordance with the

Municipality's policies, to act in the place of the Mayor when the Mayor is absent.

1.11 Electronic Meeting.

"Electronic Meeting" means a Meeting where any Member is not physically present but participates via electronic means of communication. Such Member does count for Quorum. The Member participating electronically can vote. The Member participating electronically may participate in a Closed Meeting.

1.12 Emergency Meeting.

"Emergency Meeting" means a meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

1.13 Ex Officio.

"Ex Officio" means that the Mayor is a Member of all Committees of Council established by Council, unless prohibited by law. The Mayor, as an Ex Officio Member, is not entitled to vote unless legally specified otherwise.

1.14 Head of Council.

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

1.15 Hybrid Meeting

"Hybrid Meeting" means a meeting where participants, including member of the public, are a combination of in-person and electronic.

1.16 Local Board.

"Local Board" means a Local Board as defined in the *Municipal Act*, and shall include the Public Utilities Commission, Police Services Board, Health Service Board and Public Library Board.

1.17 Meeting.

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

1.18 Member.

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

1.19 Motion.

"Motion" means a written question moved and seconded by two Members,

presented at a Meeting, read by the Chair or Clerk/Secretary subject to debate and voting by Council or a Committee. When a Motion passes, it becomes a Resolution or By-Law.

1.20 Motion to Amend.

“Motion to Amend” means a Motion to vary the main Motion before Council or a Committee.

1.21 Municipal Act.

“*Municipal Act*” means the *Municipal Act, 2001*, S.O. c.25. as amended.

1.22 Municipality.

“Municipality” means the Municipal Corporation of the Municipality of Calvin.

1.23 Municipal Administrator.

“Municipal Administrator” means the person appointed by the Municipality pursuant to Bylaw 2021-038.

1.24 Notice of Motion

“Notice of Motion” means an advance notice to Members regarding a matter on which Council will be asked to take a position.

1.25 Officers.

“Officer(s)” means a person, such as the Clerk, Treasurer, Chief Building Official, Fire Chief and Integrity Commissioner, who holds a position of responsibility with definite rights and duties prescribed by statute or By-Law.

1.26 Order of Business.

“Order of Business” means the sequence of business to be introduced and considered in a Meeting.

1.27 Point of Procedure.

“Point of Procedure” is a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-Law which may include among other things a departure from the rules or if the Member believes that they are being insulted, misquoted, or deliberately misinterpreted or that their right of access to information is being impeded.

1.28 Presentation.

“Presentation” means a person or group (including a Member, staff or Public) who provides information to Council or Committee.

1.29 Quorum.

“Quorum” means a majority of Members of Council or Committee.

1.30 Recorded Vote.

“Recorded Vote” means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes.

1.31 Regular Meeting.

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

1.32 Report.

“Report” means a written or other Report from the Municipal Administrator, Clerk, Department Heads, Staff or Committee which is approved by the Municipal Administrator or Clerk.

1.33 Resolution.

“Resolution” means a Motion that has been approved by Council.

1.34 Special Meeting.

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

1.35 Standing Committee.

“Standing Committee” means a Committee comprised solely of Members of Council.

1.36 Unfinished Business.

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

1.37 Urgent.

“Urgent” means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

- a. Danger to the life, health or safety of individuals;
- b. Damage to property;
- c. An interruption of the essential services provided by the Municipality;
- d. Immediate and significant loss of revenue by the Municipality;
- e. Legal Issue and/or
- f. Prejudice to the Municipality.

2. General Meeting Rules

2.1 Rules – to be observed at all times

The rules contained in this By-Law shall be observed in all Meetings of Council and with necessary modifications in every Committee Meeting.

2.2 Suspending Procedural By-Law

This By-Law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a Meeting.

2.3 Mayor

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her authority to Chair any Meeting.

2.4 Absence of Mayor

In the absence of the Mayor, if he or she refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and shall have all the rights, powers and authority of the Head of Council.

2.5 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to act as Head of Council for a Meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that Meeting. The Clerk shall call the Meeting to order.

2.6 Meeting Location

Unless otherwise authorized by Council, all **in person** Meetings of Council shall be held in the Council Chambers, at the Calvin Community Centre, located at 1355 Peddlers Drive, R.R. #2 Mattawa, Ontario.

Electronic Meetings will be held utilizing an approved electronic platform and meetings livestreamed.

2.7 Clerk

A Clerk or Deputy Clerk must be present at all Council Meetings or other Meetings where there is a Quorum of Council. The Clerk or Deputy Clerk may attend by electronic means.

2.8 Quorum

Quorum must be present at all Meetings. (2.8.1)

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting. (2.8.2)

The Clerk shall record the names of the Members present at the fifteen (15) minute time limit, will include those names on the Minutes for the adjourned Meeting and will include those Minutes on the Agenda for the next Meeting. (2.8.3)

If at any time during a Meeting there is not Quorum, the Meeting shall automatically be recessed until there is Quorum again or until the Chair adjourns the Meeting. (2.8.4)

2.9 Minutes

Minutes of all Meetings will be recorded without note or comment. (2.9.1)

After approval, minutes of all Meetings, except Closed Meetings, will be posted in accordance with the applicable municipal policies. (2.9.2)

2.10 Arriving Late/Leaving Early

If a Member arrives after a Meeting has started or leaves before the end of the Meeting, the Clerk will record in the minutes the time of arrival/departure. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of Meeting that the Member needs to leave before the end of the Meeting.

2.11 Staff Attendance

Staff have a statutory duty to provide advice to Council. As such, staff, and particularly Officers and Department Heads, are expected to attend Council Meetings and to provide advice on a regular basis. Staff and Officers shall attend Meetings of Council when required by the Clerk.

2.12 Declarations of Conflicts of Interest

Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will:

1. Provide a written statement of the interest and its general nature to the Clerk;
2. Will leave the Council Meeting while the issue is considered; and,
3. Will take no steps to influence the decision in any way, either prior to, during or after the Meeting, even if the Member did not attend the Meeting where the matter was discussed. (2.12.1)

If the Member is not at a Meeting where a matter in which they have a conflict of interest was discussed, they must declare the conflict at the next Meeting

and complete the written statement. Alternatively, if the Member knows they will not be at the Meeting where they have a conflict of interest in an item Council will consider, they can advise the Clerk and complete the declaration prior to the Meeting. (2.12.2)

Members will, at all times, comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*. (2.12.3)

2.13 Rules of Debate

The Chair shall preside over the Meeting, ensure good order and decorum, and rule on procedural questions. (2.13.1)

All Agenda items to be discussed are to proceed by Motion. (2.13.2)

Each Motion requires a moving Member and a seconding Member. If no Member agrees to move or second the Motion, the item will be struck from the Agenda and will not be subject to debate. (2.13.3)

The Chair or the Clerk will read the Motion or question. (2.13.4)

The mover has the first right of speaking on that Motion, after the Chair. (2.13.5)

The seconder has the next right of speaking on the Motion after the Chair and the mover have spoken. (2.13.6)

After the Chair, the mover and the seconder have spoken, the Chair will canvas each remaining Member for their opinion on the Motion. (2.13.7)

After being recognized by the Chair, every Member shall respectfully acknowledge the Chair before speaking on any matter. (2.13.8)

A Member shall not speak a second time on a matter until all Members have had a chance to speak, except:

- a. With permission of Council,
- b. If questioned by another Member;
- c. To explain comments which the Member believes have been misunderstood; or,
- d. In the case of the mover of a Motion, in reply just before the Chair and after everyone else has spoken. (2.13.9)

No Member, without the permission of Council or the Committee, shall speak to a matter or in reply for longer than five (5) minutes. (2.13.10)

Motions and amendments to a Motion must be moved and seconded in writing and signed by the mover and seconder. (2.13.11)

A Motion may be withdrawn at any time prior to the vote thereon with the

consent of the majority of Members present. (2.13.12)

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

- a. to refer the matter to a certain body;
- b. to amend the Motion;
- c. to defer the Motion;
- d. to adjourn the Meeting;
- e. that the vote be taken. (2.13.13)

A Motion to refer or defer shall be heard before any Motion or amendment, except a Motion to adjourn. (2.13.14)

A Motion to refer shall require direction as to the body to which it is being referred and a date the body is to Report to Council or Committee. A Motion to refer is not debatable. (2.13.15)

A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable. (2.13.16)

A Motion that the vote be taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak on the matter at least once. (2.13.17)

Once a Motion that the vote be taken is passed, the original Motion and any amendments shall be voted upon without further debate. (2.13.18)

2.14 Conduct

Members are required to follow the Municipality's Code of Conduct during all Meetings. Members are expected to:

- i. prepare for meetings including reviewing the agenda and background information prior to the meeting; and
- ii. attend Standing Committee, Advisory Committee and AD-Hoc Committee meetings to which the member has been appointed by Council;

No Member shall:

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

- f. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee. (2.14.1)
- g. Allow another person to overhear, voice record or otherwise record Closed Session meetings. (4.5)

At a Meeting, no person shall:

- a. Speak disrespectfully of the Mayor, Deputy Mayor, a Member, any staff person, or any Member of the Public;
- b. Use offensive words;
- c. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- d. Leave his or her seat while a vote is being taken and until the results of the vote are declared;
- e. Make any disruptive noise or disturbance;
- f. Enter the Meeting while a vote is being taken;
- g. Walk between a Member who is speaking and the Chair; and
- h. Display signs or placards, applaud, engage in conversation or any other behavior, which may disrupt debate. (2.14.2)

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting. (2.14.3)

No persons, except Members, the Clerk or the Secretary of a Committee, may approach Members without permission from the Chair. (2.14.4)

No person shall speak aloud at a Meeting or address Members without first receiving permission from the Chair. (2.14.5)

All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate. Members of the Public may not be recognized unless:

- a. Consent is given by a majority of Council; and
- b. The Member(s) of the Public are speaking to an item on the Agenda. (2.14.6)

Any person who contravenes any of the rules in this By-Law are guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair. (2.14.7)

2.15 Questions during Debate

A Member may, through the Chair, ask a question arising out of or request an explanation of the previous speaker's remarks. (2.15.1)

A Member may, through the Chair, ask questions during the discussion on any item on the Agenda and ask questions on the item to any staff of the Municipality in attendance at the Meeting. (2.15.2)

Any Member may, at any time during the debate, request that a Motion under discussion be read by the Chair. A Member may only make such a request once and may not interrupt another Member while they are speaking. (2.15.3)

2.16 Points of Procedure

When a Member believes there is a violation of this By-Law, the Member shall state that they wish to raise a Point of Procedure. Once recognized by the Chair, the Member shall raise the Point of Procedure. A Point of Procedure can only be raised during the Meeting. (2.16.1)

Upon raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure. (2.16.2)

Once the Point of Procedure has been dealt with, the debate shall resume, unless the ruling has changed this procedure. (2.16.3)

Any Member may appeal a ruling of the Chair by announcing their appeal to the Members. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling shall be final. (2.16.4)

Upon appeal, the Member shall state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected. (2.16.5)

Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, shall vote on the appeal. (2.16.6)

If the appeal is upheld by the majority of voting Members, the Chair shall change their ruling accordingly; if the appeal is rejected then the ruling stands. (2.16.7)

No Member shall disobey the rules of Council or a decision of the Mayor, Chair or Council on questions of order or procedure or an interpretation of the rules of Council. (2.16.8)

Where a person (including a Member) has been warned about misconduct and has continued the conduct, the Chair may expel the person from the Meeting. If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the Meeting room. (2.16.9)

If the person engaging in misconduct is a Member and the Member apologizes, he or she may, by vote of the majority Council, be permitted to retake his or her seat. (2.16.10)

2.17 Voting - General

Once the vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other Motion until the vote has been taken. (2.17.1)

Voting shall be by way of a "show of hands" in favour or against, except when a Recorded Vote is requested. (2.17.2)

A Member may request a Recorded Vote on any Motion. Such request **may be made** before, during or after the vote. When a Recorded Vote is requested, the Clerk shall call each Member's name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a Recorded Vote. After completion of a Recorded Vote, the Clerk shall announce the result. (2.17.3)

If a Member present at a Meeting fails to or refuses to vote, their vote will be counted as a vote against the Motion. (2.17.4)

The Chair shall announce the results of the vote once the vote is completed. (2.17.5)

If during a non-recorded vote, a Member disagrees with the Chair's results of the vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken. (2.17.6)

If there is a tie vote, the Motion will be defeated. (2.17.7)

When the question under consideration contains multiple options/issues, the Motion shall be split without requiring a separate Motion and each option/issue will be voted on separately. The Motion shall be split without debate. (2.17.8)

2.18 Corrections

A Motion containing a minor or typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion and initialed by the mover and seconder **if meetings are in person and resolutions are printed.**

When using an electronic meeting platform, minor or typographic errors may be corrected by the Clerk prior to the passing of the Motion.

2.20 Amendments

The following rules shall apply to amendments to Motions:

- a. A "Motion Amendment" is a change to the question asked in the Motion;
- b. an "amendment to an amendment" is a change to the proposed Motion Amendment;
- c. only one amendment (whether a Motion Amendment or an

- amendment to an amendment) can presented at a time;
- d. when an amendment has been decided upon, another may be introduced;
- e. the order of voting shall be:
 - i. an amendment to an amendment shall be voted upon;
 - ii. A Motion Amendment shall be voted upon next, and
 - iii. the Motion, as amended, shall finally be voted upon.

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

2.21 Voting - Reconsideration

When a Motion has been decided, any Member who voted with the majority may move for the Motion to be reconsidered. The reconsidering of the Motion shall be called the "Motion to Reconsider". Members who were not in the majority cannot move for a Motion to Reconsider. (2.21.1)

Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to the Agenda. The Motion to Reconsider shall only be added to the Agenda upon Council's approval. (2.21.2)

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

- a. A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda;
- b. The Chair shall ask the Member to affirm that they voted with the majority;
- c. The Chair shall hold a vote whereby the Members shall vote on whether to allow the Motion to Reconsider to be added to the Agenda;
- d. When the Member is moving to have the Motion to Reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, **the majority** of Members must agree to add the Motion to Reconsider to the Agenda.
- e. Where the Member is moving to have the Motion to Reconsider added to the Agenda of a Meeting other than that at which the Motion was originally voted on, **a 2/3 majority** must agree to add the Motion to Reconsider to the Agenda.
- f. Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- g. No Motion shall be reconsidered more than twice in the same calendar year.
- h. A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.
- i. Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
- j. No Committee shall reconsider any question decided by Council during the current term nor consider any other matter, which could

involve a decision inconsistent with such Council decision, unless specifically authorized by Council. (2.21.3)

3. Roles and Responsibilities

3.1 Head of Council. (*Municipal Act, s.225*)

It is the role of the Head of Council to:

- a. Act as Chief Executive Officer (“CEO”) of the Municipality;
- b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c. Assign the seating arrangements in Council Chambers for all Members prior to the First Meeting of Council;
- d. Provide leadership to Council;
- e. Provide information and recommendations to Council with respect to the role of Council;
- f. Represent the Municipality at official functions;
- g. Uphold and promote the purposes of the Municipality;
- h. Promote public involvement in the Municipality’s activities;
- i. Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- j. Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
- k. Carry out duties prescribed by the *Municipal Act*;

3.2 Chair

It is the role of the Chair to:

- a. Open Meetings by calling the Meeting to order;
- b. Address the business listed on the Agenda;
- c. Receive and have read to Council all Motions presented by Members;
- d. Put to a vote all Motions which are moved and seconded, and announce the result of a vote;
- e. Decline to put Motions to a vote which breach the Procedural By-Law or other Legislation;
- f. Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- g. When, in the Chair’s opinion, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;

- h. Provide information to Members on any matter relating to the business of the Municipality;
- i. Authenticate by signature all By-Laws, Resolutions and Minutes;
- j. Rule on any points of order raised by Members;
- k. Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council without any Motion being put forward; and
- l. Call for the adjournment of the Meeting when business is concluded.

3.3 Deputy Head of Council. (*Municipal Act* s.242)

In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council. (3.3.1)

If the Deputy Head of Council is unable to act in the place and stead of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the Meeting. (3.3.2)

3.4 Council. (*Municipal Act*, s.224)

It is the role of Council to:

- a. Represent the public and to consider the well-being and interests of the Municipality;
- b. Develop and evaluate the policies and programs of the Municipality;
- c. Determine which services the Municipality provides;
- d. Ensure that administrative policies, practices, and procedures and controllership polices, practices and procedures are in place to implement the decisions of Council;
- e. Ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
- f. Maintain the financial integrity of the Municipality; and,
- g. Carry out duties of council prescribed by the *Municipal Act*.

3.5 Clerk. (*Municipal Act*, s. 228)

It is the duty of the Clerk to:

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

- f. Perform any other duties as assigned by the Municipality;

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

3.6 Staff. (*Municipal Act*, s. 227)

It is the duty of Staff to:

- a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b. Undertake research and provide advice to Council on the policies and programs of the Municipality; and,
- c. Carry out other duties required under the *Act* and other duties assigned by the Municipality.

3.7 Municipal Administrator.

It is the duty of the Municipal Administrator to:

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

3.8 Members of the Public.

It is the role of Members of the Public to:

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

4. Meetings

4.1 First Meeting

The First Meeting of the newly elected or acclaimed Council after a regular election shall be held on the fifteenth (15th) of November at the prescribed meeting time unless the fifteenth (15th) day of November falls on a Saturday or a Sunday in which the First Meeting will be held the following Monday. (4.1.1)

At the First Meeting, the Clerk shall administer the declarations of office and oaths of allegiance, and the Code of Conduct for all Members. (4.1.2)

No business shall be conducted at the First Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members. (4.2.3)

4.2 Regular Meetings

4.2.1 Time and Place. Regular Meetings shall be held on the prescribed weekday and time as established by Council Resolution at their First Meeting.

4.2.2 Election Year. Following a regular election, Council shall only meet as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

4.2.3 Summer and December. During the months of July, August and December, there shall only be one Meeting of Council will shall be held on the date and time and in such a location as is chosen by the Clerk.

4.3 Special Meetings

4.3.1 A Special Meeting is a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that must be dealt with before the next Regular Meeting.

4.3.2 The Head of Council. The Head of Council may, at any time, summon a Special Meeting by providing a Notice of the Meeting to Members twenty-four (24) hours before the Meeting.

4.3.3 Upon receipt of a petition from the majority of Council, the Clerk may summon a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Special Meeting.

4.3.4 The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting.

4.3.5 Special Meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*.

4.4 Emergency Meetings

4.4.1 An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an Urgent Matter.

4.4.3 The Clerk will attempt to notify all Members and the appropriate staff about the Urgent Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise the Urgent Meeting to the public.

4.4.4. Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

4.4.5 Quorum is still required at an Emergency Meeting.

4.4.6 These provisions shall apply, with necessary modifications, to Committees and Local Boards.

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4.5 Closed Meetings

4.5.1 A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

4.5.2. No Member, Officer or employee shall disclose the subject matter or deliberation of a Closed Meeting, unless expressly authorized to do so by Council or the Committee.

4.5.3 After the Closed Meeting is adjourned the Chair shall report to the public:

- a. That the Meeting has resumed open session; and,
- b. The general nature of the matters dealt with in the Closed Meeting.

4.5.4 Permissive Closed Meetings. A Meeting may be closed where the matter to be discussed is, as contemplated in Section 239(2) of the *Municipal Act*, as follows:

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

A Meeting may be closed if the Meeting is held for the purpose of educating or training the Members and at the Meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

4.5.5 Mandatory Closed Meeting. A Meeting must be closed if the subject matter being considered is, as detailed in Section 239(3) of the *Municipal Act*, as follows:

- 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;
- b. An ongoing investigation respecting a Municipality, a Local Board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in Subsection 223.13(1) of the *Municipal Act*, or the Investigator referred to in Subsection 239.2(1) of the *Municipal Act*.

A Meeting must be closed if the subject matter being considered is a harassment, complaint or investigation, pursuant to the *Occupational Health and Safety Act*.

4.6 Cancelled Meetings

4.6.1 A Meeting may be cancelled by the Head of Council, in consultation with the Clerk, in the following instances:

- a. Quorum cannot be achieved;
- b. By Council Resolution;
- c. In the event of an unforeseen, significant event; or,
- d. The Meeting is no longer required.

4.6.2 For the purposes of section 4.6, an unforeseen, significant event includes, but is not limited to, the following:

- a. Safety concern for participants in the Meeting, including Members and Members of the Public (ex. snow storm, closing of the highway);
- b. Loss of heat/electricity or water;
- c. Clerk/Deputy Clerk's inability to attend;
- d. A state of emergency;
- e. The inability of a required participant to attend; and/or
- f. The Meeting becomes redundant.

4.6.3 The Clerk will attempt to notify all Members and the appropriate staff about the cancelled Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise to the public that the Meeting has been cancelled.

5. Notice of Meetings

5.1 Annual Schedule of Meetings

5.1.1 The Clerk shall, by January 31st of each calendar year, submit a schedule of the upcoming Regular Meetings for each Council year for consideration and adoption by Council.

5.1.2. The Clerk shall post on the municipal website notice of all Meetings. This posting will constitute notice to the public of the Meeting.

5.1.3 Prior to the first Meeting in January of each year, the Clerk shall post on the municipal website the schedule for all Regular Meetings for the calendar year.

5.1.4 The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts and holidays. The Clerk's amendments shall be circulated to all Members and will be posted on the municipal website as soon as possible after the amendments are made.

5.1.5 The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings and Committee Meetings unless the time for notice is waived unanimously by Members who are in attendance at the Special Meeting or Committee Meeting.

5.1.6 Where a statute or the Notice By-Law requires, notice will be published in accordance with the statute/By-Law. The notice will also be posted on the municipal website.

5.1.7 Nothing in this Procedural By-Law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

5.1.8 Lack of receipt of notice or failure to comply with the notice provisions of this Procedural By-Law shall not invalidate the Meeting or any decision of Council or the Committee made at the Meeting.

6. Agenda

6.1 Agenda

6.1.1 It shall be the duty of the Clerk to prepare the Agenda of all Meetings in consultation with the Mayor. Where there is a dispute about including or

excluding an item from the Agenda, the Clerk's decision shall be final.

6.1.2 All Council Agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached **Schedule A**.

6.1.3 The Council Meeting shall consider the items to be dealt with in accordance with the order that is set out in the Agenda unless otherwise decided by Resolution of the Members present at the Meeting.

6.1.4 Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting Agenda under "**Council Direction From Previous Meeting**" unless set to a subsequent Meeting by Resolution of the Members present.

6.1.5 If a Member wishes to add an item that is not otherwise on the Agenda, when Council is considering the Meeting Agenda, the Member shall advise Council of the item and the Member shall require a two-thirds majority vote to have the item considered.

6.1.6 All items to be included on the Agenda will be provided to the Clerk by Members, Staff, or the Public no later than ten (10) calendar days before the Meeting. Reports for a Meeting will be finalized and filed with the Clerk no later than seven (7) calendar days before the Meeting.

6.1.7 Reports to Council shall be in the standard form set out in **Schedule B**.

6.1.8 Members wishing to have a matter placed on the Agenda will request their matter in writing. After the Agenda has been set will provide the Clerk with the required information in the standard form provided hereto at **Schedule C**.

6.1.9 Individuals or Bodies wishing to have a matter placed on the Agenda will provide the Clerk with their request in writing.

6.1.10 The Clerk and Mayor may decline to add items and/or Reports to an Agenda. Reasons to decline include, but are not limited to the following:

- a. More time is required to prepare Staff Reports for Council;
- b. The Delegation Request Form was not submitted by the deadline;
- c. The Delegation Request Form is incomplete;
- d. The subject matter of the Delegation is outside of the jurisdiction of Council;
- e. The subject matter is with respect to a matter that should be discussed in a Closed Meeting;
- f. The Meeting Agenda is already too lengthy;
- g. The subject matter is set to be discussed on another Agenda;
- h. The issue is frivolous or vexatious;

- i. The issue has been or is to be considered by the Committee of Adjustment;
- j. Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
- k. Council previously indicated that it will not hear further from this Delegation; or
- l. The issue should be referred to the Administrative Department for action.

Council Packages will be provided to Council no later than five (5) calendar days before the Meeting.

6.2 Closed Meeting Agenda

6.2.1 In the event the Clerk receives items for a Closed Meeting Agenda, they shall be placed on the Closed Meeting Agenda and provided to Council in a separate confidential Council Package.

6.3 Adjournment

6.3.1 A Motion to adjourn does not need a seconding Member.

6.3.2 A Motion to adjourn a Meeting will be considered at any time except the following:

- a. When another Member has been recognized by the Chair and is speaking on a matter, or
- b. During the taking of a vote.

6.3.3 If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the Agenda is completed.

6.4 Curfew

Meetings shall be automatically adjourned at 11:00 p.m. unless otherwise determined by Resolution passed by a majority of the Members present.

6.5 Committees/Appointments

6.5.1 Committees and Appointments will be governed as per **Schedule D**.

6.6 Amendment

6.6.1. Any provision contained in this By-Law may be repealed, amended or varied and additions may be made to this By-Law by a majority vote, provided that no Motion for that purpose may be considered unless notice thereof has

been given in accordance with the Municipality's Notice By-Law.

6.7. Mandatory Review

6.7.1 This By-Law shall have a mandatory review in one year following the date of approval **and thereafter, once per term of Council.**

Schedules to the By-Law

DRAFT

Appendix A – Agenda and Consent Agenda

Council Agendas – Composition – prepared by Clerk

The Clerk shall prepare the Council Agendas with the Orders of the Day for Regular Council Meetings consisting of the following:

1. Call to Order
2. Approve Agenda
3. Declarations of Disqualifying Interest (Pecuniary)
4. Approval of the Minutes of the Most Recent Meeting
5. Council Direction from the Previous Meeting(s)
6. Delegations
7. Legislative Matters (may include any of the following)
 - a. Public Hearings (includes zoning and other matters)
 - b. Consent Agenda (includes items of correspondence not requiring administrative reports/action, committee reports not requiring any action by Council - matters that are for information purposes only).
 - c. Bylaws for Consideration
 - d. Committee (Internal/External Reports)
8. Administrative Matters New Business/Reports from Officers/Employees on Various Issues
(Including reports from Departments which require Council approval)
9. Leadership Issues
10. Closed Session (None)
 - a. Purpose
 - b. Return to Open Meeting and Report Nature of Discussion in Closed Session.
11. Confirmatory Bylaw
12. Adjournment

and with necessary modifications for Special and Emergency meetings.

Appendix B – Reports

Staff Reports to Council

Staff reports must be submitted on all matters in which Council is required to decide and as may be required to provide information to Council.

Staff reports submitted to Council in which the matter requires Council to make a decision shall contain the following headings:

Date of the Report

Author of the Report

Purpose – High level summary explaining the reason the report is being drafted.

Recommendation – Based on the professional advice of the author after considering all the facts.

Rationale – High level summary explaining how the recommendation was arrived at.

Legal Authority – Explain the legal authority that Council has to act on the matter (this may not be required in all reports)

Background – Provide details about the circumstances, historical reports, parties who were consulted, references etc. – reference documents may be attached

Analysis – Provide a detailed analysis of the information as may be required and outline options considered.

Information Reports shall include:

The Topic

The Information

The Relevance of the Information for Council

Appendix C – Member Request for Item to be Added to the Agenda (Standard Forms)

From time to time a Member may request an item be added to the Agenda. The standard acceptable form is:

1. Name of Member
2. Date of Meeting the Member wishes the item to be added
3. Topic/Name to appear on the Agenda
4. Purpose of bringing the matter before Council
5. Proposed Resolution

Items shall be submitted in writing or email to the Clerk by the appointed time established for such submissions.

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Appendix D – List of Committees/Appointments

List of Committees

- Committee of Adjustment
- Workplace Respect Committee
- Recreation Committee
- East Nipissing Planning Board
- Veterinary Unit
- North Bay Mattawa Conservation Authority
- Voyageur Multi-Use Trail System
- Police Services Board
- North Bay Parry Sound District Health Unit
- Casselholme - Municipally run Home for the Aged
- Mattawa Bonfield Economic Development Corporation,
- District of Nipissing Social Services Administration Board

DRAFT

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-063

BEING A BY-LAW TO ESTABLISH THE RETENTION AND DISPOSITION OF RECORDS MAINTAINED BY THE MUNICIPALITY

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 Records

Section 254 of the *Municipal Act* provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner and, if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for complying with this subsection.

Section 255(3) of the *Municipal Act* provides that a municipality may, subject to the approval of the municipal auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with Section 254.

Municipal Clerk's Role

The Municipal Clerk is a statutory officer of a municipality. The role of the clerk is set out in section 228 of the *Municipal Act* which provides that it is a responsibility of the clerk to keep the originals or copies of all bylaws and minutes of the proceedings as well as to perform other duties as required under the *Municipal Act* or any other Act.

Section 253 of the *Municipal Act* provides that any person may, at all reasonable times, inspect any of the records under the control of the clerk.

Preamble

The Municipality of Calvin established Bylaw 2003-008 being a Bylaw to establish schedules of retention periods of documents, records and other papers of the Municipality and said Bylaw does not contemplate:

- a) A mandatory review;
- b) Electronic records;
- c) Electronic storage of municipal records;
- d) Change in Municipal Auditors; and
- e) The management/retention of other records that did not exist at the time of passing the Bylaw.

The purpose of retaining municipal records is to comply with legislation,

The Municipal Clerk has a statutory obligation to retain and dispose of municipal records.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Corporation to update Bylaw 2003-008.

Direction

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

1. That the following schedules attached hereto form part of this Bylaw.
 - i. Schedule A – Definitions
 - ii. Schedule B – Council Records
 - iii. Schedule C – Retention Periods
2. That the Municipal Clerk shall be responsible for establishing guidelines for the retention and disposal of municipal records in accordance with this Bylaw which may include electronic and hard copy storage.
3. That the guidelines be prepared within ninety (90) days of the passing of this Bylaw.

4. That the Municipal Clerk shall establish standard operating practices for the retention of municipal records in accordance with the guidelines and this Bylaw.
5. That the retention and disposal guidelines and retention periods be reviewed and approved by the Auditor within sixty (60) days of being completed and that once approved by the Auditor be circulated to Council for information.
6. The Municipal Clerk will review the standard operating practices annually and provide a report to Council by no later than February 28, in any given year of any required changes.
7. That municipal records previously retained in accordance with Bylaw 2003-008 may be disposed of in compliance with this Bylaw.
8. That Bylaw 2003-008 is hereby rescinded.
9. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2022-345 this 8th Day of November 2022.

Mayor

Municipal Clerk

Schedule A to Bylaw 2022-063 – Definitions

Preamble

The following definitions will apply to this Bylaw and any guidelines established by the Municipal Clerk hereunder:

1. DEFINITIONS

- 1.1. “**Auditor**” means the person or firm appointed by the Council of the Municipality of Calvin from time to time to perform the annual audit of the records of the Township of Municipality of Calvin;
- 1.2. “**Clerk**” means the Municipal Clerk or their designate(s);
- 1.3. “**Destroy**” means the process of eliminating or deleting data, documents and records so that the recorded information no longer exists;
- 1.4. “**Disposition**” with respect to records – means a range of processes; associated actions, implementation, retention, destruction; loss; or transfer of custody or ownership that are documented in disposition authorities or other instruments;
- 1.5. “**Files**” has the same meaning as “records” and may be used inter-changeably;
- 1.6. “**Municipality**” means The Municipal Corporation of the Municipality of Calvin;
- 1.7. “**Official Records**” means recorded information in any format or medium that documents the company’s business activities, rights, obligations or responsibilities or recorded information that was created, received, distributed or maintained by the company in compliance with a legal obligation;
- 1.8. “**Records**” means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including correspondence, memoranda, plans, maps, architectural drawings, photographs, film, email, machine readable records, and any other documentary material regardless of physical form or characteristics, and including “official records” and “transitory records”;
- 1.9. “**Retention Period**” means the period of time during which records must be kept by the Township before they may be disposed of;
- 1.10. “**Retention Schedule**” means a control document that describes the company’s records at a series level, and indicates the length of time that each series shall be retained before its final disposition. It specifies those records to be preserved for their archival or legal values, and authorizes on a continuing basis the destruction of the remaining records after the lapse of a specified retention period or the occurrence of specified actions or events. Records retention schedules serve as the legal authorization for the disposal of the company’s records;

1.11. **“Transitory Records”** means records kept solely for convenience of reference and of limited value in documenting the planning or implementation of Township policy or programs, such as:

- a) Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
- b) Information copies of widely distributed materials, such as minutes, agendas and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;
- c) Preliminary drafts of letters, memoranda or reports and other informal notes which do not represent significant steps in the preparation of a final document and which do not record decisions;
- d) Duplicate copies of documents in the same medium which are retained only for convenience or future distribution;
- e) Voice-mail messages;
- f) Email messages and other communications that do not relate to Township business;
- g) Copies of publications, such as, published reports, administration manuals, telephone directories, catalogues, pamphlets or periodicals;
- h) Duplicate stocks of obsolete publications, pamphlets or blank forms; and
- i) Unsolicited advertising materials, including brochures, company profiles and price lists.

Schedule B to Bylaw 2022-063 – Council Records

For the purposes of this Bylaw Council records will include and be classified as:

1. Agendas - Transitory
2. Agenda Packages - Transitory
3. Minutes - Permanent
4. Bylaws - Permanent
5. Resolutions - Permanent
6. Emails/Other Correspondence -Transitory
7. Text Messages – Transitory
8. Instant Messages – Transitory
9. Electronically Recorded Meetings - Transitory

The following retention periods apply to Transitory Records as follows:

1. Agendas – seven (7) years
2. Agenda Packages – seven (7) years
3. Emails/Other Correspondence - current year plus three (3) years
4. Text Messages - current year plus three (3) years
5. Instant Messages current year plus three (3) years
6. Electronically Recorded Meetings – removed from public view after three (3) months and permanently deleted after seven (7) years

Schedule C to Bylaw 2022-063 – Retention Periods

Preamble

This retention schedule provides direction to the Municipal Clerk regarding the establishment of specific lengths of time municipal records are to be kept until their destruction or transfer to the Municipality's Archive.

The guidelines will be developed based on the functions documented by the records, rather than the departments, agencies or parties creating them. The guidelines will be developed in such a manner for ease of storage and retrieval.

Retention Schedule Format

The Clerk will establish a Retention Schedule that identifies the title and description of the record, the type of Record, the Retention Period, and how the Record will be disposed of.

Abbreviations

The following abbreviations will be used to indicate retention information:

- C = Current Year (e.g. C + 2 = Current Year plus the previous 2 calendar years).

- P = Permanent – Permanently retained by the corporation.

- SO = Superseded or Obsolete – Refers to records for which a specific retention period cannot be predetermined. “Superseded” is used for records or items that have been updated and replaced by a new version. “Obsolete” means that the record or item is no longer required. Under SO, the authority to decide when the records are ready for disposal is delegated to the custodial Manager/Director.

- SR = Selective Retention – Indicates that some of the records may have enduring value and are to be reviewed by Archives staff prior to disposal. Those records subsequently identified as being of enduring value are to be preserved in the City Archives once the retention period has ended.
Records will be selected on the basis of recognized archival practices such as weeding (all files kept but some contents destroyed), sampling (only some files kept based on specified criteria, the others destroyed), or a combination of the two.

- E = Event – Refers to records for which a specific retention period cannot be predetermined as they must be kept until after the termination of a defined activity, event or function. In some cases, “E” has been defined to guide the decision.

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-064

BEING A BYLAW TO DESIGNATE A HEAD OF THE MUNICIPAL CORPORATION FOR THE PURPOSES OF THE *MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT*

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.

Designation of Head

Section 39(1), of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 provides that the council of a municipal corporation may by by-law designate from among its members an individual or a committee of the council to act as head of the municipal corporation for the purposes of the Act.

Delegation of Authority

Section 23.1 (1) of the *Municipal Act* authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

Scope of power

Preamble

Council for the Corporation of the Municipality of Calvin ("Council") acknowledges that every person has a right of access to a record or a part of a record in the custody or under the control of the Municipality unless such record is exempt from disclosure.

The Mayor has been appointed as the “Head” for the purposes of disclosing, causing to be disclosed or refusing to disclose records in the care and control of the Municipality in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Council considered this matter and believes it is in the best interest of the Municipality to delegate this authority to the Municipal Clerk.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Municipality to designate a “Head” who will have the authority to act on behalf of the municipal corporation in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

Direction

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

1. That the Municipal Clerk shall be designated the “Head” and have all the powers and authorities of Council as provided in the *Municipal Freedom of Information and Protection of Privacy Act*.
2. That the Municipal Clerk may not delegate this authority to another party unless, the delegation is temporary to ensure statutory obligations are met and such delegation does not exceed thirty (30) days.
3. That any delegation made by the Municipal Clerk shall be made in writing.
4. That delegation of this authority will only be made to another statutory officer of the Municipality.
5. That this Bylaw repeals any bylaw, resolution or policy that is contrary to these provisions.
6. This Bylaw takes effect on November 1, 2022.

Read and adopted by Resolution 2022-346 this 8th Day of November 2022.

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-065

BEING A BYLAW TO ADOPT A WORKPLACE VIOLENCE & HARASSMENT POLICY AND PROGRAM FOR THE MUNICIPALITY

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 Bylaw

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.

Workplace Safety

Municipalities must comply with the *Occupational Health and Safety Act* R.S.O. 1990 as amended and more specifically section 32 which requires employers to adopt a policy and establish a program with respect to Workplace violence and harassment.

Further, Section 25(2)(h) of the *Occupational Health and Safety Act* requires that an employer take every precaution reasonable in the circumstances for the protection of a Worker.

Section 217.1 of the *Criminal Code of Canada* states that everyone who

undertakes, or has the authority to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

Preamble

Council for the Corporation of the Municipality of Calvin (“Council”) has adopted the following vision and mission statements for Municipality of Calvin of (the “Municipality”):

VISION - Calvin is a rural, family-based community that embraces change while respecting the rich heritage and culture of our area. With the participation of our residents and ongoing partnerships with our neighbouring communities, we will continue to develop the Municipality of Calvin as an affordable, accessible and safe place to live, work and play.

MISSION - To build a strong rural and safe community dedicated to the preservation of our heritage and culture as well as the development of our natural and human resources. To promote and cultivate our forward-thinking community and to grow our partnerships through collaboration and resource sharing with our neighbouring communities.

Council has adopted an organizational structure in which all officers and employees of the Municipality report to (INSERT TITLE, typically CAO or Municipal Administrator) and it is the responsibility of the person occupying this position to ensure that all officers and employees of the Municipality perform their work in a manner that exhibits the fundamental values or principles established by Council and facilitates the achievement of Council’s Vision and Mission.

Council is committed to maintaining a non-violent and harassment-free work environment in which everyone feels welcome and accepted.

Council further acknowledges that this Bylaw and the attached schedules have been prepared by Expertise for Municipalities Non-profit Association (“E4m”) and legally reviewed by Wishart Municipal Law Group/Wishart Law Firm LLP (WMG) for compliance with all applicable legislation and E4m or WMG are not responsible for the results of any edit to this policy other than as expressly authorized or directed by E4m and WMG.

Council acknowledges and agrees that all rights are reserved by E4m and WMG, and no part of this Bylaw may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, taping or information and retrieval systems) without the written permission of E4m.

Council acknowledges that E4m has given license to the Municipality to print, copy, save, or post on its official website for its own use only and the Municipality may not repurpose or resell this Bylaw in any way.

Decision

Council of the Corporation of the Municipality of Calvin deems it in the best interest of the Corporation to establish a Workplace violence & harassment policy and program.

Direction

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

1. That the short form title of this Bylaw will be Respect in the Workplace Policy and Program.
2. That this Bylaw be reviewed on an annual basis and a report is delivered to Council by March 31, of any given year, regarding adequacy of the Bylaw and attached schedules and whether there are any recommended changes.
3. That Council has determined that this Bylaw is a priority for the Municipality and as such, changes in law which require amendments to this Bylaw be delivered to Council in a report within thirty (30) days of the Municipal Administrator becoming aware of the changes.
4. That the following schedules attached hereto form part of this Bylaw:
 - a. Schedule "A" - Respect in the Workplace Policy and Program
 - b. Schedule "B" - Workplace violence Risk Assessment
 - c. Schedule "C" - Investigation of Alleged Violations
 - d. Schedule "D" - Investigation Committee Formation and Terms of Reference
5. That any changes to the Schedules may be adopted by resolution.
6. That this Bylaw supersedes any preceding Bylaw that is contrary to this Bylaw.
7. That this Bylaw repeals the following Bylaws:
 - a. Workplace violence Policy #
 - b. Workplace harassment Policy #
8. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2022-348 this 8th Day of November 2022.

Mayor

Municipal Clerk

Schedule “A” – Respect in the Workplace Policy and Program

1. GUIDING PRINCIPLES

Council of the Corporation of XXXXXX is committed to ensuring a civil and respectful work environment free of any form of harassment, discrimination, or abuse.

This commitment requires that all Members of Council, Officers & Employees, Volunteer Firefighters and other Municipal/Township/Town Volunteers actively demonstrate, at all times, a respect for others and an appreciation of differences.

Everyone has the right to work in an environment free from any form of harassment and unacceptable Workplace behaviour. Such behaviour towards an individual because of race, creed, colour, religion, country of origin, ethnicity, citizenship, ancestry, gender, gender identity, sexual orientation, same-sex partnership status, age, marital or family status, or physical ability is unacceptable, and will not be tolerated. The Municipality will treat any allegation of such behaviour as a serious matter.

Furthermore, we must always treat ourselves, our colleagues, our stakeholders, and our residents with the utmost respect and goodwill. Strong relationships with our employees, clients, and suppliers serve the Municipality tremendously. The Municipality is committed to maintaining a non-violent and harassment-free work environment in which everyone feels welcome and accepted. Doing so starts with you. You must always conduct yourself respectfully and in a manner reflective of the Municipality’s core values.

This Policy is designed to comply with the *Occupational Health and Safety Act* and provide guidance on how to conduct yourself. Rather than be exhaustive, this Policy will give you a foundation for determining the types of behaviours that are expected and those that are not. Please read this Policy in its entirety and consider how you can incorporate this Policy and its guiding principles into your every day interactions whether at work or in the community. Together we can build and maintain a stellar reputation as we continue to strive to provide excellent services to our residents. You are the key to our success, and we thank you for being a part of the municipal team.

Who this Policy Applies To:

- Members of Council
- Officers & Employees of the Municipality
- Local Board and Committee Members
- Volunteer Firefighters
- Other Volunteers

2. INCLUSIVENESS AND SOCIAL RESPONSIBILITY

Having a diverse workforce helps us better understand and serve our clients. You are expected to be part of creating a respectful Workplace that is free of violence, harassment and discrimination.

3. DEFINITIONS

1. **“Alleged Aggrieved Person” (“AAP”)** means the Worker or Official who has allegedly been the subject of a violation of this Policy.
2. **“Clerk”** for the purposes of this Bylaw means a person who has the statutory duties as defined in section 228 of the *Municipal Act* and may be a different entity than the person who has been appointed by the Municipality as their statutory Clerk. (See Schedule D re Investigation Committee)
3. **“Complainant”** means the person who has made a report about another individual whom they believe violated this Policy. The Complainant does not have to be the AAP.
4. **“Integrity Commissioner”** means the statutory officer appointed by Council.
5. **“Investigation Committee”** means a committee of Council established for the purpose of selecting and providing direction to the external Investigator.
6. **“Investigator”** means the individual investigating reports received under this Policy.
7. **“Official”** means a person who holds a public office (i.e. a Councillor or the head of Council) or membership on a Council Committee with the Municipality whether obtained by election, acclamation, nomination of Council or the Municipality.
8. **“Respondent”** means the person who is alleged to have violated this Policy. To be clear, the Respondent may, or may NOT be a Worker and their status as a person who is not employed by the Municipality is not determinative of any investigation or complaint.
9. **“Worker”** means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:
 - i. a person who performs work or supplies services for monetary compensation for the Municipality. This would include Members of Council who receive a stipend or other remuneration for their service.
 - ii. a secondary school student who performs work or supplies services to the Municipality for no monetary compensation under a work experience program

- authorized by the school board that operates the school in which the student is enrolled.
- iii. a person who performs work or supplies services to the Municipality for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
 - iv. an Official.
 - v. such other persons as may be prescribed under the *Occupational Health and Safety Act*, RSO, 1990, c O.1 (or other applicable legislation) who perform work or supply services to the Municipality for no monetary compensation.
10. **“Workplace”** means, any land, premises, location or thing at, upon, in or near which a Worker works including:
- a) the site where the individuals are customarily employed; and
 - b) all other places which
 - i. result from employment responsibilities or employment relationships, locations at work-related social functions, off-site work assignments, work-related conferences or training sessions, and work-related travel; or
 - ii. affect relationships in the Workplace such as the Internet, including, but not limited to, chat rooms/bash boards, social networking sites, blogs/vlogs, and gaming sites.
11. **“Workplace harassment”** means,
- (a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome; or
 - (b) Workplace sexual harassment.

Workplace harassment may include (This is NOT an exhaustive list but is provided for explanation purposes):

- (a) making remarks, jokes or innuendo that demean, ridicule, intimidate or offend;
- (b) displaying or circulating, offensive pictures or materials in print or electronic form;
- (c) bullying;
- (d) repeated offensive or intimidating phone calls or emails; or
- (e) any inappropriate conduct comment, display, action or gesture that:
 - a. is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
 - b. constitutes a threat to the health or safety of the Worker.

8. **“Workplace sexual harassment”** means,
- (a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace because of sex, sexual orientation, gender identity or gender

- expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace sexual harassment may include:

- (a) a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- (b) unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- (c) displaying pornographic or sexually explicit pictures or materials;
- (d) unwelcome physical contact;
- (e) unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- (f) refusing to work with or have contact with Workers because of their sex, gender or sexual orientation

12. **“Workplace violence”** means,

- (a) the exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker,
- (b) an attempt to exercise physical force against a Worker, in a Workplace, that could cause physical injury to the Worker,
- (c) a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker, in a Workplace, that could cause physical injury to the Worker.

Workplace violence may include:

- (a) verbally threatening to attack a Worker;
- (b) leaving threatening notes at or sending threatening emails to a Workplace;
- (c) shaking a fist in a Worker's face;
- (d) wielding a weapon at work;
- (e) hitting or trying to hit a Worker;
- (f) throwing an object at a Worker;
- (g) sexual violence against a Worker;
- (h) kicking an object the Worker is standing on such as a ladder;
- (i) trying to run down a Worker with a vehicle or equipment.

4. WHAT IS NOT WORKPLACE HARASSMENT OR WORKPLACE VIOLENCE

The following is NOT Workplace Harassment or Workplace Violence:

- i. Reasonable action or conduct by the Municipality, a manager, or supervisor, that is part of the normal work function. Examples include changes in work assignments, scheduling, job assessment, and evaluation/performance management., implementation of any dress code and disciplinary action.
- ii. Harassment that arises out of circumstances unrelated to the Worker's employment. Physical contact necessary for the performance of the work using accepted industry standards.
- iii. Conduct which all parties agree is inoffensive or welcome.
- iv. Accidental situations – such as a Worker tripping over an object and pushing a co-worker as a result.

5. REPORTING POLICY VIOLATIONS

Consistent with the requirements of the *Occupational Health and Safety Act*, all s **must** report violations of this Policy and raise concerns about risks to the Municipality. When you make a report, it helps us correct specific problems and identifies areas which require improvement.

If you believe that a violation has taken place, report the situation promptly to the Municipality's highest-ranking officer Municipal Administrator. Where the alleged Respondent is the Municipality's highest-ranking officer, a member of Council, or all of Council, you may report the situation to the Municipality's legal counsel:

Wishart Municipal Group
 C/O Wishart Law Firm LLP
 390 Bay Street, Suite 500
 Sault Ste. Marie, ON
 P6A 1X2
 P: (705) 949-6700
 F: (705) 949-2465
 E: reportwishart@wishartlaw.com

In any of the cases where the alleged Respondent is the Municipality's highest-ranking officer, a member of Council, or all of Council, legal counsel for the Municipality will be involved.

In all cases involving a member or members of Council, but not all of Council, an Investigation Committee will be struck composed of the uninvolved members of Council.

In all cases involving the entirety of Council, the Municipality's legal counsel and Integrity Commissioner will constitute the Investigation Committee and will cause an investigation to be commenced.

5.1 Report Content

Where possible, your report of a perceived policy violation should be made in writing and include details of:

- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened – location(s)
- Who saw it happen – the names of any witnesses, if any.

Although a written report is possible, the Municipality is obligated to conduct an investigation appropriate in the circumstances whenever they come into possession of information leading the (CAO?) to suspect the existence of Workplace Harassment, Workplace Sexual Harassment or Workplace Violence.

When an incident of Workplace violence is reported, the person receiving the report will notify police or emergency responders for immediate assistance where necessary. If the incident results in a Worker incurring a lost time injury, the person receiving the report will submit a report of the incident to the Ministry of Labour.

5.2 No Derogation of Rights

The provisions of this Policy in no way affect the right of any person to:

- (a) contact the police or other law enforcement agency on their own initiative;
- (b) exercise their right(s) under any legislation including, their right to refuse unsafe work as provided by the Ontario *Occupational Health and Safety Act*; or
- (c) take any other available legal action.

5.3 No Reprisal

You can report any violation of this Policy without fear of reprisal. The Municipality does not permit or condone reprisal against anyone who, in good faith, reports or participates in an investigation of a possible violation of this Policy. Good faith means that you have made a genuine and honest attempt to provide accurate information, even if it turns out you were mistaken.

It is a violation of this Policy to discipline or punish a person because they have made a report in good faith of any violation of the Policy. Reprisal may be the subject of a report under this Policy, and persons engaging in reprisal are subject to disciplinary measures up to and including termination of employment.

5.4 Frivolous, Vexatious, and Bad Faith Reports

If you make a report that is frivolous, vexatious or made in bad faith (“weaponizing” the policy) you will be subject to appropriate action and possible disciplinary measures up to and including termination of employment (or of volunteer service) with the Municipality.

Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

6. INVESTIGATIONS

All reports of violations of this Policy will be promptly investigated in a manner appropriate in the circumstances. Investigations will follow the process set out in **Schedule “C”** of Bylaw XXXX-XXX.

It may be necessary to consult with legal counsel or obtain the services of one or more external Investigator(s). The following factors may be considered by the Municipality in determining whether it is appropriate to use external investigation services:

- Cost;
- Timeliness, degree of urgency;
- Real or perceived objectivity;
- Staff time and availability;
- Anticipated investigation complexity and length;
- Degree of information security required;
- Staff will not investigate complaints against members of Council or against the (CAO). In such cases, an external investigator will be involved.

6.1 COMPLAINT SCREENING

An initial screening of the complaint will be conducted to ensure it includes sufficient information. The Complainant may be contacted if additional information is required to determine whether the complaint can advance (i.e. be screened in).

Complaints are presumed to be screened in, unless there is a reason to screen out a complaint. The following is a non-exclusive list of factors that may justify a complaint being screened out:

- **Frivolous:** complaints that lack substance, are trivial, or lack an air of reality.
- **Vexatious:** complaints that are made out of anger or a desire to seek retribution. Vexatious complaints may lack a reasonable purpose or be made with the intention to harass or annoy. Such complaints are often repeatedly filed after a previous complaint has been screened out.
- **Bad faith:** complaints made for improper purposes including deceiving the Municipality or where the issues raised have previously been addressed by proceedings under another redress process for which a remedy has been granted.

- **Not about this Policy:** complaints that do not disclose allegations that, if true, would constitute violation(s) of this Policy.

Should a complaint be screened out, the Complainant will be advised in writing.

6.2 WHAT INVESTIGATIONS WILL INCLUDE

Complaints screened in will proceed to investigation.

The Municipality's investigation will include:

- Disclosing as much information to the parties as necessary to facilitate the investigation and ensure procedural fairness;
- Interviewing the AAP, the Complainant (where the Complainant has not chosen to remain anonymous and where the Investigator(s) deem such interview appropriate), any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the report or any other similar incidents;
- Ensuring the results of interviews are documented either through audio recording or being reduced to writing; and
- Reviewing any relevant documentation.

Should circumstances warrant, the Respondent's employment with the Municipality may be suspended with pay during all or part of the Municipality's investigation.

When the Investigator determines that it is appropriate and, in any case, before interviewing the Respondent about the merits of the complaint, the Investigator shall prepare a Notice of Investigation and provide a copy to the Respondent. The Notice of Investigation shall include particulars of the allegations made against the Respondent.

After a copy of the Notice of Investigation is provided to the Respondent:

- The Respondent is invited to reply in writing to the allegations, and the reply will be made known to the Complainant before the investigation proceeds further.
- To the extent possible, details of the incident being investigated and the identities of the AAP, Complainant, and the Respondent as well as any witnesses will be protected from unnecessary disclosure.
- During the investigation, the AAP, Complainant, and the Respondent will be interviewed, as will any relevant witnesses.
- While the incident is being investigated, to the extent possible, contact between the parties involved will be limited.
- Upon completion of the investigation, the Municipality will inform both the Complainant and Respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

If it is determined that harassment in any form has occurred, appropriate corrective measures will be taken as soon as possible. Possible measures may include:

- a letter of apology or a performance agreement, if the parties will agree to these;
- referral for counselling;
- education and training;
- verbal or written reprimand;
- reprimand, suspension (with or without pay), dismissal, transfer or removal;
- establishing appropriate security measures;
- any other corrective action deemed appropriate under the circumstances;
- Note that a breach of this Policy by a Councillor may be a breach of the Municipality's Code of Conduct

If it is determined that harassment in any form has not occurred, the Investigator may provide recommendations to the Municipality.

6.3 CONFIDENTIALITY

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint under this Policy, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect Workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the AAP, Complainant, the Respondent(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other Workers or witnesses unless necessary to obtain advice about their rights. The Investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential to the extent permitted by applicable law.

6.4 NO INTERFERENCE WITH INVESTIGATION

It is a violation of this Policy to hinder, obstruct, molest, or interfere with or attempt to hinder, obstruct, molest or interfere with an investigation. Individuals engaging in such conduct will be subject to disciplinary measures, up to and including termination of employment with the Municipality.

6.5 RECORD KEEPING

The Municipality will keep records of the investigation including:

- (a) a copy of the complaint or details about the incident;
- (b) a record of the investigation including notes;
- (c) a copy of the investigation report (if any) except in cases where legal counsel for the Municipality is involved in the complaint processes as, in such cases, all copies of the investigation report shall be kept by legal counsel for the Municipality;
- (d) a summary of the results of the investigation that was provided to the Complainant and the Respondent, if a Worker; and

(e) a copy of any corrective action taken to address the complaint.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint, take corrective action, or otherwise as required by law.

Records will be kept in accordance with the Municipality's Retention Bylaw.

6.6 MFOIPPA

No records of an investigation, complaint or an investigation report are subject to production pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*. They are excluded from the *Act* by s. 52(3) and the IPC decision in Order MO-3385, Appeal MA16-62 from *The Corporation of the Municipality of St. Charles*. Unauthorized disclosure of these records is an unjustified invasion of privacy contrary to the *Act*.

7. ASSESSING THE RISKS OF WORKPLACE VIOLENCE

The Municipality will conduct a risk assessment of the work environment to identify any issues related to potential violence that may affect the Municipality's operation, and will institute measures to control any identified risks to Worker safety. This assessment will take into account:

- (a) circumstances that would be common to similar Workplaces;
- (b) circumstances specific to the Workplace; and
- (c) any other elements prescribed by applicable legislation.

The Municipality may use a third party to assess Workplace violence, threat levels and advice about maintaining a safe Workplace.

7.1 COMMUNICATING THE RESULTS OF THE WORKPLACE ASSESSMENT

Upon completion of the assessment, the Municipality will advise the joint health and safety committee or safety representative, if any, of the results of the assessment and provide a copy if the assessment is in writing. If there is no joint health and safety committee or safety representative, the Municipality will advise the Workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the Workers how to obtain copies.

7.2 REASSESSMENT

The Municipality will reassess the risks of Workplace violence as often as is necessary to ensure that this Policy continues to protect Workers from Workplace Violence. The Municipality can and where necessary, will access the services of a qualified third party to assist in conducting a risk assessment.

8. DOMESTIC VIOLENCE

A person who has a relationship with a Worker – such as spouse or former spouse, current or former intimate partner or a family member – who may physically harm or threaten to physically harm, that Worker at work. In these situations, domestic violence is considered Workplace violence.

If the Municipality becomes aware, or ought reasonably to be aware, that domestic violence would likely expose a Worker to physical harm that may occur in the Workplace, the Municipality shall take every precaution reasonable in the circumstances for the protection of the Worker. (NOTE: in reviewing the risk of Domestic Violence exposing a Worker to harm, the Worker in question may or may not be the spouse, former spouse etc. but could be any Worker of the Municipality).

9. VIOLATIONS OF THIS POLICY BY THIRD PARTIES

This Policy covers all forms of Workplace violence and harassment. Residents, clients, suppliers, contractors or their Workers and others invited to the Workplace who could engage in Workplace violence or harassment against a Worker are subject to this policy.

The Municipality may have limited ability to investigate or control the conduct of these third parties. However, the Municipality will take reasonable practicable action to stop or reduce the risk to its Workers from violations of the Policy by third parties.

Such action may include, but is not limited to:

- (a) posting this Policy in a location visible to third parties; and
- (b) requiring certain suppliers or contractors and their Workers to accept and meet the terms of this Policy; and
- (c) removing third party violators;
- (d) contacting law enforcement; and
- (e) taking legal action against third party violators.

Where a third party engaged in Workplace harassment has been asked to stop and does not, all Workers are authorized to:

- (a) end telephone conversations;
- (b) politely decline service; and
- (c) ask the third party to leave the Workplace
- (d) remove themselves from the presence of the Third Party.

Where any of these actions are taken, the Worker MUST report this to their immediate supervisor or the Municipal Administrator.

10. POLICY INFORMATION AND TRAINING

The Municipality will ensure all Workers have read this policy and sign an acknowledgment of same in substantially the form attached to this Policy. Training to enhance understanding of how to prevent and respond to harassment will be conducted by the Municipality at least annually as part of the Policy review. More frequent training may be requested or directed to individuals or groups as required

Schedule “B” – Workplace Violence Risk Assessment

1. PURPOSE

This Workplace Violence Risk Assessment is designed to assist the Municipality in assessing the hazard of Workplace violence and identifying possible measures, procedures and controls that can be implemented to control the risk of Violence in the Workplace.

“**Workplace violence**” means,

- (a) the exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker,
- (b) an attempt to exercise physical force against a Worker, in a Workplace, that could cause physical injury to the Worker,
- (c) a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker, in a Workplace, that could cause physical injury to the Worker.

Workplace violence may include:

- (a) verbally threatening to attack a Worker;
- (b) leaving threatening notes at or sending threatening emails to a Workplace;
- (c) shaking a fist in a Worker’s face;
- (d) wielding a weapon at work;
- (e) hitting or trying to hit a Worker;
- (f) throwing an object at a Worker;
- (g) sexual violence against a Worker;
- (h) kicking an object the Worker is standing on such as a ladder;
- (i) trying to run down a Worker with a vehicle or equipment.

2. COUNCIL DIRECTION

The Municipal Administrator shall:

1. Hold meetings with Workers to seek their input in order to:
 - Identify risks that Workers perceive and their sense of personal safety in the Workplace
 - Consider Workers’ experience of violence and whether the situation involved strangers, clients, co-workers, students, estranged partners or family members
 - Identify jobs, practices or locations in which Workplace violence is a concern; and
 - Gather opinions about the effectiveness of the controls currently

in place.

2. Prepare an Assessment Report that identifies areas of risk of Workplace violence with recommendations for necessary risk control measures.

3. IDENTIFICATION AND ASSESSMENT OF SPECIFIC RISKS AND RISK FACTORS

Certain types of work or conditions can put Workers at higher risk from Workplace violence. The Municipal Administrator will establish and maintain a list of potential workplace hazards including, but not limited to:

- Dealing with irate persons
- Working alone
 - In the Municipal office
 - At a Municipal facility other than the Municipal office
 - In an isolated area/worksite
 - Working during late evening or early morning hours
- Handling money or valuables
- Working with unstable or volatile persons

3.1 RISK ASSESSMENT METHOD

The Municipal Administrator will evaluate each of the potential Workplace hazards and determine a “Level of Risk Score”.

A Level of Risk Score is calculated as follows:

$$\text{Level of Risk} = \text{Severity} + \text{Frequency}$$

“Risk” will be considered any hazard or threat inherent in the job assuming there are no controls in place.

“Frequency” will be categorized using the following descriptive terms:

- Rarely
- Occasionally
- Regularly

3.2 LEVEL OF RISK MATRIX

The following matrix will be used to calculate Level of Risk.

Frequency	Severity	Level of Risk
“Regularly” Score = 3 Exposure may be part of the normal work routine or assignment	“High” Score = 3 - potential for fatal or critical injury - may be exposed to physical injury from physical assault, punching, kicking, hitting, weapons	“High” Total score = 6
“Occasionally” Score = 2 Exposure is infrequent	“Moderate” Score = 2 - potential for lost time or health care - may be exposed to threatening behaviour such as hostile, intimidating, frightening etc. (e.g., shouting, pushing a table etc.)	“Moderate” Total score = 4 - 5
“Rarely” Score = 1 Not a normal part of the work routine or employees are exposed to risk.	“Low” Score = 1 - potential for first aid - may be exposed to behaviours that are disruptive and aggressive (e.g., slamming the door, walking out etc.)	“Low” Total score= 1 - 3

4. ASSESSMENT REPORT

The Municipal Administrator will prepare an Assessment Report that includes:

- i. Identified threats/hazards to Workplace safety related to Workplace violence;
- ii. Calculated Level of Risk for each threat/hazard;
- iii. Priority threats/hazards;
- iv. Safety strategies; and
- v. Implementation plan.

Upon completion, the Assessment Report will be submitted to Council for information only. This may be submitted in closed session pursuant to at least s.239(a), possibly (b) and maybe even (d)(e).

Schedule “C” – Investigation of Alleged Violations

1. INVESTIGATIONS

Investigations will be confidential to the largest extent possible. Investigations of alleged violations of the Workplace Respect Policy (“Policy”) will be conducted in an independent, objective manner. The Investigator will provide an opinion as to whether the allegations, as proven, constitute harassment, discrimination or otherwise a breach of law or policy and, will make appropriate recommendations regarding remedial (but not disciplinary) actions.

Investigations will be conducted in a neutral manner that provides due process to all parties.

1.1 Investigation Guidelines

Any person investigating allegations that an individual contravened the Policy will follow this process:

1. Notification of Parties

The (INSERT TITLE), or in some circumstances the Investigator, will give notice to:

- the Complainant acknowledging receipt of the complaint and naming the Investigator.
- AAP (if the AAP is not the Complainant) advising of the complaint, that the allegations are under review and naming the Investigator.
- the Respondent advising of the receipt and nature of the complaint, that the allegations are under review and naming the Investigator.

2. Crystallization of the Complaint & Preliminary Review

The Complainant/AAP may not have submitted sufficient detail to clearly understand (crystallize) the allegations and the Investigator will need to speak with/interview the Complainant to ensure they have sufficient relevant information to first determine that the matter is properly investigated as a contravention of the Policy and to provide the Respondent with an account of the allegation(s).

Within seven (7) days of crystallizing the allegations, the Investigator will determine if a full investigation is required.

Upon deciding not to proceed with an investigation, the Investigator will notify the Complainant and Respondent that an investigation will not be proceeding, and a report will be delivered to the Municipal Administrator.

3. Investigation Plan

Prior to commencing an investigation, the Investigator will prepare an investigation plan that will include:

- a. Summary of Complaint
- b. Identification of Applicable Law/Policy
- c. Investigation Timeframe
- d. Identification of Parties to be Interviewed and Key Topics to Cover
- e. Documents to be Obtained and Relevance

4. Notification of Investigation to the Complainant & Respondent

If the Investigator decides a full investigation is warranted, they will notify the Complainant that an investigation has commenced.

They will also provide the Respondent notice which includes a summary outlining the allegations of breach and sufficient evidence that the Respondent can provide a response. The investigator does not have to provide the Respondent with all Complainant and/or Witness evidence only what they believe is necessary to allow the Respondent a chance to respond.

5. Analysis of the Evidence and Preparation of Findings

Findings of contravention will be based on the civil burden of proof being a balance of probabilities. Balance of probabilities means that there is evidence to support the allegation that the actions/conduct "more likely than not" [50.1%] took place, and that the behaviour is a contravention of the Policy.

As required, assessments of credibility will be made based on:

- whether or not the individual has firsthand knowledge of the situation,
- whether or not the individual had an opportunity to observe the events,
- whether or not the individual may have bias or other motive,
- the individual's ability to clearly describe events,
- consistency within the story,
- the attitude of the individual as they are participating,
- any admission of dishonesty¹

6. Presentation of Findings to Respondent

Prior to the finalization of the Investigation Report, the Investigator will provide the Respondent with their findings.

The Respondent has seven (7) calendar days to provide feedback to the Investigator. Any Respondent requiring additional time to respond must notify the Investigator within three (3) days of receiving the Investigator's findings citing the reason for the extension and the Respondent's preferred response date.

In the sole discretion of the Investigator, an extension may be granted. If an extension has not been granted, the Respondent must submit their response by

¹ *Faryna v. Chorny* (1951), [1952] 2 D.L.R. 354 (B.C.C.A.), at Para 10, 11.
Alberta (Department of Children and Youth Services) v. A.U.P.A. (2009), 185 LAC (4th) 176 (Alta.Arb.)

the original date.

7. Finalization and Presentation of Report

Within fifteen (15) days of receiving the Respondent's feedback on the findings, the Investigator will finalize and present the investigative report to the Municipal Administrator.

The investigation plan, any evidence collected by any Investigator as well as any documents provided to the parties are the "record" of the Investigator, will not form part of the personnel file of any of the parties and will remain in the care and control of the Investigator.

Report of Findings and Corrective Action

Upon completion of an investigation the Municipal Administrator will ensure the AAP and the Respondent are provided with the findings and any corrective action that involves them. To be clear, notification will be given to:

- The AAP advising them that a contravention of the Policy was or was not found to have occurred and if applicable that corrective action will be taken. The AAP will not be advised of the corrective action unless an action is being taken that directly impacts the AAP.
- The Respondent advising them that a contravention was or was not found to have occurred and if applicable what corrective action will be taken.

Schedule “D” – Investigation Committee Formation and Terms of Reference

1. INVESTIGATION COMMITTEE

The Investigation Committee will be automatically struck when allegations are made that a member of Council has contravened the Respect in the Workplace Policy (“Policy”).

The Investigation Committee will consist of the members of Council not involved in the proceedings.

In all circumstances, the Investigation Committee will receive advice from the Municipal Solicitor.

The Investigation Committee is responsible for:

- i. Appointing a Clerk who is not the Municipal Clerk for the purpose of having meetings if there is a quorum of Council on the Investigation Committee;
- ii. Appointing a recording secretary if there is less than a quorum of Council on the Committee;
- iii. Reviewing the complaint received; and
- iv. Causing an investigation and engaging an external Investigator.

The Investigation Committee will remain in effect as long as is necessary to complete the proceedings, receive the reports and make recommendations arising from the reports and thereafter, to implement the decisions of Council.

2. TERMS OF REFERENCE

The Terms of Reference for the Committee are as follows:

1. The Committee will receive advice from the Municipal Solicitor and/or other agents directly involved in the proceedings and will provide to the Municipal Solicitor and/or other agents all necessary instructions;
2. The Committee will receive a presentation about the report(s) when they are completed and will make recommendations to Council with respect to any decisions that arise from the presentation;
3. Pursuant to section 239(2)(b) of the *Municipal Act, 2001*, all meetings of the Committee will not be open to the public and will be conducted in accordance with the closed meeting and other procedures of the Municipality of Calvin Procedure Bylaw.



November 3, 2022

MEMORANDUM

To: Mayor Pennell and Members of Council
From: Barbara Major, Elections Clerk/Returning Officer
Re: **2022 Municipal Elections Statistics**

Kindly find attached the Municipality of Calvin Municipal and School Board Election statistics. The information includes the following:

- Election statistics – a breakdown of participation percentages for each race;
- Participation statistics – a breakdown of voting activity by date and time;
- Voting time breakdown – a breakdown of what devices electors used to vote;
- Internet voting sessions – a breakdown of what devices electors used to vote via internet. Keep in mind that a “session” is when an elector successfully inputs their PIN in the system. The elector does not have to successfully vote in order to create a session. For example, one elector could create two voting sessions. Because of this, the number of internet sessions will be higher than the amount of internet votes; and
- Age – a breakdown of electors by age and voting method.

As reported at the last regular Council meeting, for the 2022 elections there was a voter participation rate of 56.7% in comparison to the 2018 (42.3%) and the 2014 (46.1%) elections.

This statistical report will be placed on the municipal website www.calvintownship.ca.

Respectfully submitted

Barbara Major, AMCT, CMO
Elections Clerk/Returning Officer
Municipality of Calvin

c.c. Peggy Young-Lovelace, Interim Municipal Clerk

Total Pages: 10

Municipality of Calvin
2022 MUNICIPAL & SCHOOL BOARD ELECTIONS

ELECTION STATISTICS

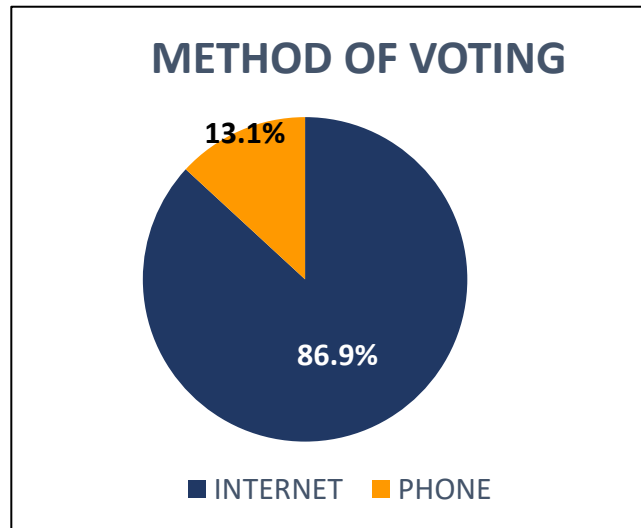
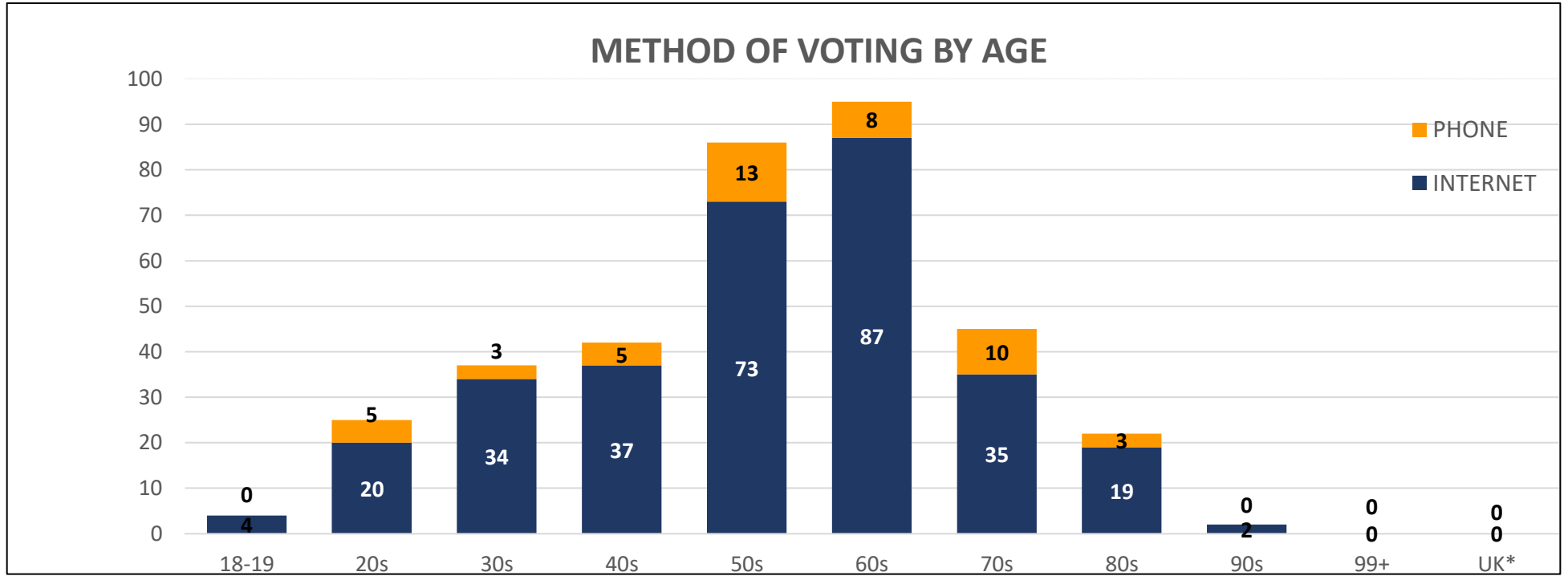
Prepared by: Intelivote Systems Inc.
Date: 01-Nov-22

	Information Base	Number	%
1	Number of eligible electors in system.	631	
2	Number of electors who cast at least one ballot.	358	
3	Participation rate.	56.7%	
4	Voters who used the internet to vote.	311	86.9%
5	Voters who used the phone to vote.	47	13.1%
6	Internet votes cast at a kiosk computer (included in #4)	86	27.7%
7	Average amount of time a voter spent voting using the Internet.	1 min 54 sec	
8	Average amount of time a voter spent voting using the telephone.	3 min 41 sec	

	Residency Status	Number	%
12	Total eligible electors with "Resident" status.	428	67.8%
13	Voters casting ballots with "Resident" status.	268	74.9%
14	Total eligible electors with "Non-Resident" status.	203	32.2%
15	Voters casting ballots with "Non-Resident" status.	90	25.1%
	Occupancy Status	Number	%
16	Total eligible electors with "Owner" status.	464	73.5%
17	Voters casting ballots with "Owner" status.	274	76.5%
18	Total eligible electors with "Spouse" status.	29	4.6%
19	Voters casting ballots with "Spouse" status.	15	4.2%
20	Total eligible electors with "Tenant" status.	55	8.7%
21	Voters casting ballots with "Tenant" status.	33	9.2%
22	Total eligible electors with "Boarder/Other" status.	83	13.2%
23	Voters casting ballots with "Boarder/Other" status.	36	10.1%

Age Breakdown of Who Voted					
Age	ELIG.	VOTED	INTERNET	PHONE	% Part.
18-19	6	4	4	0	67%
20s	48	25	20	5	52%
30s	82	37	34	3	45%
40s	81	42	37	5	52%
50s	147	86	73	13	59%
60s	149	95	87	8	64%
70s	63	45	35	10	71%
80s	31	22	19	3	71%
90s	8	2	2	0	25%
99+	0	0	0	0	0%
UK*	16	0	0	0	0%
Total	631	358	311	47	56.7%

UK* = Unknown age - not listed on elector's list. No votes cast

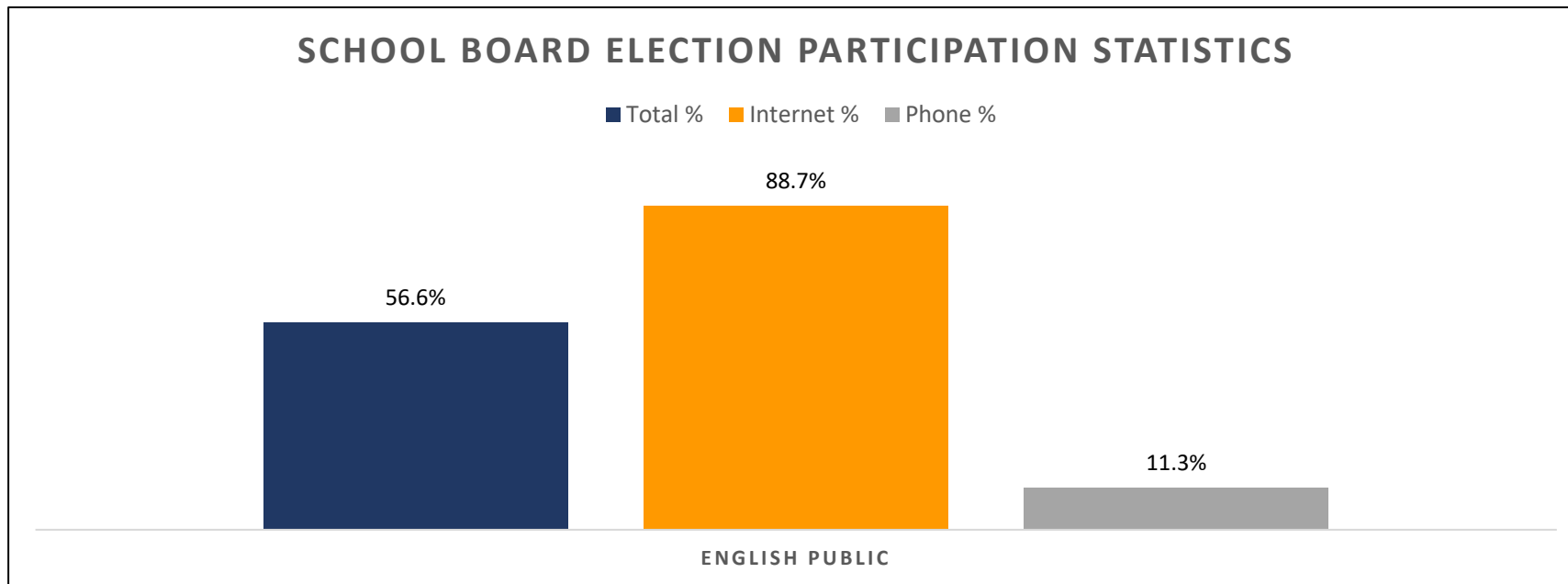
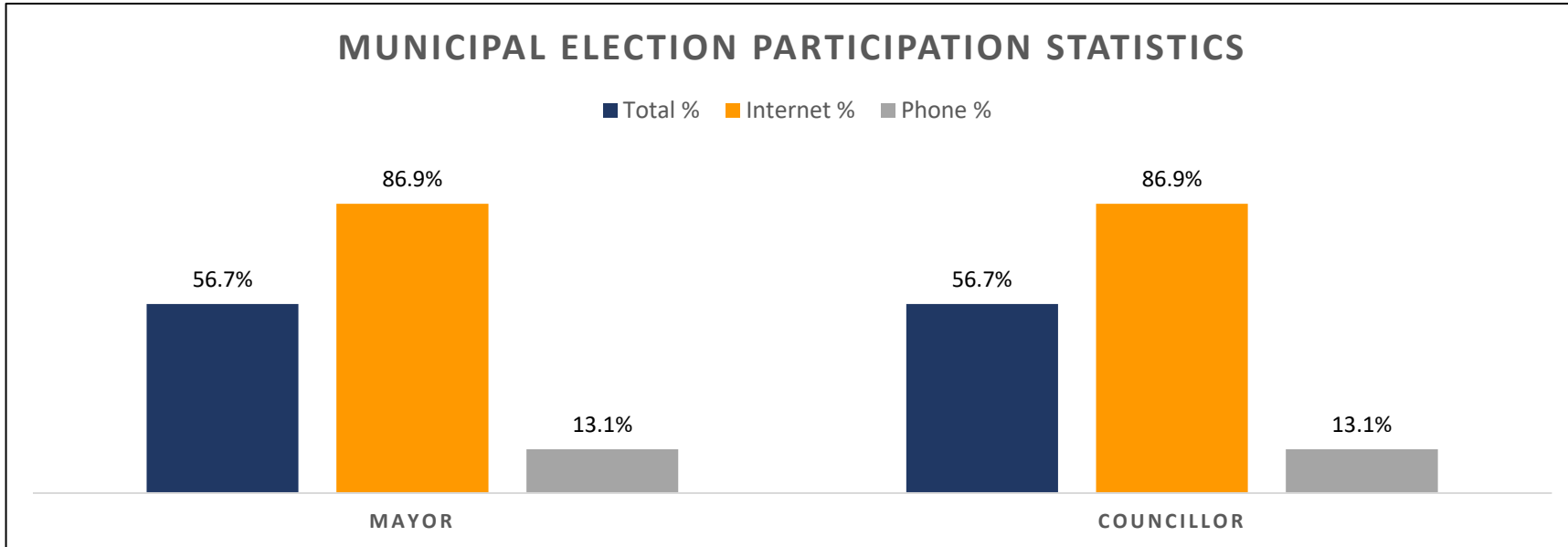


2022 Calvin Municipal and School Board Elections Participation Statistics

	Total Eligible Electors	Participated Eligible Electors	Total %	Internet Votes	Internet %	Phone Votes	Phone %				
Election Overall	631	358	56.7%	311	86.9%	47	13.1%				
RACE	Total Eligible Electors	Participated Eligible Electors	Total %	Internet Votes	Internet %	Phone Votes	Phone %	Spoiled Ballots	Spoil %	Declined Ballots	Declined %
Mayor	631	358	56.7%	311	86.9%	47	13.1%	2	0.6%	1	0.3%
Councillor	631	358	56.7%	311	86.9%	47	13.1%	0	0.0%	3	0.8%
English Public	498	282	56.6%	250	88.7%	32	11.3%	2	0.7%	18	6.4%

*Spoiled and Declined Ballots
included in vote count

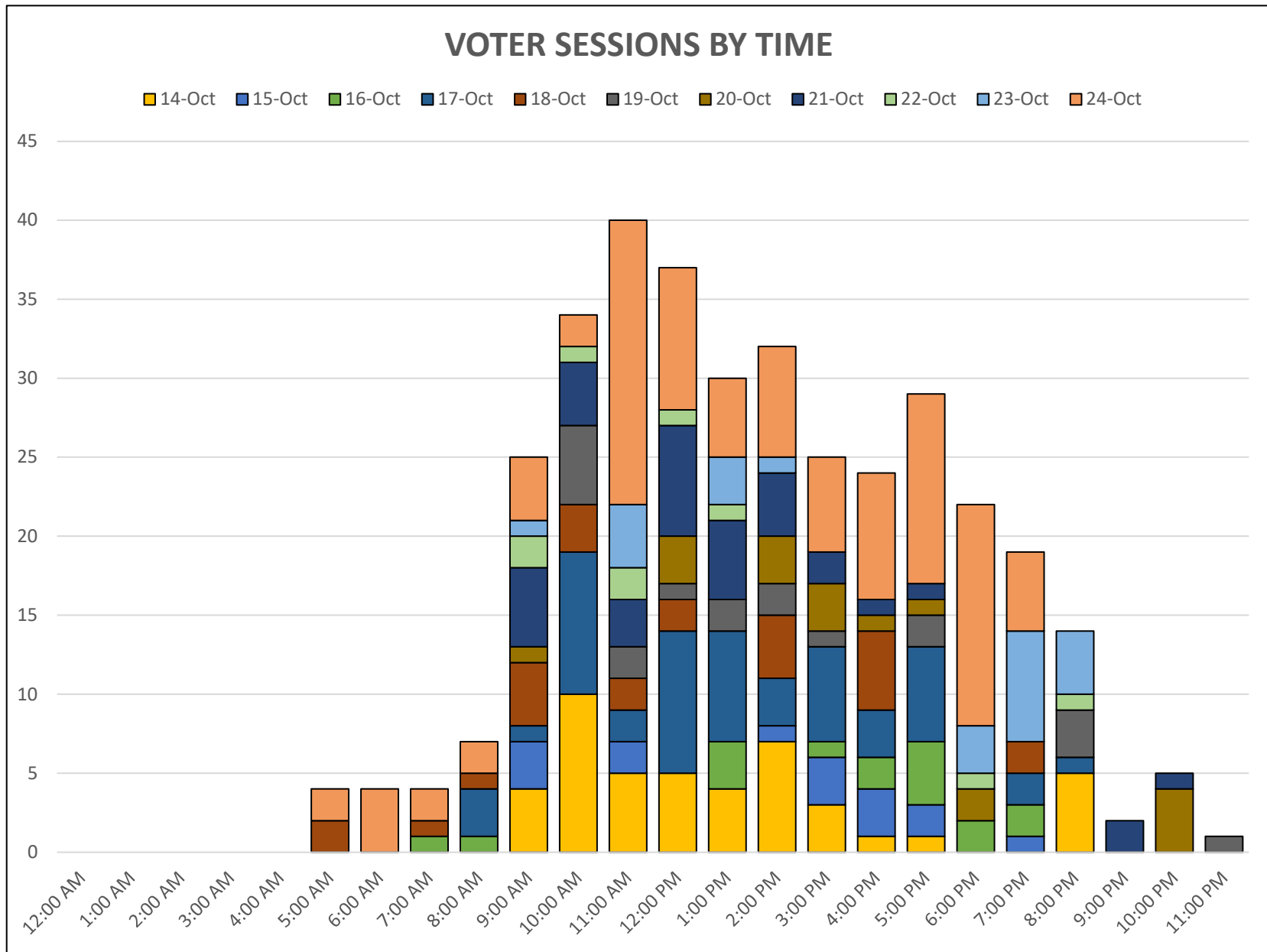
2022 Calvin Municipal and School Board Elections Participation Statistics



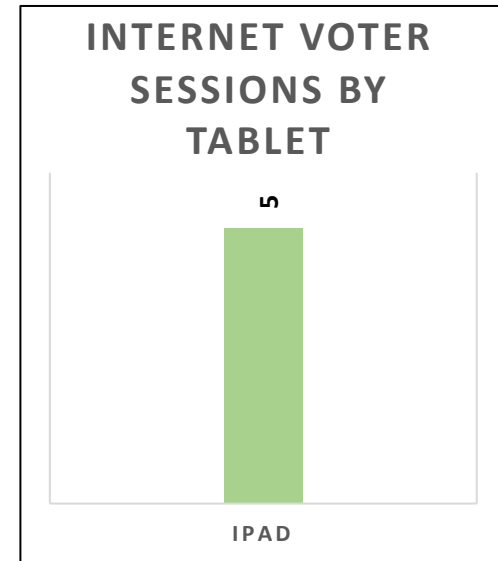
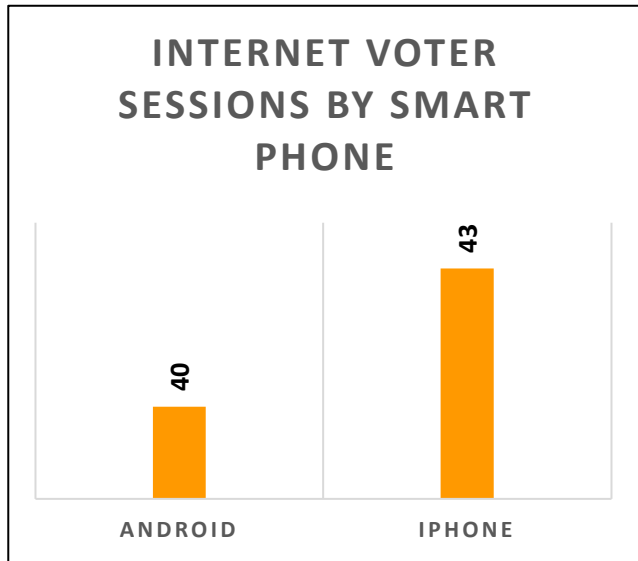
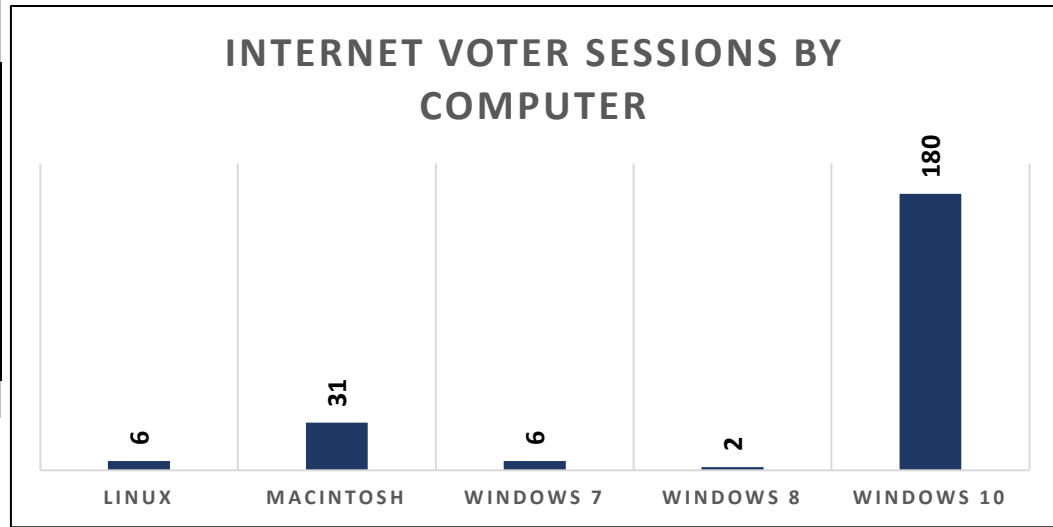
2022 Calvin Municipal and School Board Elections Voting Time Breakdown

Date & Time	14-Oct	15-Oct	16-Oct	17-Oct	18-Oct	19-Oct	20-Oct	21-Oct	22-Oct	23-Oct	24-Oct	Grand Total	%/Hr.
12:00 AM												0	0.0%
1:00 AM												0	0.0%
2:00 AM												0	0.0%
3:00 AM												0	0.0%
4:00 AM												0	0.0%
5:00 AM					2						2	4	1.1%
6:00 AM											4	4	1.1%
7:00 AM			1		1						2	4	1.1%
8:00 AM			1	3	1						2	7	2.0%
9:00 AM	4	3		1	4		1	5	2	1	4	25	7.0%
10:00 AM	10			9	3	5		4	1		2	34	9.5%
11:00 AM	5	2		2	2	2		3	2	4	18	40	11.2%
12:00 PM	5			9	2	1	3	7	1		9	37	10.3%
1:00 PM	4		3	7		2		5	1	3	5	30	8.4%
2:00 PM	7	1		3	4	2	3	4		1	7	32	8.9%
3:00 PM	3	3	1	6		1	3	2			6	25	7.0%
4:00 PM	1	3	2	3	5		1	1			8	24	6.7%
5:00 PM	1	2	4	6		2	1	1			12	29	8.1%
6:00 PM			2				2		1	3	14	22	6.1%
7:00 PM		1	2	2	2					7	5	19	5.3%
8:00 PM	5			1		3			1	4		14	3.9%
9:00 PM								2				2	0.6%
10:00 PM							4	1				5	1.4%
11:00 PM						1						1	0.3%
Grand Total	45	15	16	52	26	19	18	35	9	23	100	358	
%/Day	12.6%	4.2%	4.5%	14.5%	7.3%	5.3%	5.0%	9.8%	2.5%	6.4%	27.9%		

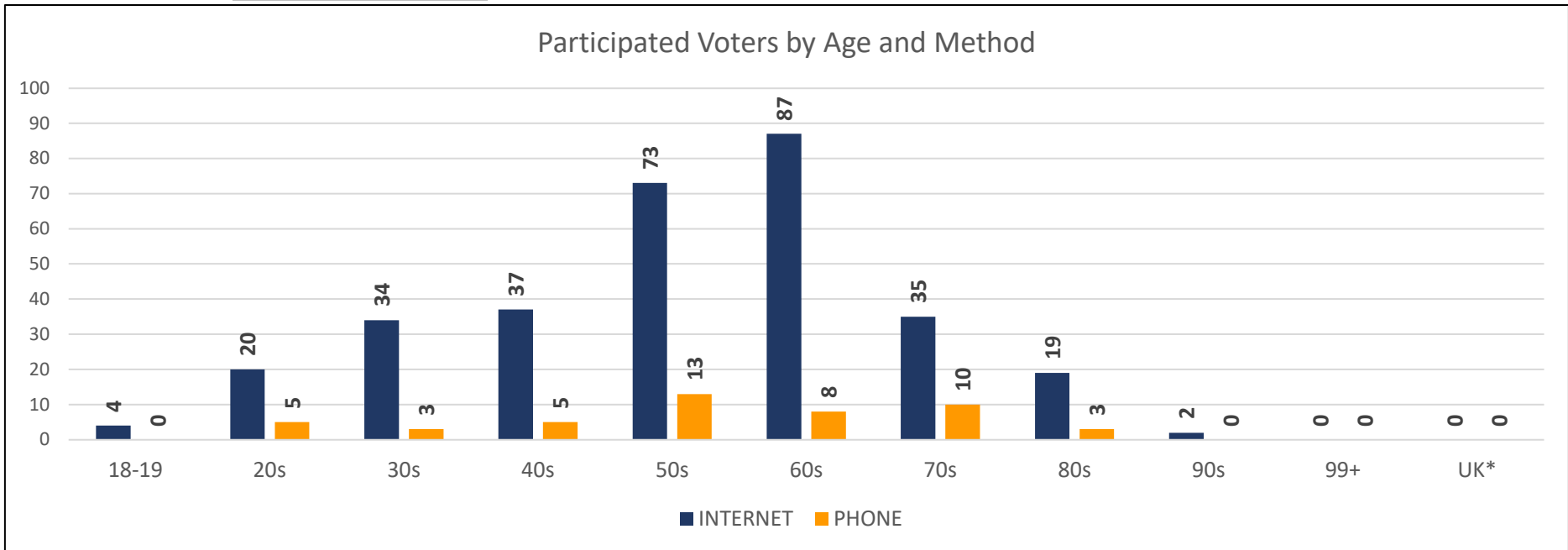
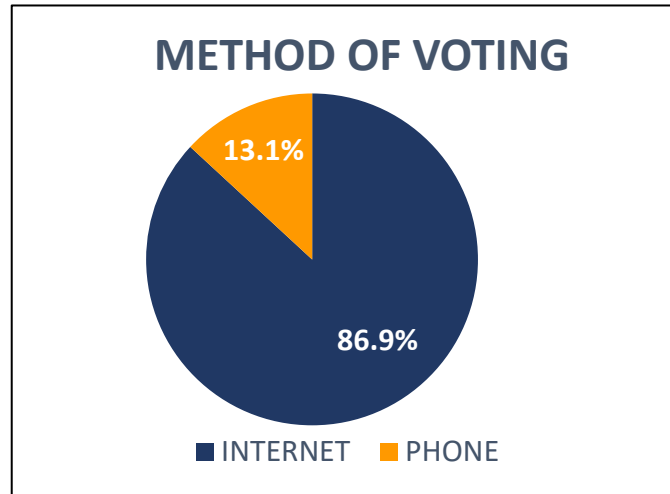
2022 Calvin Municipal and School Board Elections Voting Time Breakdown



Device	Operating System	Voter Sessions	%
Computer	Linux	6	71.9%
	Macintosh	31	
	Windows 7	6	
	Windows 8	2	
	Windows 10	180	
Smart Phone	Android	40	28.1%
	iPhone	43	
Tablet	iPad	5	
Total		313	



Age Breakdown of Who Voted					
Age	ELIG.	VOTED	INTERNET	PHONE	% Part.
18-19	6	4	4	0	66.7%
20s	48	25	20	5	52.1%
30s	82	37	34	3	45.1%
40s	81	42	37	5	51.9%
50s	147	86	73	13	58.5%
60s	149	95	87	8	63.8%
70s	63	45	35	10	71.4%
80s	31	22	19	3	71.0%
90s	8	2	2	0	25.0%
99+	0	0	0	0	0.0%
UK*	16	0	0	0	0.0%
Total	631	358	311	47	56.7%
			86.9%	13.1%	



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Mayor Ian Pennell and Councillors
Municipality of Calvin, ON

November 7, 2022

Re: Discontinuation of E4m Integrity Commissioner Services for
Calvin Township

First and foremost, we wanted to take this opportunity to thank you for your continued support of E4m over many years of service to your municipality. It was our pleasure to be involved in the municipal operations of your community and we certainly hope it was mutually beneficial.

Unfortunately, due to a variety of circumstances, we are providing you formal notice today, through this letter, respecting the discontinuation of Integrity Commissioner Services related to the Municipality of Calvin as of December 31, 2022. I have advised the Mayor Elect that it is integral to the relationship between Council and the Integrity Commissioner that there be trust and respect and without that, it erodes the effectiveness of the statutory office of the Integrity Commissioner. After much consideration, E4m has taken this step as we believe it is in the best interests of the Municipality of Calvin.

Please feel free, without further notice, to move forward with the recruitment of a new Integrity Commissioner for your Municipality.

We would be remiss in our communication to you today if we did not take this opportunity to highlight some of the important areas that we, at E4m, felt necessary to bring to the attention of your incoming Council as well as your new Integrity Commissioner. With the intent of continuing to utilize integrity, transparency and accountability as our guiding principles, we believe it is our obligation, to document these issues for all parties involved in the future operations of the Municipality of Calvin.

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As a provision of our services to the communities that we currently are contractually engaged with across Ontario, we at E4m, ensure that applicable training on the potential infractions to the *Municipal Conflict of Interest Act* and respective *Code of Conduct* is completed. We strongly recommend to the Municipality of Calvin that in-coming Council takes every necessary training-related opportunity on the above. The training will be a necessary tool to ensure that Council fully understands their fiduciary and sworn role in the governance of the Municipality without the costs of potential inappropriate behaviour in the future.

Secondly, and of specific note to the Municipality of Calvin, we list the following perceived precautions as a note to your new Integrity Commissioner. By way of copy of this letter, we will be forwarding these recommendations to both Mayor and Councillors elect as well as the new Integrity Commissioner.

1. Note that one of the new Council members previously resigned his Council seat on the current Council shortly after being reprimanded by Council for contraventions of both the Code of Conduct and the MClA.
2. We have been made aware of a Ministry of Labour order requiring investigations be made regarding alleged contraventions of the *Occupational Health and Safety Act* by two (2) candidates, one of whom has now been elected and this may require the newly elected Council to provide additional training.
3. Complaints, registered with E4m as Integrity Commissioner, will be forwarded by E4m to the new Integrity Commissioner after their appointment to provide some history and continuity.
4. As with many small communities, family of Council members may apply for positions within Calvin's paid administration. Great care must be taken to avoid new cases of accusations of conflict of interest being brought to the Integrity Commissioner respecting unethical behavior related to the administrative operations of the Municipality of Calvin should this situation occur.

..3

5. Members of the community have registered and filed public documents in court regarding harassment and the on-going bullying. These should be taken very seriously as the Ontario Provincial Police are involved with the on-going legal and court proceedings of those members.
6. There should be very close scrutiny of the ethical policies adopted by the Municipality of Calvin to ensure Council is aware of their obligations to avoid Council members taking the opportunity for personal gain from transactions related to the provision of municipal services, the awarding of municipal contracts and other administrative practices wherein the member of Council may receive a personal benefit.

These are just a few of the precautions that are being highlighted in this letter and we strongly urge this Council to ensure that the new Council members are fully made aware of these concerns.

As stated above, E4m, will ensure that these recommendations are passed on independently of Council to the new Integrity Commissioner.

Thank you again, for your years of support and engagement and we wish you all the best in your own personal path forward.

Best Regards,



Peggy Young-Lovelace
President

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-066

BEING A BYLAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

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.

Preamble

Council for the Corporation of the Municipality of Calvin ("Council") acknowledges that many of the decisions it makes during a meeting of Council, regular, special, or otherwise, are done by resolution. Section 5 (3) requires that Council exercise their powers by Bylaw.

Council further acknowledges that the passing of resolutions are more expedient than adopting Bylaws for each decision.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Corporation to confirm its decisions by way of Confirmatory Bylaw.

Direction

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

1. The Confirmatory Period of this By-Law shall be for the Regular Council Meeting of November 8, 2022.
2. All By-Laws passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
3. All resolutions passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
4. All other proceedings, decisions, and directives of the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
5. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2022-353 this 8th Day of November 2022.

Mayor

Municipal Clerk