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■ COUNCIL ORIENTATION

TOWN OF AURORA

LAND ACKNOWLEDGEMENT



The Town of Aurora acknowledges that the Anishinaabe lands on which we live and work are the traditional and treaty territory of the Chippewas of Georgina Island, as well as many other Nations whose presence here continues to this day. As the closest First Nation community to Aurora, we recognize the special relationship the Chippewas have with the lands and waters of this territory. They are the water protectors and environmental stewards of these lands, and as a municipality we join them in these responsibilities.

We further acknowledge that Aurora is part of the treaty lands of the Mississaugas and Chippewas, recognized through Treaty #13 as well as the Williams Treaties of 1923.

A shared understanding of the rich cultural heritage that has existed for centuries, and how our collective past brought us to where we are today, will help us walk together into a better future.



Message from the CAO

Congratulations on your recent election to Aurora Town Council!

I sense a great deal of optimism and energy as we head into this new term of Council. I share this optimism with you, and I am looking forward to working together as a team on the key priorities that matter to Aurora residents.

This binder is meant to act as a reference guide for you over the Council term. Whether you are new to Council or returning, there is a breadth of key information here regarding your role, duties, Town by-laws, policies, procedures and the role of the administration.

The contents have been carefully organized by staff into different categories, including Governance, Human Resources, Legal, Fiscal Overview and Planning 101. In addition, you will find information on service responsibilities, the structure of the Town, and an overview of each department's responsibilities. We have also included Key Considerations facing each business area in the departmental overviews, which paints a picture of some of the important work we have ahead of us. This includes the S.A.R.C. Gymnasium expansion, the greening of our fleet, Smart City strategy development, and the rollout of new financial systems that will create internal efficiencies and service improvements for residents, to name just a few.

If you have questions about the information contained within this binder, or any other municipal or Council matter, please do not hesitate to contact me directly.

On behalf of Team Aurora, I look forward to working with you over the next four years as we continue to make Aurora an incredible place to live, work and play.

Sincerely,

A handwritten signature in cursive script that reads "Doug Nadorozny".

Doug Nadorozny

Chief Administrative Officer

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■ CORPORATE AND DEPARTMENTAL OVERVIEW

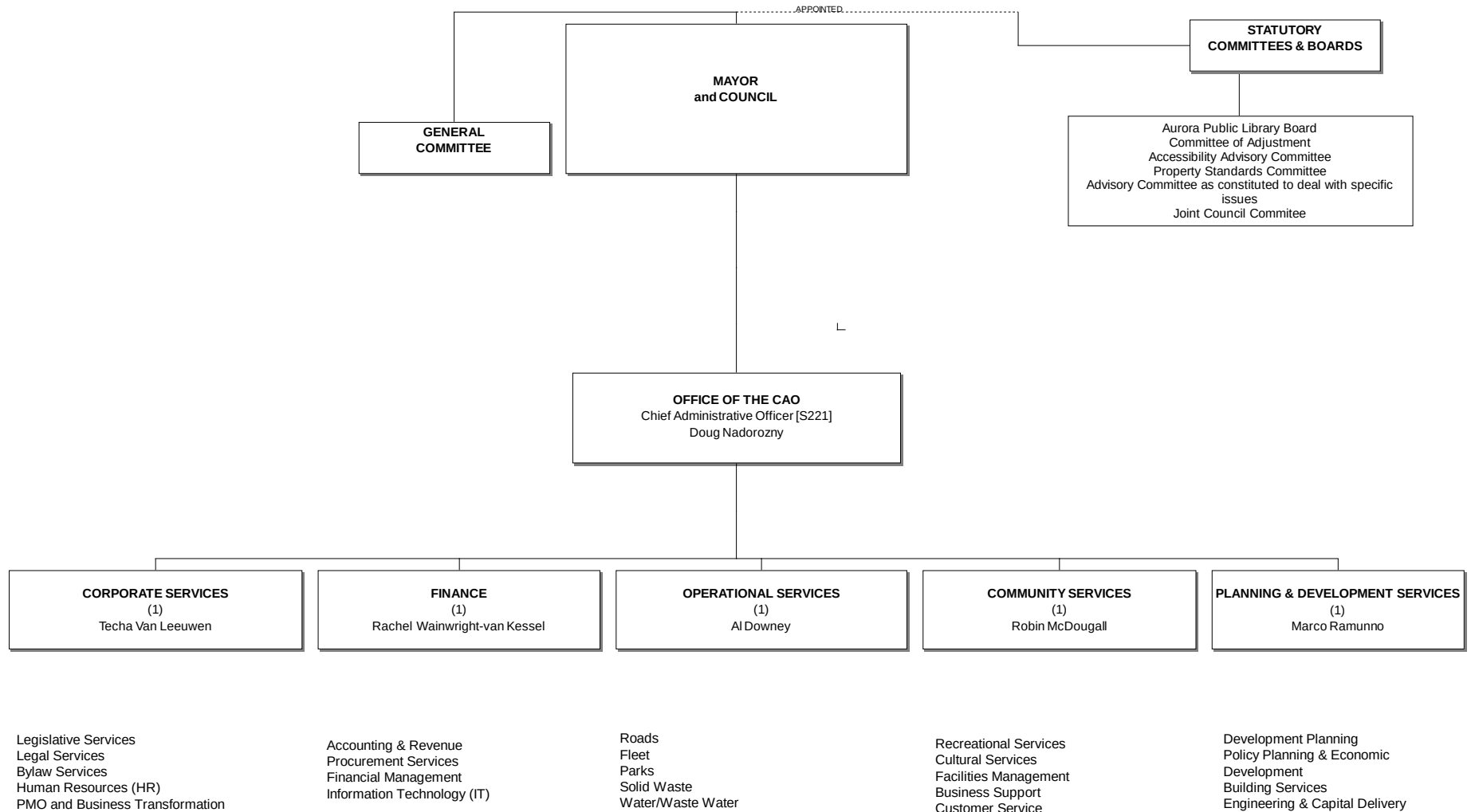


SERVICE RESPONSIBILITIES

Function	Region of York	Town of Aurora	Shared Responsibility
9-1-1 Emergency Number Systems	●		
Building Standards		●	
Emergency Planning			●
Financial Management		●	
*Fire Protection		●	
Health	●		
Libraries		●	
Licensing		●	
Municipal Hydro Electric Service	(Alectra Utilities)		
Social Housing	●		
Parks		●	
Planning and Development			●
Police	●		
Leisure Services & Community Centres		●	
Roads & Traffic			●
Sewage Collection		●	
Sewage Treatment	●		
Social Services	●		
Waste Management & Recycling			●
Tax Collection		●	
Transit	●		
Special needs transportation	●		
Water Distribution		●	
Water Supply	●		

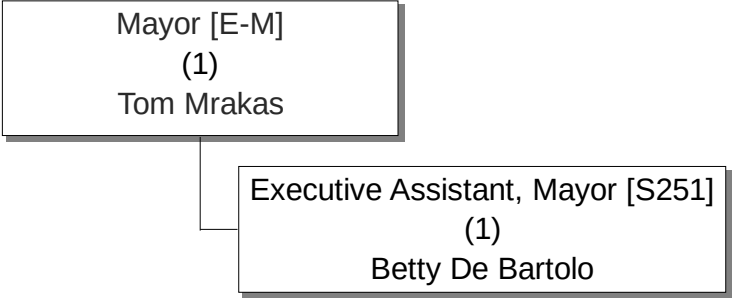
*Central York Fire Services (Town of Aurora and Town of Newmarket)

TOWN OF AURORA - MUNICIPAL ADMINISTRATION 2022



TOTAL FTE ORG HEADCOUNT
Approved: 249
Actual: 237

TOWN OF AURORA - MUNICIPAL ADMINISTRATION
OFFICE OF THE MAYOR
2022



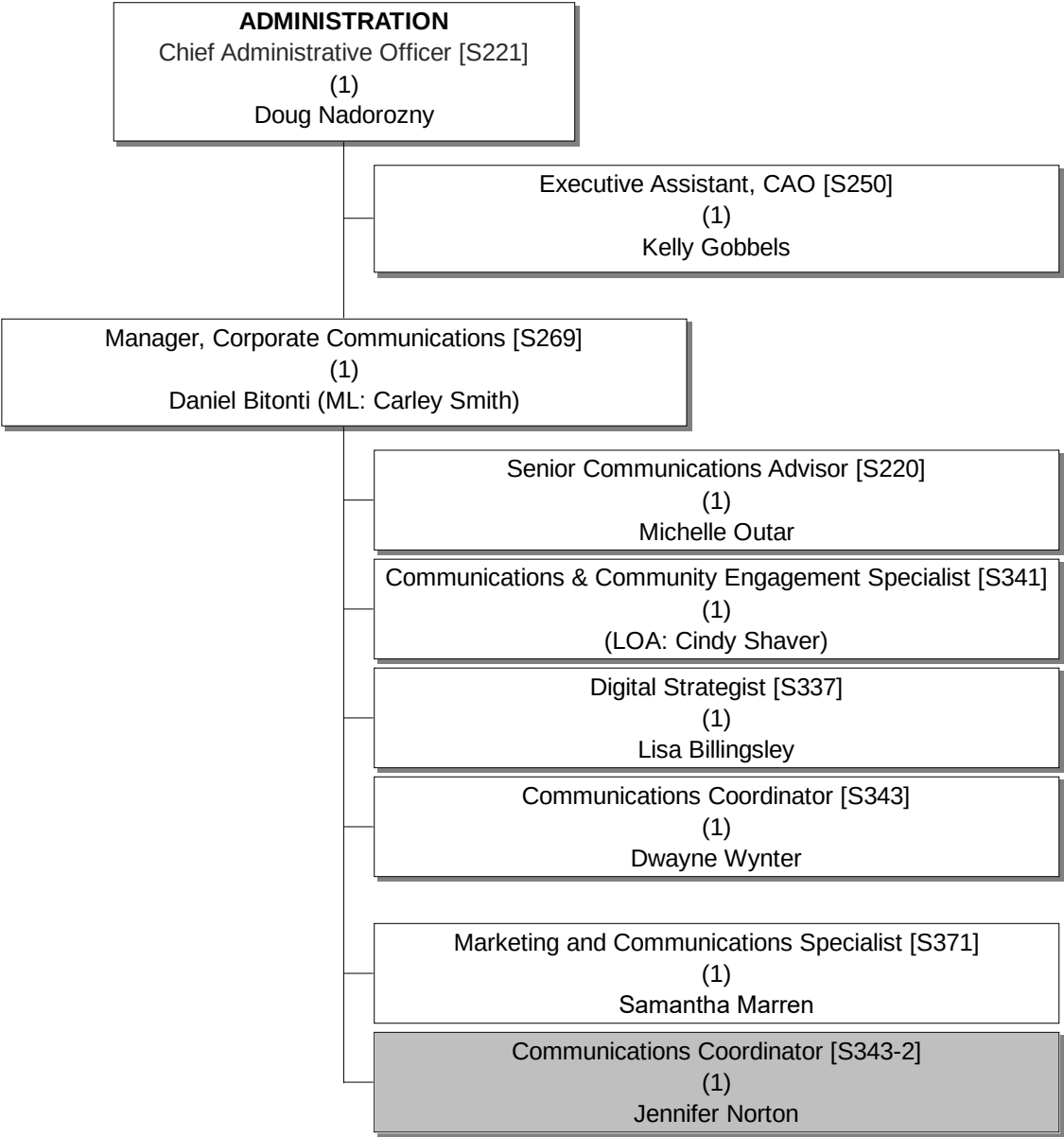
TOTAL FTE HEADCOUNT
Approved: 2
Actual: 2



■ OFFICE OF THE CAO



TOWN OF AURORA - MUNICIPAL ADMINISTRATION
ADMINISTRATION (Office of the CAO)
2022



TOTAL FTE HEADCOUNT
Approved: 7
Actual: 7
= contract

Office of the CAO

Doug Nadorozny - Chief Administrative Officer

The Office of the CAO is dedicated to providing leadership that supports the policies and programs of Council and drives the organization forward. With values rooted in fiscal responsibility, sound management principles and community engagement, our focus continues to be on ensuring the Town has efficient and effective systems in place to support the responsible growth of Aurora. The Office of the CAO includes Corporate Communications which is headed by a manager reporting to the CAO. Below is an overview of the key functions of the Office of the CAO.

- Corporate leadership and support, including chairing the Executive Leadership Team
- Key liaison to Council
- Effective and efficient administration
- Effective advice to Council, responding to Council's requests for assistance and implementing Council's policies
- Leadership on all large projects across the organization, including the successful completion of the Aurora Town Square project as well as the expansion to the Stronach Aurora Recreation Complex
- Provides direction on all COVID-19 related policies and programs
- N6 (Northern Six Municipalities of York Region) coordination and implementation

Corporate Communications

- Corporate communications strategy
- Community engagement
- Digital strategy/social media/online services, including maintenance of website
- Advertising, branding and marketing
- Corporate events
- Issues management
- Media relations

KEY CONSIDERATION

DEPARTMENT: Office of the CAO
Issue: Implementation of additional Service Delivery Review recommendations
Background: In 2021, The Town of Aurora engaged StrategyCorp to conduct a Service Delivery Review (SDR), focusing on the services that residents use in their day-to-day lives while also driving ongoing efficiencies, innovation, and cost savings. The Office of the CAO has already led several initiatives stemming from the SDR, including several key organizational realignments in 2022. This included moving Access Aurora from Corporate Services to Community Services, and IT from Corporate Services to Finance. These changes have already created the kinds of synergies needed for the Town to operate as efficiently as possible. While many of the recommendations in the SDR impact individual departments, the Office of the CAO will continue to provide strategic advice on all significant organization-wide initiatives.
Impact: The impact of implementing SDR recommendations are wide-ranging, and include: providing better clarity on the services that the Town provides and articulating their value; validating that Aurora is providing the right services and whether it should provide new ones; identifying where service levels and key objectives need to be set and documented and how they currently compare to peers; gaining the resident perspective on the services provided; better informing further discussions on organizational capacity and how departments should collaborate to achieve service levels; better understanding growth and future resource needs; and informing disaster recovery and business continuity planning.
Current Status and Future Activities: Ongoing discussion at ELT to identify new ways to increase cross-departmental collaboration and possibly more organizational realignments in the coming years. Continuing to provide strategic advice to the Project Management Office on organization-wide transformation projects. This includes our Measure What Matters project, which implements a new goal-setting framework with cutting-edge technology.
Contact: Doug Nadorozny, CAO, dnadorozny@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Office of the CAO – Corporate Communications
Issue: Resident Satisfaction Survey
Background: In 2021, Council directed the CAO's office to develop and deploy a statistically relevant Resident Satisfaction Survey, the first one that the Town has undertaken in more than 15 years. However, because of the pandemic, the survey was pushed back to 2022, following the election. Forum Research has been selected to lead the survey, as they are a leader in working with municipalities on these types of projects. The results of the 2022 survey will provide a baseline to track our progress in future surveys.
Impact: The purpose of the survey is to give residents an opportunity to provide feedback on the issues that are most important to them. Residents will be asked their opinions on: • Perceived quality of life in the Town • Top of mind issues • Level of satisfaction with programs, services and communication provided by the Town • Perceptions and expectations concerning specific municipal planning priorities • How they would like to receive information and preferred ways of engagement in the future Importantly, the survey results will serve as a tool to inform future priorities for Council and all Town departments.
Current Status and Future Activities: Randomized telephone interviews are currently being conducted, with the target being 800 completed interviews. An online survey, to give residents who weren't called a chance to provide feedback, will go out the week of December 5, with the survey open until December 16. The Communications team will be promoting the survey through its normal communications channels. A full report on the results of the survey will come to Council in early 2023.
Contact: Daniel Bitonti, Manager of Corporate Communications, dbitonti@aurora.ca , 289-879-8395

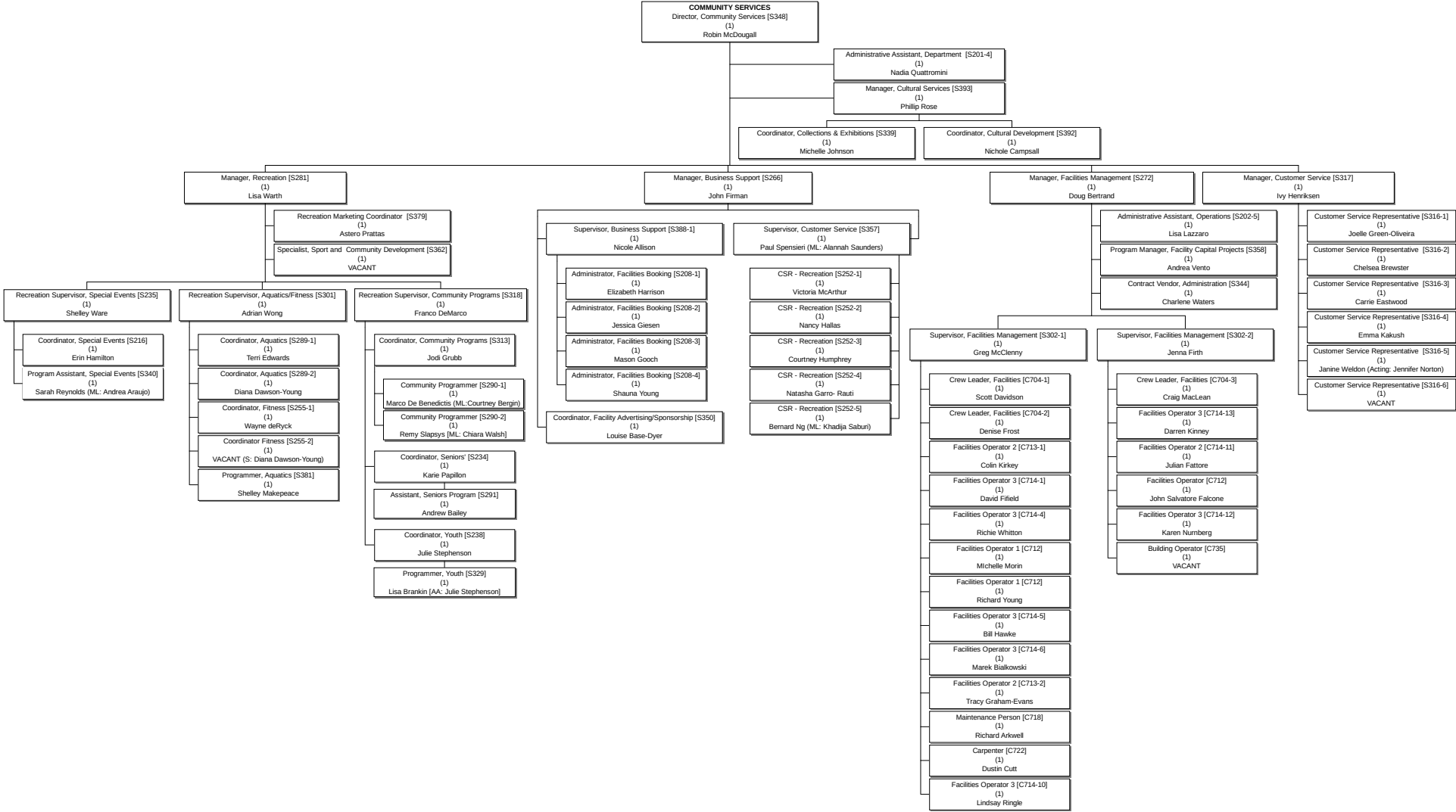
KEY CONSIDERATION

DEPARTMENT: Office of the CAO – Corporate Communications
Issue: Communications Strategic Plan
Background: The Office of the CAO, through Corporate Communications, will develop and implement a new Communications Strategic Plan. Communications was set to develop this plan in 2021/2022, but this project was delayed due to COVID. Communications will work with a third-party consultant who can provide critical insights into the effectiveness of our current communications activities and what other tactics we should be employing.
Impact: The impact of this project is significant not only for Corporate Communications, but all departments, as it will help inform the types of communications tactics we should be focusing on to promote all Town services, programs and events. The decisions on what tactics we prioritize, and what tactics should be added, will be based on an in-depth analysis of social media data, results of the Resident Satisfaction Survey and emerging digital trends. This will ensure communications materials are reaching our target audiences on the right channels.
Current Status and Future Activities: The initial work on the Communications Strategic Plan will begin in December 2022, with Corporate Communications currently in the process of selecting a reputable consultant with experience in creating dynamic communications plans for municipalities. A working draft of the strategic plan is slated to be done in the first few months of 2023, with implementation in Q2 of 2023.
Contact: Daniel Bitonti, Manager of Corporate Communications, dbitonti@aurora.ca , 289-879-8395



COMMUNITY SERVICES





Community Services

Robin McDougall, Director

The Community Services department is dedicated to ensuring our community has access to high-quality facilities and programs through the promotion of a healthy, active lifestyle for all Aurora residents. Facilities, recreation, sports, fitness, cultural and social programs are all managed with the aim of encouraging the greatest possible public participation. We are responsible for providing activities for current residents while planning for growth and development of new facilities. Below is an overview of the services and programs Community Services provides:

Business Support Services

- Reception/customer service at community centres
- Registration services
- Facility advertising
- Facility sponsorship
- Facility rentals:
 - ice, parks, playing fields, banquet halls & meeting rooms
- Department legal agreements
- Department financial services

Recreation Services

- Pre-school programs
- Children's programs
- Youth programs
- Adult programs
- Aurora Seniors' Centre & seniors programs

- Camp programs
- Birthday party & PA day programs
- Aquatics – recreational & instructional
- Club Aurora Fitness Centre
- Community special events & corporate sponsors
- Integration services & leisure buddies
- Community partners & volunteers
- Corporate Automated External Defibrillator (AED) Program

Facilities Management

- Facility operations, maintenance and repair of all Town Facilities including Recreation Centers, Soccer Dome, Town Hall, Joint Operation center, Yonge Street Plaza, Town Square, Armoury and others
- Project Management including capital asset replacement, upgrades, renovations and new construction
 - o Major Projects- Aurora Town Square, SARC Gymnasium addition
- Accommodation, space and furniture Planning
- Capital planning, operations budget development and forecasting
- Lease administration and management
- Contract administration, maintenance and service vendors

Customer Service – Access Aurora

- Greet all visitors entering Town Hall & Joint Operations Centre
- Single point of contact for general inquiries, Town general email & fax
- Corporate call centre (telephony) for all service channels
- Cashiering and posting of payments, including tax and water and EFT bank payments made to Town of Aurora from financial institutions
- Commissioner of Oath Services for residents/businesses

- Municipal civil ceremony wedding services
- Corporate mail sort and distribution
- Issuance of lottery licenses, marriage licenses, & burial permits
- Issuance of road closure permits for parades/street parties/events
- Issuance of municipal letters for liquor license applications (AGCO)

Cultural Services

- The mission of the Aurora Museum & Archives is to serve as a repository for the collective stories and experiences of the Town of Aurora. We are committed to preserving, promoting and presenting the vibrant and ever-changing character of the Town by making our collection accessible and available
- Developing, preserving and interpreting collection of more than 16,000 objects, including artifacts, photographs, textiles, books and documents
- Developing connections and partnerships with local community groups to create cultural experiences
- Implement the Cultural Action Plan and finalize the Public Art Master Plan and Policy
- Manage Aurora Town Square program development, business planning, community partnerships, and governance review

KEY CONSIDERATION

DEPARTMENT: Community Services
Issue: Various recreation and culture plans
Background: The Parks and Recreation Master Plan (PRMP) is updating the recommendations (from the previous plan) to the long-term needs for recreation programs, services and operations in order to align with the growing and changing population. The Cultural Action Plan (CAP) provides a roadmap for nurturing arts and culture in Aurora over the short to medium term. It includes actions aimed at leveraging local cultural resources, growing the cultural sector, contributing to downtown revitalization, and building community cohesion. The first-ever Public Art Master Plan (PAMP) is being developed. This strategic document will act as a roadmap for years to come, setting direction for public art in Aurora and enhancing the impact of current efforts. A strong public art program will foster creativity and innovation in our community, share our collective histories and animate our public spaces.
Impact: The results of these plans will help guide Council and the community of future priorities. All of these plans are being completed with community consultation, Council input and staff experience.
Current Status and Future Activities: PRMP – consultation is just wrapping up; the next phase is preparation of the draft plan for review. The targeted completion date for the new PRMP is Spring 2023. CAP - staff have completed the research phase and are winding down the public engagement stage. The next step is to draft the CAP, the target completion date for which is mid-2023. PAMP – the background analysis and external engagement has taken place; the next phase is the plan and policy Development stage. The targeted completion date is early 2023.
Contact: Robin McDougall, Director of Community Services 905-726-4717 or rmcdougall@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Community Services
Issue: SARC Gymnasium Addition
Background: The Parks and Recreation Master Plan recommended the consideration of a gymnasium and multi-purpose program space at the SARC. Following consultation with the community, local sports groups and internal staff, a report was brought to Council presenting options for a single and double gymnasium at the SARC location. Due to site constraints and environmental impacts (located adjacent to protected lands), a single gymnasium design was approved to proceed to tender.
Impact: The additional gymnasium will provide space to accommodate Aurora's growing population and provide additional program space at the SARC which currently is missing a typical multi-use facility. With only one other municipal gymnasium located at the AFLC, there is high demand for indoor sports courts and for space that services general recreation programs. Often participants are placed on a waitlist or rentals are turned away due to lack of availability. With the SARC gymnasium designed with versatility in mind (high school sized gym, divisible), it will support many of our sports groups and community interests.
Current Status and Future Activities: With Council approval to issue the tender, staff have been working with the consultants to finalize the design specifications and final cost estimate. First step in the tendering process is to carry out the pre-qualification of the general contractor followed by the issuance of the tender. Provided the tender results are within budget, the construction is anticipated to mobilize in the spring of 2023.
Contact: Robin McDougall, Director of Community Services 905-726-4717 or rmcdougall@aurora.ca

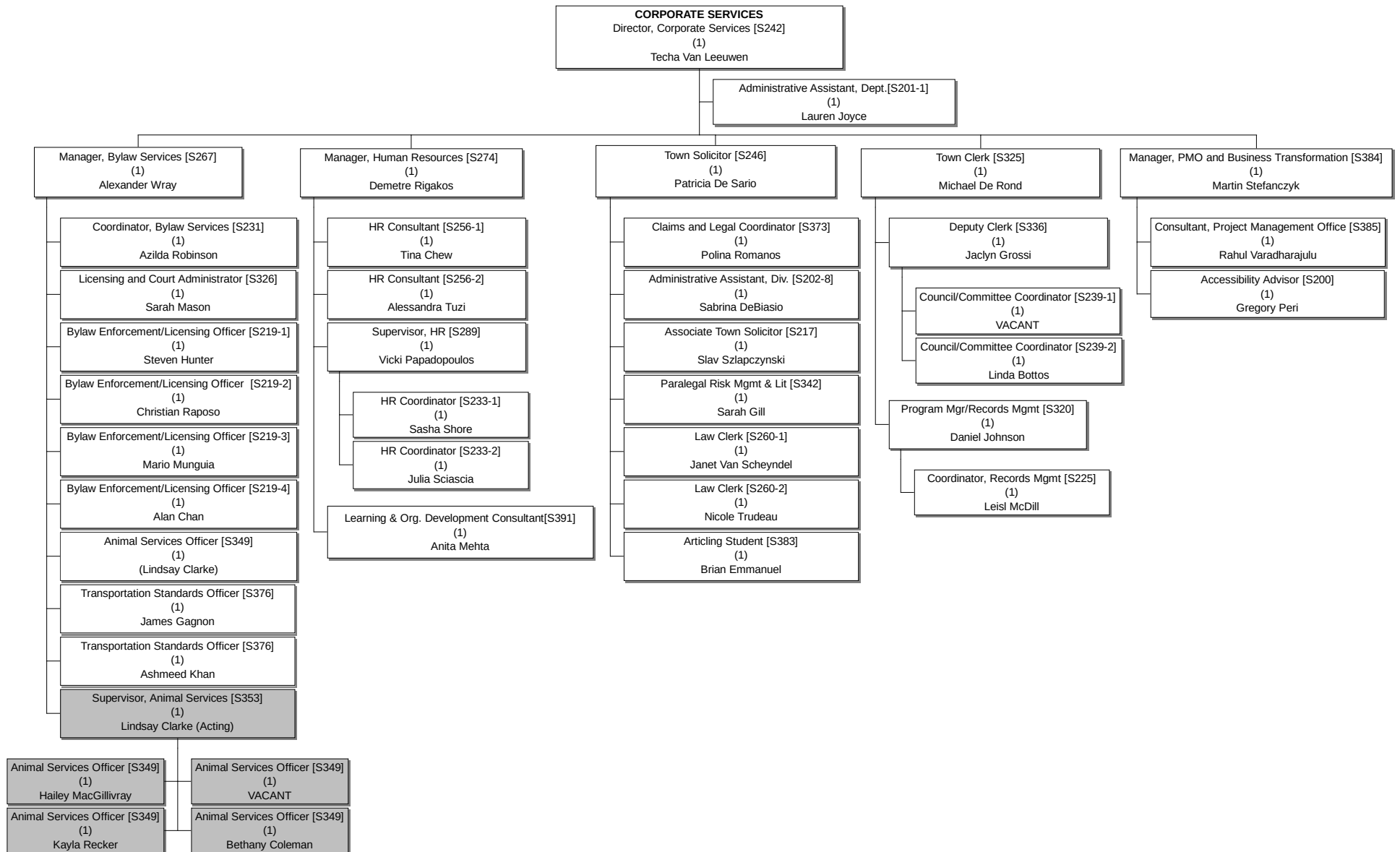
KEY CONSIDERATION

DEPARTMENT: Community Services
Issue: Aurora Town Square
Background: The Aurora Town Square Project is the largest capital infrastructure project the Town has ever embarked on and will serve as a catalyst for downtown revitalization. The full scope of the project includes: • A 32,000 square foot addition to the Church Street School that features performance space, visual arts studios, museum storage and curatorial space, multi-purpose dance studio, program rooms, café and catering kitchen. • A vibrant open-air square featuring amphitheatre, water feature, skating loop and seating areas. • An enclosed pedestrian link between the new facility and existing public library, with accessible connection to Yonge Street and downtown. • New library programming space and rooftop reading garden. • Construction began in the fall of 2020 with a completion date of 2023.
Impact: The addition of a community space like Aurora Town Square will contribute to local economic activity and the growth of Aurora's creative sector.
Current Status and Future Activities: Construction commenced fall 2020. First phase of the project was opened to the public in October 2022 which includes the addition of program rooms, renovation of existing programs rooms, addition of an outdoor reading garden, boardroom overlooking Yonge St. and a new façade on the entrance to the library (including an elevator). Construction of the outdoor square, bridge and addition on 22 Church Street school is anticipated to be complete in 2023. Final governance model decisions will be presented for Council approval and implementation in anticipation of the facility opening to the public.
Contact: Robin McDougall, Director of Community Services 905-726-4717 or rmcdougall@aurora.ca



■ CORPORATE SERVICES





TOTAL FTE HEADCOUNT
Approved: 36
Actual: 35

= Contract Role

Corporate Services

Techa van Leeuwen, Director

Corporate Services provides effective and efficient administrative support and customer service to the Corporation, Council, Committees and the Community. This department is also responsible for strategic initiatives and business transformation that drive organizational excellence and innovation in support of being a progressive community with small town charm. Below are the services that Corporate Services provides:

Legislative Services

- Secretariat services and support to Council and its appointed committees in compliance with the Municipal Act
- Records management and administration of the Town's Records Classification and Retention By-law
- Oversight of processing Freedom of Information requests under the Municipal Freedom of Information and Protection of Privacy Act
- Lead and Coordinate Municipal elections

Legal Services

- Legal advice, interpretations and opinions to the Corporation and Council
- Manages insurance claims and the Risk Management Program
- Legal representation, advice and direction pertaining to the Town's services and operations
- Preparation, review and interpretation of agreements for the provision of goods and services by and for the Town
- Preparation, review and interpretation of Town by-laws
- Planning and development and real estate services
- Provides legal representation in litigation and administrative tribunal matters

Human Resources

- Attracting, recruiting, training and retaining talent
- Compensation and benefits
- Occupational Health and safety and workplace wellness
- Labour relations and negotiations (CUPE)
- Oversight of Emerging legislation for workplaces as outlined in the Employment Standards Act
- Client department support and strategic corporate advice related to employees

Bylaw Services

- Parking control
- Property standards
- Clean Communities
- Noise
- Business licensing, mobile and stationary
- Animal licensing and control
- Administrative Monetary Penalty System
- Enforcement support for other departments

Project Management Office and Business Transformation

- Home of the Project Management Office, Strategic Initiatives and Special Projects
- Continuous quality improvement
- Excellence Canada
- Development and oversight of objectives and key results, the goal-setting framework for our Measure What Matters program
- Accessibility, diversity and inclusion
- Emergency management

KEY CONSIDERATION

DEPARTMENT: Corporate Services
Issue: Risk Management Program
Background: The Town's Administrative procedure for insurance and risk management was implemented in 2001. The Policy framework is outdated and requires an update to ensure good governance for the Corporation. In 2021, the Town retained a consultant to develop a new risk management policy and enterprise risk management framework. On October 5, 2021 staff report CS21-073 was brought forward to General Committee. The consultant also presented to Council to provide an overview of the work conducted and the importance of an enterprise risk management framework. The report was referred back to staff to consider the comments from around the Council table. One of the concerns raised was the lack of engagement with Council throughout the process as they wanted to provide input to ensure all risks are properly identified. A capital project was included in the 2022 budget for the second phase of the project to develop procedures and processes related to the new risk management policy. The capital project was approved on the condition that staff report back to Council on the Risk Management Policy for approval prior to moving forward with the second phase.
Impact: The key benefits to an enterprise risk management framework are as follows: • Risk awareness – an enhanced understating of risks and related controls • Resource allocation – cost effective risk mitigation priorities are defined • Dependencies – improved appreciation of internal organizational dependencies • Proactivity – risk issues are identified earlier • Communication – practical and useful basis for reporting on risk • Risk culture – creating transparent, inclusive, integrated and systematic approach to risk management to improve decision making at all levels • Continuous improvement – progressively enhanced processes and procedures, risk assessment and decision making skills at all levels of the organization
Current Status and Future Activities: The Town is currently working with a consultant to develop a business continuity management program. The consultant provides insurance and risk management services as well and will assist with next steps to move forward with this project including engaging with Council. This activity is planned for the first quarter of 2023.
Contact: Techa van Leeuwen, Director of Corporate Services, 905-726-4748

KEY CONSIDERATION

DEPARTMENT: Corporate Services
Issue: Modernization of Town By-laws
Background: Over the last two years, Bylaw Services has been reviewing and modernizing Town bylaws that have been in existence for many years and not meeting community expectations and needs as the Town has grown significantly over the years. In November of 2021, a motion carried as follows: That staff report back with a modernized review of the Property Standards By-law. The Property Standards By-law is currently under review with Bylaw Services and Legal Services and is expected to be presented to Council in the first quarter of 2023. Going forward By-law Services will continue to ensure our By-laws are meeting the needs of our residents and business communities. Also, as we implement the Administrative Monetary Penalty System (AMPS) in a phased approach starting with Parking infractions and then transitioning other By-laws to AMPS, we may need to amend some by-laws to include AMPS provisions. Benefits of AMPS are improved customer experience, reduced court backlog, reduced dispute rate, more efficient use of staff time and court resources.
Impact: Review and modernization of Town by-laws will ensure we are meeting community needs and expectations and ensure we are providing services that make people proud to call Aurora home.
Current Status and Future Activities: The Property Standards By-law is expected to be presented to Council in the first quarter of 2023. AMPS will be implemented for parking in February of 2023. In the second quarter of 2023, staff will transition other by-laws that have been modernized and include the AMPS provisions then staff will consider the next phase of AMPS implementation. One by-law that will require significant review and updating is our Business Licensing B-y-law which will include possibly licensing tow trucks and other mobility services such as Uber and Lift. The Sign By-law will also be reviewed and updated for election signs in 2023. The Fireworks B-y-law is also under review to ensure we are a more inclusive community for cultural events such as Diwali.
Contact: Techa van Leeuwen, Director of Corporate Services

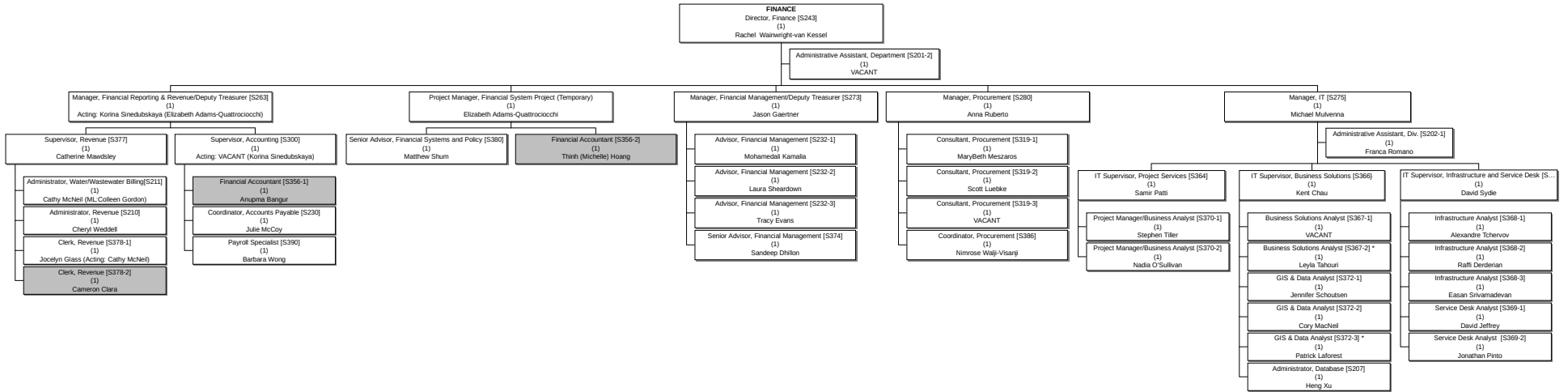
KEY CONSIDERATION

DEPARTMENT: Corporate Services
Issue: Town-Wide Parking Strategy
Background: Over the years, parking has continued to create challenges for businesses and residents. As part of the Aurora Town Square project, a consultant was retained and completed a transportation study specific to parking in and around Aurora Town Square. Over the last term of Council, staff were hoping to complete a Town-wide parking strategy to meet community needs. Unfortunately, due to workload and other priorities, the development of a parking strategy did not occur. Bylaw Services continues to experience an increase in parking infractions.
Impact: With the possibility of Bill 23 "More Homes Built Faster Act" coming into effect in the near future, there may be further impacts on parking across the Town. Bylaw Services will work with the Town's traffic analyst to engage with our community and partners to develop a comprehensive Town-wide parking strategy.
Current Status and Future Activities: Planning and Development Services has included a capital project for 2024 to retain a consultant to assist with the development of the strategy.
Contact: Director of Corporate Service, 905-726-4748 or Director of Planning



■ FINANCE





Finance

Rachel Wainwright-van Kessel, Director/Treasurer

The Finance department provides governance and leadership in finance, budgets, technology, and procurement for the Town of Aurora. The department works with both internal and external clients to support the Town's financial and technological goals. Internally, Finance provides strategic financial advice to help the achieve both short and long-term goals and implements new technology to support modernization. Finance also has a governance role to ensure regulatory requirements are met under the Municipal Act, Public Sector Accounting Board standards and the Procurement B-law. Below is an overview of the services provided by the Finance department.

Treasurer Office

- Provide strategic financial advice to Council
- Financial policy and direction for staff
- Long-term financial sustainability (Fiscal Strategy)
- Lead financial reporting
- Procurement policy
- Technology initiatives, infrastructure & cyber security
- Lead continuous improvement and automation

Financial Management

- Budgeting, forecasting and variance reporting
- Fiscal strategy and financial policy
 - Capital planning (Asset management planning and reporting)
 - Reserve Management (Policy and forecasting)
 - Debt Management (Policy and debt forecasting)
 - Revenue Management (Grants & investment management)
- Business unit financial advice

Financial Reporting and Revenue

- Financial Reporting Team
 - o Financial reporting and corporate accounting
 - o Accounts payable
 - o Payroll
 - o Development charge administration
 - o Internal controls, policy & procedure advice
 - o Financial audit
 - o Federal and provincial reporting
- Revenue Team
 - o Administration of tax and water billing & collections
 - o Tax policy & rates
 - o Customer service on account inquiries

Information Technology

- Corporate technology strategic plan
- Resident digital services
- IT infrastructure improvements
- Software updates – new and current
- Cybersecurity
- Project management - department software solution automation
- Employee devices - computers, tablets & phones
- Graphical information systems (GIS) mapping

Procurement Services

- Procurement bylaw and protocols
- Supporting departments with high value procurements
- Green procurement policy

Financial System Project Team

This team is implementing Oracle Fusion as the software for the Town's new Enterprise Resource Management system.

Benefits

- Provide a fully integrated modern financial system
- Enables residents to access tax and water bill through a customer portal
- Streamline processes, improved internal controls and reporting
- Provides proactive approach to cybersecurity
- Cloud-based subscription service and can grow based on future needs of the town

Timelines

- Kick off – June 2022
- Go live – May 2023

KEY CONSIDERATION

DEPARTMENT: Finance
Issue: Second-Generation Asset Management Plan (AMP)
On December 17, 2017, the province filed regulation 588/17 under the Infrastructure for Jobs and Prosperity Act, 2015 ("O. Reg 588/17") which included a prescribed list of asset management requirements that each Ontario municipality must ensure its compliance to within the specified timelines. The regulation required the establishment of a Strategic Asset Management Policy by July 1, 2019 and then the following three phases to improve up this policy: ➤ Phase 1: Update of Asset Management plan's core asset categories to add current level of service standard metrics, including the costs to maintain current levels of service by July 1, 2022. ➤ Phase 2: Building upon Phase 1, update the Asset Management Plan's remaining asset categories to include current level of service standard metrics, including the costs to maintain current levels of service by July 1, 2024. ➤ Phase 3: Building upon Phases 1 and 2, update of all of Asset Management Plan's asset categories to include proposed levels of service, lifecycle management and a financial strategy by July 1, 2025 The Town must ensure its continued compliance with the province's municipal asset management regulation to maintain its access to provincial and federal grant opportunities.
Impact:The goal of the Asset Management Plan is to deliver an adequate level of service in the most cost-effective manner. This involves the development and implementation of asset management strategies and long-term financial planning. Through the implementation of sound asset management strategies, the Town can ensure that public infrastructure is managed to support the sustainable delivery of municipal services. The Second-Generation Asset Management plan supports the capital planning, reserve management and debt management pillars of the Fiscal Strategy. The Asset Management Plan will become the foundation upon which the long-term asset rehabilitation and replacement work will be planned. The second-generation plan will provide more accurate information on the reserve contributions needed to support long-term asset management needs once the measures are put into practice. The true financial impacts will be refined over the next few years as the completion of Phase 2 and Phase 3 of Asset Management Plan will identify more accurate reserve needs.
Current Status and Future Activities: Council has endorsed the Town's Second-Generation Asset Management Plan and service level measures for the core assets in September 2021. Phase 2 & Phase 3: Currently, Town staff are about to engage a consultant to develop service level metrics for the remaining assets along with the recommended level of service for each asset category along with the financial strategy. Expected completion is Q4 of 2024.
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Finance
Issue: Bill 23, More Homes Built Faster Act, 2022
Background: On October 25, 2022, the Province of Ontario introduced Bill 23, More Homes Built Faster Act, 2022, in support of the More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. The Bill proposes to amend a number of acts, including the Development Charges Act, Planning Act, Conservation Authorities Act, as well as others.
Impact: If passed, the legislative amendments will have significant impacts on the way municipalities plan, process, and fund development. Below is a summary of some of the proposed changes as it pertains to Town's development charge and cash-in-lieu parkland revenue: <u>Development Charge Act, 1997</u> ➤ Mandatory 5-year phase in of DC rates in by-laws, retroactive to June 1, 2022. Year 1 (80%), Year 2 (85%), Year 3 (90%), Year 4 (95%), Year 5 (100%) ➤ Removes some eligible capital costs that can be recouped through development charges such as studies to determine the eligible capital costs and development charge study. ➤ Municipalities must spend or allocate 60% of reserve fund balances for water, wastewater and roads DC's ➤ Removing housing services as an eligible service that can be included in development charges (DC). ➤ Development charge by-law expires 10 years after they come into force (previously 5 years) <u>Planning Act, 1990</u> ➤ Land valuation for community benefits charges (CBC) are adjusted to exclude existing development. ➤ Parkland dedication conveyance has been amended to 1 hectare per 600 units. ➤ Parkland dedication cash-in-lieu has been amended to 1 hectare per 1000 units. ➤ Exemption from parkland dedication for affordable units. ➤ Municipalities must spend or allocate 60% of parkland dedication funds (in special accounts). ➤ Current Status and Future Activities: Historically, development charge revenue forecast considered for reserve analysis is very conservative compared to the much higher revenue projections mentioned in the current development charge study. The true impact of the Bill 23 to the Town's development charge revenue will be analyzed during the 2024 development charge study and bylaw update and the updated revenue projections will be reflected in the 2024 budget.
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca

KEY CONSIDERATION

DEPARTMENT:: Finance
Issue: Cybersecurity
Background: Last year, the Town engaged a cybersecurity consultant to perform a full review of the Town's cybersecurity posture. This was a fulsome review and compared our current state to industry standard benchmarks such as National Institute of Standards and Technology (NIST) and the Centre for Internet Security Critical Security Controls. A roadmap was put in place to fill any gaps and stay current on cybersecurity. Several new capital projects for 2023 are proposed to further strengthen our cybersecurity footprint.
Impact: The goal of cybersecurity is to ensure a risk-free and secure environment for keeping the data, network and devices guarded against cyber threats. We accomplish this by providing a combination of secure processes, security awareness training, data encryption, identity management and multi-factor authentication, cybersecurity technology, and security policy. We do this to: 1. Protect the confidentiality of data 2. Preserve the integrity of data 3. Restrict the availability of data to only authorized users
Current Status and Future Activities: The 2023 budget will include a number of projects which support cybersecurity initiatives. These will ensure the Town is well positioned in the future to handle emerging cyber risks.
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Finance
Issue: Debt Management Policy – Debt Management
Background: Debt financing has been used to finance capital projects at the Town. The Town has responsibly used both external and internal debt financing for several years as an interim financing source for necessary Town capital asset creation which has included indoor and outdoor recreation spaces, as well as library and cultural infrastructure. In all instances, all debt obligations were repaid on time. The purpose of the Debt Management Policy is to establish financial guidelines and appropriate controls for the issuance and management of debt for the Town of Aurora. This policy applies to the management of existing debt and all future debt financing that may be issued or planned by the Town of Aurora.
Impact: The Debt Management Policy documents the best practices and principles to be followed in the acquisition debt, such as: ➤ Adherence to legislative requirements ➤ Capital projects eligible for debt financing and qualifying criteria for the use of debt ➤ Provide guidelines for the long-term debt management and the annual repayment limit established for the Town (10%). ➤ Provides high level rules of engagement for the debt repayment and allocation of annual debt payments to reserves after the debt is paid ➤ Rules of engagement for the DC funded debt ➤ Long term debt will only be acquired with fixed rate of interest to limit the financial exposure ➤ Provides a list of suitable and authorized debt financing instruments for the Town ➤ Guidelines relating to the reporting and adherence to the policy The development of the Debt Management Policy is a recommended strategic action in the Fiscal Dstrategy to ensure longer term prudent financial and debt management.
Current Status and Future Activities: A new Debt Management Policy has been developed and was reviewed by the Finance Advisory Committee in 2022. It will be considered by Council for approval in January 2023.
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Finance
Issue: New Financial System
Background: The Town currently uses four separate systems for managing financial transactions, budgeting, and reporting. The existing systems are aging and has poor integration abilities for transactions and reporting. In 2020, Staff engaged a consultant in to assist the Town in the development of the specifications for an integrated financial solution which will include budget, procure to payment, accounting, and enhanced reporting. The request for proposal for the new financial system was issued in October 2021 and the Oracle Fusion was selected as the Town's new financial system.
Impact: The proposed Oracle cloud solution will provide a fully integrated modern financial system that addresses both the Town's current and future needs. The Oracle Fusion financial system will replace iCity, FMW, CaseWare and Smartsheet. Oracle is a cloud-based subscription service and is accessed through a web browser with no other technology infrastructure required by the Town. The service is scalable and can grow based on the future needs of the Town. The system meets all of the requirements identified by the Town, including transactions, water billing, tax billing, budget, reporting and dashboards. Since the system exists within a single ecosystem, all data contained within it is fully integrated by design. Oracle has a proactive approach to cybersecurity and meets the security standards required by the Town's IT division.
Current Status and Future Activities: Implementation of the new financial system is underway, and staff are just about halfway through the plan in the midst of the configuration phase, with the expected roll out in Q2 of 2023.
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca

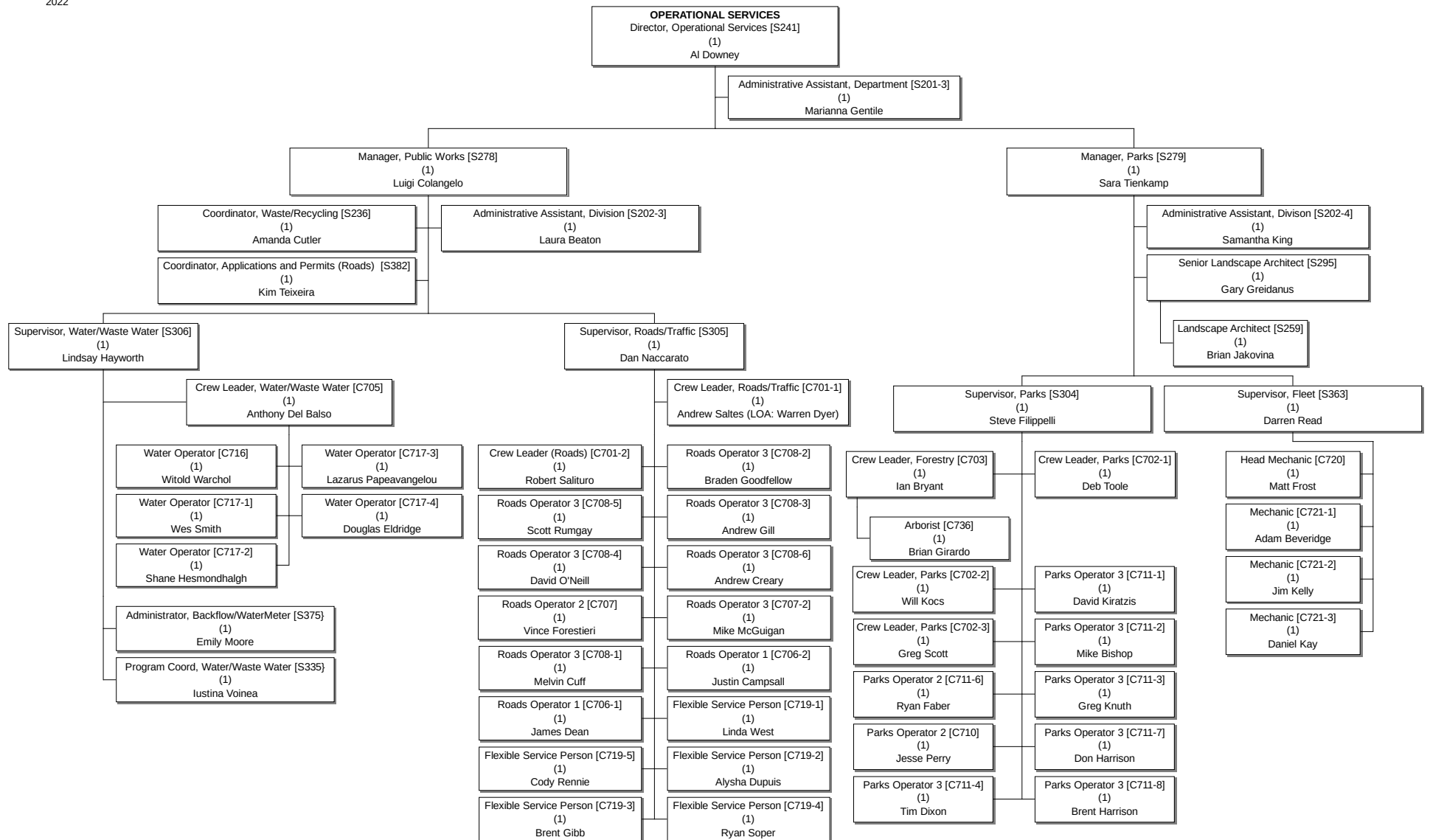
KEY CONSIDERATION

DEPARTMENT: Finance
Issue: Investment Policy Update – Prudent Investment (Revenue Management)
Background: Investing under the Municipal Act, 2001 and O. Reg 438/97 is divided into a prescribed list of securities which is more commonly referred to as the Legal List and the Prudent Investor regime. A Prudent Investor regime gives the municipality access to a wider variety of investments, but also includes a new governance model. The most cost-effective manner through which the Town is able to access the Prudent Investor regime is through a Joint Investment Board (JIB) as establishing its own Investment Board is not financially feasible. There is currently one joint investment board in Ontario that the Town is able to join should its transition to a Prudent Investor regime be approved. On November 19, 2019, Council reviewed the benefits of the new Prudent Investor regime – FS19-033 Prudent Investor Option Analysis and directed staff to proceed with an in-depth review of the investment options and revised investment policy with FAC.
Impact: The adoption of a Prudent Investor regime is a strategic action under the revenue management pillar of the Fiscal Strategy which supports long-term financial sustainability. Moving forward as a Prudent Investor will enable the Town to optimize investment income, allowing for an overall reduction to the financial burden on tax and rate payers. All investment income generated from capital asset reserve holdings, of which are mostly funded through tax and user rates, must be maximized to offset the impact of inflation on reserves in long-term. The Prudent Investor under ONE Investment expands upon the investments available under the Legal List. ONE Investment's Prudent Investor offers a mix of its current Legal List options and two funds that are only be available to Prudent Investors – a Global Equity fund and a Global Bond fund.
Current Status and Future Activities: An updated investment policy will be presented to Council for approval in Q1 of 2023, which outlines the way the Town of Aurora will invest under the Prudent Investor regime. Once the policy is approved, execution of the ONE JIB Agreement will be established between the Town of Aurora, ONE JIB and ONE Investment
Contact: Rachel Wainwright-van Kessel, Director, Finance Treasurer Email: rvankessel@aurora.ca



OPERATIONAL SERVICES





TOTAL FTE HEADCOUNT

Approved: 56

Actual: 56

 = Contract Role

Operational Services

Allan D. Downey, Director

Operational Services is responsible for many services and functions across the Town, including: ensuring our community has access to high-quality natural and urban environments; design, construction and maintenance of parks; clean, safe and modern roads; sewers; waste collection; and safe water delivery. Operational Services supports internal clients by providing fleet management services and equipment procurement and maintenance. The department is also responsible for some major facility construction. Below is an overview of the key functions and services of the Operational Services department:

- Maintain Roads, water, sewer, stormwater, street lights
- Parks, open Spaces & sports facility maintenance
- Fleet operations and asset management
- Water testing
- Solid waste collection and recycle program
- Backflow program
- Winter maintenance & snow removal
- New park design & construction
- Subdivision & site plan application review
- Asset management, capital planning and operations budget forecasting
- Environmental protection
- Horticultural programs
- Arboricultural activities
- Road occupancy permits
- Inspections
- Support for special events

KEY CONSIDERATION

DEPARTMENT: Operational Services Department
Issue: Greening of the Fleet
Background: Council approved a Fleet Management Study in February 2020. As part of that Study, and in cooperation with our Energy & Climate Change Analyst, we are exploring options to green the Fleet as part of our vehicle acquisition replacement program.
Impact: This initiative may have an impact on our Capital Budget as these vehicles are often more expensive.
Current Status and Future Activities: Staff are presently allowing an option on our bid requests for a hybrid vehicle to obtain cost comparison information.
Contact: Allan D. Downey, Director of Operations, 905-726-4752, adowney@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Operational Services Department
Issue: Stormwater Maintenance Program and Implementation
Background: The maintenance of stormwater management features are critical to ensure the proper operation and flood control in our community. Staff have been working with the Lake Simcoe Region Conservation Authority (LSRCA) to develop detailed maintenance and pond improvement plans for each storm pond in the community.
Impact: The Capital and Operating cost of these works is substantial and will have an impact on our ten (10) Year Capital Plan, Operating Budgets, and rate-based contributions within our water budget.
Current Status and Future Activities: We are presently working on the ten (10) Year Capital Budget and multi-year operating impacts of these proposed works.
Contact: Allan D. Downey, Director of Operations, 905-726-4752, adowney@aurora.ca

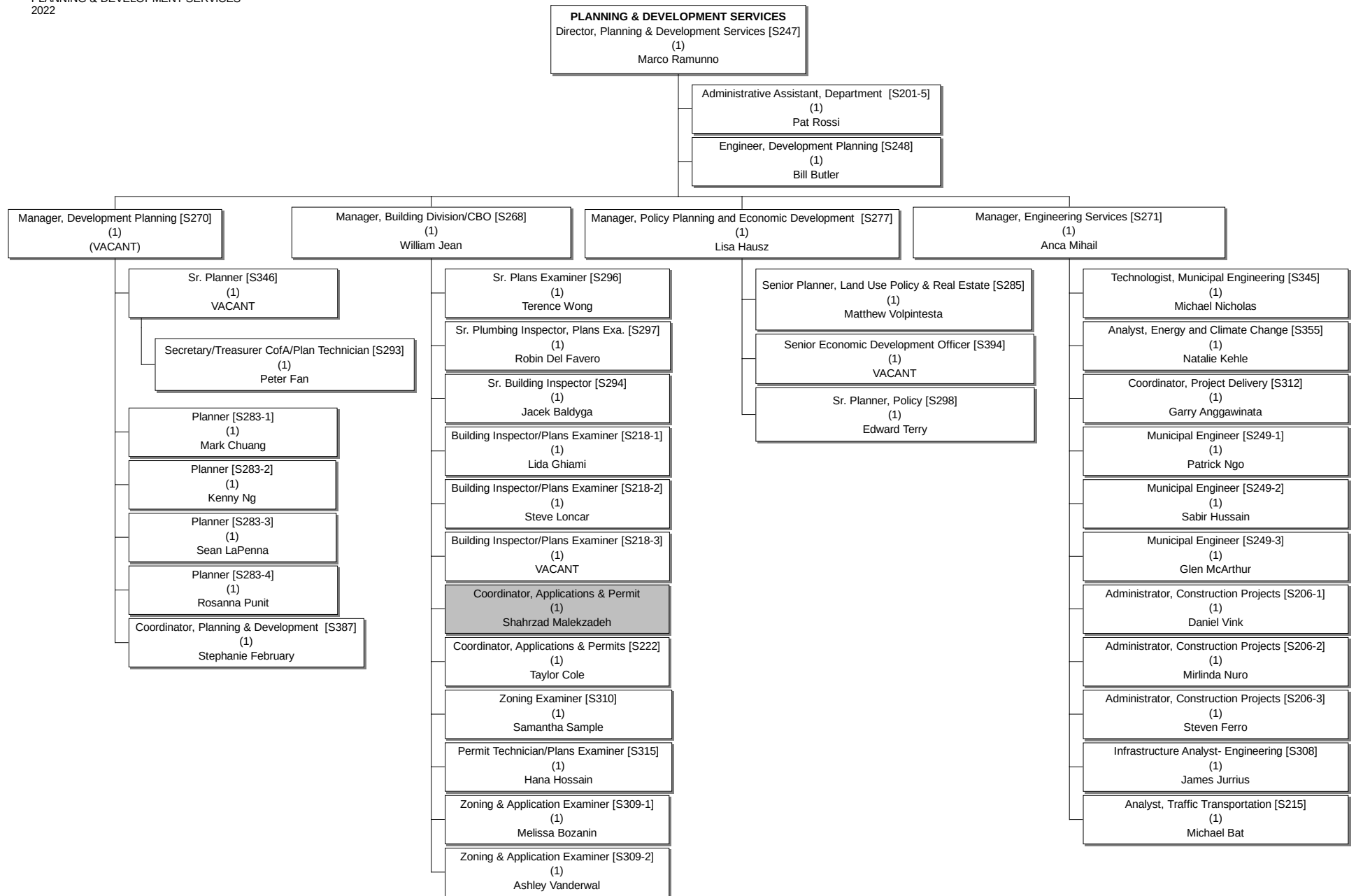
KEY CONSIDERATION

DEPARTMENT: Operational Services Department
Issue: Waste Management Service Level Review
Background: The Province of Ontario will be transferring the responsibility for collection of blue box materials to the producers responsible for the creation of such items. This transition will unfold over a three (3) year period commencing in 2023 with the Region of York scheduled for 2025. This process will also eliminate service to all ICI. Council will be requested to recommend what changes to our present service to ICI they support.
Impact: This may impact our present collection service level to ICI and depending on the degree of service reduction may result in operational savings to the Waste Collection budget.
Current Status and Future Activities: Our current service levels will remain unchanged until 2025 or upon the approval of a new service level by Council.
Contact: Allan D. Downey, Director of Operations, 905-726-4752, adowney@aurora.ca



PLANNING AND DEVELOPMENT SERVICES





TOTAL FTE HEADCOUNT

Approved: 39

Actual: 35

 = Contract Role

Planning and Development Services

Marco Ramunno, Director

Planning and Development Services manages the growth and physical form of the Town of Aurora through land use and infrastructure planning in addition to administering the Ontario Building Code. Planning and Development Services provides professional planning advice to Council, Town departments, the public and Council endorsed committees on a variety of planning, engineering and land use policy matters including Planning Act Applications. In addition, public input is actively solicited on land use related to development applications and policy reviews. Heritage Planning oversees the Town's heritage portfolio proactively identifying and conserving significant heritage resources. Planning and Development Services delivers its activities and support to internal and external clients through four divisions: Development Planning, Policy Planning & Economic Development, Engineering & Capital Delivery and Building. Below is an overview of the services provided by Planning and Development Services.

Development Planning Division

- Planning Act Development Application Review including:
 - o Official Plan and Zoning Bylaw Amendments,
 - o Subdivisions and Condominiums
 - o Site Plan Approvals
 - o Minor Variances and Consents
- Development Conditions of Approval and Agreements
- Development Engineering Review
- Implementation of Environmental Protection & Enhancement Policies
- Administration of the Committee of Adjustment
- Heritage Planning, including Heritage Review, Policy, Events and Programs.
- Respecting the diversity and needs of the public
- Provide full, clear and accurate information to decision makers and inquirers

- Identify and promote opportunities for meaningful participation in the planning process to all interested parties.

Building Division

- Review, issuance and inspection of Building Permits
- Conducting On-site Sewage Maintenance Inspections
- Zoning By-law administration and interpretation
- Sign Permitting and Inspections (except for Mobile Signs)
- Issuance of Pool Enclosure Permits

Engineering and Capital Delivery Division

- Short and long range planning of municipal services infrastructure
- Support Planning Department with development review
- Provide site supervision for public infrastructure construction in new developments
- Maintain asset inventory and develop capital replacement plans
- Traffic studies and traffic management
- Climate change, energy conservation and environmental initiatives

Policy Planning and Economic Development Division

- Economic Development including investment attraction, business retention and expansion, and downtown redevelopment.
- Policy planning including the Official Plan, Green Development Standards, servicing allocation, Parkland Dedication, etc.
- Support for Aurora Economic Development Corporation, Aurora BIA, Aurora Chamber of Commerce, and other community partners in support of growing the local economy.
- Business and workforce engagement.
- Information and input on policies and strategies that impact the Town.
- Facilitate real property matters (acquisition, disposal, lease, licensing, etc.)

KEY CONSIDERATION

DEPARTMENT: Planning and Development Services

Issue: Downtown Yonge St. Streetscape Plan/Improvements as part of the Aurora Promenade Streetscape Design

Background: The Aurora Promenade Streetscape Design & Implementation Plan 2013, identified several actions required to improve the public realm in the Promenade Area. The majority of the proposed initial streetscape improvements were proposed for the Yonge Street and Wellington street area, located within the Promenade Secondary Plan. The Aurora Promenade Streetscape Design & Implementation Plan was presented to Council at the January 2013 Public Planning Meeting, where Council resolved the following:

THAT report PL13-003 regarding the Aurora Promenade Streetscape Design and Implementation Plan be received; and,
THAT staff report back with a multi-year capital project for some of the priority projects that staff will further refine and bring forward to Council for further discussion.

Following the January 2013 Public Planning meeting, staff evaluated implementation options and phasing with an emphasis on maximizing the potential impact of improvements and minimizing costs and disruptions. Based on this evaluation, the several recommendations (as articulated in the Plan) were identified for implementation. Some of the recommendations were implemented, or altered to accommodate current conditions, while other recommendations were never implemented, and required further investigation as to their feasibility.

In February 2014, staff presented a report recommending that the Town focus the planned improvements within the “Main Streets” area. This approach ensured that a critical mass of improvements could be completed within a relatively short timeframe in a focused geographic area. In October 2019, Council partially lifted a conditional hold on a previously approved capital project to fund some of the removable public realm streetscape elements of the 2013 plan including container landscaping, new street furniture and promotional banners that can be relocated when construction occurs.

In November 2021, Council directed an update to the 2013 Streetscape Plan to bring the plan up to date regarding new regulations, environmental impacts, technology, lighting, accessibility, traffic and pedestrian safety, and heritage considerations. Staff were directed to begin public consultation and report back with a revised plan for Council’s consideration.

Impact: The project supports the Strategic Plan goal of *enabling a diverse, creative and resilient economy and to promote and support a plan to revitalize the downtown*. The project also supports the Economic Development Strategic Plan of *Establishing Downtown Aurora as a Destination and Focal Point for the Community*, through specific actions identified in the

Implementation Matrix 2021-2022 including partnership opportunities and engaging with entrepreneurs.

Departments involved:

Planning and Development Services (EcD/Policy, Engineering)

Operations (Public Works, Parks)

Corporate Services (Finance, Communications, Accessibility, By-Law)

Community Services (Town Square, Special Events)

Current Status and Future Activities:

Public Planning Report PL13-003, January 23, 2013

General Committee Report PL13-030, June 4, 2013

General Committee Report PL14-010, February 4, 2014

General Committee Report PDS19-053, October 1, 2019

October 2021, Staff retained The Planning Partnership (TPP) to facilitate the project and engage the various stakeholder groups. TPP was the originator of the Aurora Promenade Plan, have worked on several projects within the Promenade and are engaged as part of the Aurora Town Square project. Stakeholders were consulted between October 26, 2021 and November 24, 2021.

The intent is to revisit the draft materials, prepared by TPP, present back to the public for input in early 2023, and bring recommendations to Council for consideration and direction to implement the plan.

Contact: Lisa Hausz, lhauz@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Planning and Development Services

Issue: Enabling the town to be 'future ready' as a Smart City - attract, pilot and implement technologies and services that provide public and private benefits.

Background: 'Smart' cities use various software, user interfaces, and communication networks along with the Internet of Things (IoT) to provide connected solutions to the public. IoT is a network of connected devices that communicate and exchange data. This includes everything from vehicles to home appliances to sensors on the road. The data collected by these devices is stored in the cloud or on servers, increasing efficiency in both the public and private sectors, resulting in economic benefits and improved lives for citizens.

A combination of infrastructure, automation, machine learning, and IoT enables the adoption of smart city technology for a wide variety of applications, such as:

- Smart parking helps drivers find parking spaces and enable digital payments;
- Intelligent traffic management that monitors traffic flow and optimizes traffic lights to reduce congestion;
- Ride-sharing or robotic delivery services can also be managed by smart city infrastructure, reducing the number of vehicles on the roads;
- Energy savings and eco-efficiency: streetlight that dims when the street is empty.
- Address climate change and air pollution, waste management, and sanitation with internet-enabled garbage collection, bins, and fleet management systems, as well as early warning of events such as floods.
- Smart security measures such as monitoring high-crime areas, or event security management assistance.

To begin to enable Smart City infrastructure, there are several projects underway, including provincial, town-led and private sector projects.

Provincial:

"Building Broadband Faster in Ontario" – Province of Ontario has committed to \$4B to provide broadband access to all areas of Ontario by 2025. In April, 2021, the "Building Broadband Faster Act, 2021" was enacted with changes to the Ontario Energy Board Act, 1998. The changes are intended to expedite the delivery of broadband projects across the province. In November, 2021, the first version of 'guidelines' were shared, followed by the "Getting Ontario Connected Act, 2022, which passed in April 2022, with final guidelines shared in September 2022. The guidelines:

- Establish new processes and timelines for Internet Service Providers (ISPs), Local Distribution Companies (LDCs), and municipalities to expedite access to hydro poles and municipal right-of-ways.

- “Broadband One Window” (BOW) program as part of the guidelines. This is an online platform to support timely approval, permitting and locate decisions for broadband projects. Note that the ‘BOW’ program is for Provincially-funded broadband projects. All non-provincially funded programs are subject to the “Getting Ontario Connected Act, 2022”, but do not need to be funneled through the BOW platform.

Municipal:

Along with facilitating broadband deployment, there are two projects are under development to ‘pilot’ various technologies. These include micro-mobility and potential delivery/service robots, both aimed at preparing the Town for future technologies, reducing vehicle traffic, and deploying a framework for other technologies.

Private:

- Bell, Rogers and Ontario Broadband Network are evaluating the implementation of broadband across Aurora;
- Stronach International, and partners including the Town of Stouffville, are working with staff to deploy a micro-mobility pilot that will help prepare the town for future transportation technologies;

Impact:

The various Smart City-related projects support the Corporate Strategic Plan goal of *enabling a diverse, creative and resilient economy, and investing in sustainable infrastructure*. The projects also support the Economic Development Strategic Plan in *creating a competitive business climate that supports business*, including infrastructure to enable broadband and smart city initiatives.

Departments involved: All

Current Status and Future Activities:

- Working through Municipal Access Agreements (MAAs) with various ISPs;
- Developing an internal process to ensure compliance with the Act and BOW process;
- Identifying gaps and constraints in enabling compliance (i.e. staff resources, communication needs for internal teams and externally for residents and businesses.)
- Working through details on pilot projects along with identifying potential other opportunities.
- Gathering data and project results to inform a future ‘Smart City’ strategy.

Contact: Lisa Hausz, lhausz@aurora.ca

KEY CONSIDERATION

DEPARTMENT: Planning and Development Services
Issue: Completion of OP Update June 2023
Background: According to the Planning Act, it is required that municipalities update their Official Plan to ensure it is aligned with provincial policies and projected growth forecasts. It has been ten years since the Town of Aurora last updated their 2010 Official Plan. The Official Plan review was launched in 2020, which included a background review. 2021 included background documents, discussion papers, extensive public consultation, and wrapped up with draft policy development. 2022 included work on draft Official Plan amendments along with specific work around the Aurora Promenade Secondary Plan and the Major Transit Station Area.
Impact: The Official Plan is a strategic planning document that guides the long-term vision for the Town of Aurora over a 25 + year horizon. The Official Plan establishes a policy framework to manage and direct the physical, social, environmental, and economic development of the Town. It also establishes the goals, objectives, and land use policies to regarding where the Town will focus future growth, what that growth will look like and how to plan for the impacts of climate change.
Current Status and Future Activities: After extensive public consultation throughout the last two years, the Town of Aurora has now released a draft Official Plan Amendment with a revised vision for town planning over the next 30 years. Some of the key changes and enhancements being proposed in the draft Official Plan Amendment include policies for climate change resilience, natural heritage protection, cultural heritage preservation, active transportation, and updated Promenade/Major Transit Station Area Secondary Plan, updated maps and schedules. All background documents and status can be found at: Official Plan Review Engage Aurora For 2023 (June), the intent is to bring forward to Council the proposed Official Plan amendments for approval, and forward to York Region for regional approval.
Contact: Edward Terry, eterry@aurora.ca



■ GOVERNANCE



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 New Year's Day	2 In observance of New Year's Day Municipal Offices Closed	3	4	5	6 School Winter Break Ends	7
8	9 6 p.m. Budget Committee – Operating Budget Review (CC)	10	11 7 p.m. Aurora Cultural Centre Board (TBD)	12 7 p.m. Committee of Adjustment (VC)	13	14 9 a.m. Budget Committee – Capital Budget Review (CC)
15	16 6 p.m. Budget Committee – Operating Budget Review (CC)	17 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	18	19	20	21
22	23 6 p.m. Budget Committee – if required (CC)	24 7 p.m. Public Planning (CC)	25	26	27	28
29	30 6 p.m. Budget Committee – if required (CC)	31 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 6 p.m. Budget Committee – if required (CC) 7 p.m. Heritage Advisory Committee (HR)	7 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	8 7 p.m. Aurora Cultural Centre Board (TBD)	9 7 p.m. Committee of Adjustment (VC)	10	11
12	13 6 p.m. Budget Committee – if required (CC)	14 7 p.m. Public Planning (CC)	15 7 p.m. Aurora Public Library Board (TBD)	16	17	18
19	20 Family Day Municipal Offices Closed	21 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	22	23	24	25
26	27	28 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)				



March 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	8	9 7 p.m. Committee of Adjustment (VC)	10	11
12 School Mid-Winter Break Begins	13	14	15	16	17 School Mid-Winter Break Ends	18
19	20	21 7 p.m. Public Planning (CC)	22	23	24	25
26	27	28 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	29	30	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3 7 p.m. Heritage Advisory Committee (HR)	4 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	5	6 Passover (First Day)	7 Good Friday Municipal Offices Closed	1/8
9 Easter Sunday	10 Easter Monday	11 7 p.m. Public Planning (CC)	12 6:30 p.m. Aurora Cultural Centre Board (Public Meeting) (TBD)	13 7 p.m. Committee of Adjustment (VC) Passover (Last Day)	14	15
16	17	18 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	19 7 p.m. Aurora Public Library Board (TBD)	20	21	22
23/30	24	25 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	26	27	28	29



May 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	3	4	5	6
7	8	9 7 p.m. Public Planning (CC)	10 7 p.m. Aurora Cultural Centre Board (TBD)	11 7 p.m. Committee of Adjustment (VC)	12	13
14	15	16 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	17 7 p.m. Aurora Public Library Board (TBD)	18	19	20
21	22 Victoria Day Municipal Offices Closed	23 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	24	25 FCM Conference Toronto	26 FCM	27 FCM
28 FCM	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 7 p.m. Heritage Advisory Committee (HR)	6 6:15 p.m. Budget Committee (Public Consultation) (CC) 7 p.m. General Committee (CC)	7	8 7 p.m. Committee of Adjustment (VC)	9	10
11	12	13 7 p.m. Public Planning (CC)	14 6:30 p.m. Aurora Cultural Centre Board/7 p.m. AGM (Public Meeting) (TBD)	15	16	17
18	19	20 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	21 7 p.m. Aurora Public Library Board (TBD)	22	23	24
25	26	27 6:15 p.m. Audit Committee (CC) 7 p.m. Council (CC)	28	29	30 In observance of Canada Day Municipal Offices Closed	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	5	6	7	1/8 Canada Day
9	10	11 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	12 7 p.m. Aurora Cultural Centre Board (TBD)	13 7 p.m. Committee of Adjustment (VC)	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



August 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 Civic Holiday Municipal Offices Closed	8	9	10 7 p.m. Committee of Adjustment (VC)	11	12
13	14	15	16	17	18	19
20 AMO Conference London	21 AMO	22 AMO	23 AMO	24	25	26
27	28	29	30	31		



September 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Labour Day Municipal Offices Closed	5 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	6	7	8	9
10	11 7 p.m. Heritage Advisory Committee (HR)	12 7 p.m. Public Planning (CC)	13 6:30 p.m. Aurora Cultural Centre Board (Public Meeting) (TBD)	14 7 p.m. Committee of Adjustment (VC)	15	16 Rosh Hashanah
17	18	19 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	20 7 p.m. Aurora Public Library Board (TBD)	21	22	23
24	25 Yom Kippur	26 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	27	28	29	30 National Day for Truth and Reconciliation



October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	4	5	6	7
8	9 Thanksgiving Day Municipal Offices Closed	10 7 p.m. Public Planning (CC)	11 7 p.m. Aurora Cultural Centre Board (TBD)	12 7 p.m. Committee of Adjustment (VC)	13	14
15	16	17 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	18 7 p.m. Aurora Public Library Board (TBD)	19	20	21
22	23	24 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 7 p.m. Heritage Advisory Committee (HR)	7 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	8 7 p.m. Aurora Cultural Centre Board (TBD)	9 7 p.m. Committee of Adjustment (VC)	10	11 Remembrance Day
12	13	14 7 p.m. Public Planning (CC)	15 7 p.m. Aurora Public Library Board (TBD)	16	17	18
19	20	21 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	22	23	24	25
26	27	28 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	29	30		



December 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 5:45 p.m. Council Closed Session (if required) 7 p.m. General Committee (CC)	6	7	8 Hanukkah (First Day)	9
10	11	12 5:45 p.m. Council Closed Session (if required) 7 p.m. Council (CC)	13 6:30 p.m. Aurora Cultural Centre Board (Public Meeting) (TBD) 7 p.m. Aurora Public Library Board (TBD)	14 7 p.m. Committee of Adjustment (VC)	15 Hanukkah (Last Day)	16
17	18	19	20	21	22	23
24/31 Christmas Eve/ New Year's Eve	25 School Winter Break Begins Christmas Day Municipal Offices Closed	26 Boxing Day Municipal Offices Closed	27 Municipal Offices Closed	28 Municipal Offices Closed	29 Municipal Offices Closed	30

TOWN OF AURORA

SENIOR STAFF CONTACT LIST

This list has been compiled pursuant to the Municipal Freedom of Information and Protection of Privacy Act. The personal information contained herein may be released only to Members of Council and Senior Staff so notified. This information may NOT be provided to the public and/or for general distribution. Please note that personal telephone numbers are to be used for emergency only.

STAFF NAME	EMAIL	TOWN HALL	MOBILE #
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Al Downey Director of Operations	adowney@aurora.ca	905-726-4752	[REDACTED]
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Daniel Bitonti Acting Manager of Communications	dbitonti@aurora.ca		[REDACTED]
Patricia De Sario Town Solicitor	pdesario@aurora.ca	905-726-4758	[REDACTED]
Michael de Rond Town Clerk	mderond@aurora.ca	905-726-4771	[REDACTED]
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Bruce Gorman Chief Executive Officer- Aurora Public Library	BGorman@aurorapl.ca	905-727-9494 x221	[REDACTED]
Doug Bertrand Manager of Facilities & Property	dbertrand@aurora.ca	905-727-3123 Ext. 3446	[REDACTED]

Sara Tienkamp Parks Manager	stienkamp@aurora.ca	365-500-3132	
Michael Mulvenna Manager of IT	mmulvenna@aurora.ca	365-500-3030	
Alex Wray Manager of By-law Services	awray@aurora.ca	905-726-4701	

DECLARATION OF OFFICE
(Section 232 of the *Municipal Act, 2001*)

I, _____, having been elected or appointed to the office
(name of person)

of _____
(name of office)

in the municipality of _____
(name of municipality)

do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me)

at the)

.....)

.....)

on)

20.....)

signature of declarant

Commissioner for taking Affidavits

Schedule “A” to By-law Number 6155-19
Town of Aurora Code of Conduct for Members of Council
January 2019

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General Introduction

Members of Aurora Council recognize their obligation to serve their constituents and the public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct.

Members recognize that ethics and integrity are at the core of public confidence in government and in the political process; that elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real. They recognize the need to uphold both the letter and the spirit of the law including policies adopted by Council.

This Code of Conduct ensures that Members of Council share a common basis and understanding for acceptable conduct of Members of Council, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.

This Code of Conduct is consistent with the principles of transparent and accountable government, and reflective of the Town's core values.

Framework and Interpretation

1. This Code of Conduct applies to all Members of Council ("Members"). It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.
2. Commentary and examples used in this Code of Conduct are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner and supplementary materials may also be produced as deemed appropriate.
3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.
4. Elected Officials seeking clarification of any part of this Code should consult with the Integrity Commissioner.

5. The *Municipal Act, 2001* is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the Code of Conduct operate together with and as a supplement to the following legislation:

- *Municipal Act, 2001*;
- *Municipal Conflict of Interest Act (MCIA)*;
- *Municipal Elections Act, 1996*;
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- Criminal Code of Canada.

Definitions

- a. "Family" includes "child", "parent" and "spouse" as those terms are defined in the *Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes:

- Step-child and grand-child;
- Siblings and step-siblings;
- Aunt/uncle, niece/nephew, first cousins;
- In-laws, including mother/father, sister/brother, daughter/son;
- Any person who lives with the Member on a permanent basis.

"Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family.

"Parent" means a parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

"Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage.

- b. "Member" means a member of the Council of the Town of Aurora, including the Mayor.
- c. "Social Media" means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- d. "Staff" includes the Chief Administrative Officer, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.
- e. "Nomination Day" means the last day for filing or withdrawing a nomination as provided for by the *Municipal Elections Act, 1996*.

Guiding Principles

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall preform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Specific Rules

Rule No. 1: Avoidance of Conflicts of Interest

In this Rule:

- a. "disqualifying interest" means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.
 - b. non-disqualifying interest" means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could participate impartially in the decision-making processes related to the matter so long as:
 - The Member of Council fully discloses the interest so as to provide transparency about the relationship; and
 - The Member of Council states why the interest does not prevent the Member from making an impartial decision on the matter.
1. Members of Council shall not participate in the decision-making processes associated with their office when prohibited to do so by the *Municipal Conflict of Interest Act*.
 2. Members of Council shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.

3. For greater certainty:

- a. Members of Council shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the *Municipal Conflict of Interest Act*.
- b. Members of Council shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the *Municipal Conflict of Interest Act*, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Member and other persons or bodies to be affected by the decision.

4. Treatment of Non-Disqualifying Interests:

- a. Members of Council may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the Town Clerk acting in consultation with the Integrity Commissioner.
- b. Transparency Disclosures are public documents and shall be available for public viewing on the Town web site.
- c. The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members of Council shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.

Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

Members of Council are governed by the *Municipal Conflict of Interest Act* (MCIA). The Integrity Commissioner is empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary, however, until March 1, 2019, in the event an application under the MCIA is filed with the Court, the provisions of that statute may limit

any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the *Municipal Conflict of Interest Act*.

Members of Council may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the Town of Aurora and cannot be charged to any office account.

Members may not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

When a member, despite the existence of an interest, believes that he or she may still participate in a matter with an open mind, the public interest is best served when the Member is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest.

Members must remain at arm's length when Town staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom the Member has a real or apparent conflict of interest.

5. Members who seek advice from the Integrity Commissioner with respect to the application of this Rule may rely on the provisions of Part B. "Framework and Interpretation" (paragraph 3) and the Rule 17, "Acting on Advice of Integrity Commissioner."
6. Members of Council shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the Town or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.
7. Members of Council, while holding public office, shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a Member of Council, and shall not in any case profit directly or indirectly from such business that does or has contracted with the Town of Aurora.

Members of Council may for example teach, or run a business that does not conflict or interfere with their duties.

8. Despite paragraph 7, a Member of Council may hold office or a directorship in an agency, board, commission or corporation where the Member has been appointed by Town Council or by the Council of the Regional Municipality of York, or by the Federal or Provincial Government.

9. Despite paragraph 7, a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.

Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the Town at any time.

The legislative obligation is set out in the *Municipal Conflict of Interest Act* (MCIA). If the Member of Council, or a family member of the Member of Council, sits on a body which has a pecuniary interest in a matter before Council (such as an application for grant, support or other contribution), that Member has a deemed pecuniary interest. The Member of Council should disclose the interest and should not participate in or vote on such matter, in compliance with the obligations of s.5, MCIA.

The Code of Conduct captures the broader common law responsibility and requires members to avoid any possible appearance of favoring organizations or groups on which the Member's family members serve.

Family members of Members of Council are not precluded, or even discouraged, from serving on not-for-profit organizations or other bodies. However, where family members of Members of Council serve in such a capacity, the Member should declare a conflict of interest whenever there is a matter for Council consideration in which the not-for-profit organization or body has a pecuniary interest.

For this reason, the following questions may assist Members in assessing whether they should be a member of the body, or if their family member is a member of the body, when a matter may give rise to a conflict:

Is this a corporation created to carry on municipal business on behalf of the Town, or to which I am appointed because I am a Council appointee? In these cases the *Municipal Conflict of Interest Act*, s.4(h) exempts Members from MCIA disclosure/recusal obligations.

If no, is this a body (a board, commission, or corporation) which seeks Town resources such as space, support, funds?

If yes, the Member of Council should not serve on the board of directors.

If a family member (spouse, sibling, child) of the Council Member is a member of the body, then the Member of Council should declare a conflict of interest any time Council is considering a matter in which the body has a pecuniary interest. In this way, there is no perception that the Council Member is giving preferential consideration to the body on which the Member's family member serves.

Rule No. 2: Gifts, Benefits and Hospitality

In this Rule:

- a. "Gift" means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Member's duties of office, but excludes:
 - i. Compensation authorized by law;
 - ii. Political contributions otherwise reported by law, in the case of Members running for office;
 - iii. Services provided by persons volunteering their time;
 - iv. Contributions of value that are specifically addressed in other provisions of this Code
 - v. Gifts provided to the Town of Aurora and which are logged, archived and/or publicly displayed as such.
- b. A Gift provided with the Member's knowledge to a Family Member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a Gift to that Member.
- c. "Token of Appreciation" means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Member.
- d. "Official Hospitality" means food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or at a conference, seminar or event where the Member is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).
- e. "Business Hospitality" means food and beverages consumed at banquets, receptions or similar events, if:

- i. attendance serves a legitimate business purpose;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent;
 - f. "Publications" means communication to the offices of a Member, including subscriptions to newspapers, and periodicals.
1. No Member shall accept any Gift unless expressly permitted by this Rule.
 2. No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by Council, a Member may be sponsored to attend educational site visits connected with an identified project.
 3. Gifts identified in Column B of Table '1' may be accepted by a Member provided the Gift is disclosed in accordance with the conditions set out in Column 'C'.
 4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the Town Clerk for posting on the Town's web site.
 5. Gifts identified in Column B shall not be accepted, without the Integrity Commissioner's specific approval, when the conditions set out in Column 'D' are applicable.
 6. In providing advice to a Member about their obligations respecting Gifts, or in considering any inquiry with respect to a Councillor Information Statement or an assertion that this Rule has been breached, or in providing consent, where required, that a Gift may be accepted, the Integrity Commissioner shall determine whether the receipt of the Gift or might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit.
 7. Should the Integrity Commissioner determine the receipt of a Gift was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Member to forfeit the gift or remit the value of any gift or benefit already consumed to the Town, or a Town agency, board or commission. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.

Table '1'

Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u> <i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable</i>	<u>Gift No Longer Allowable</u> <i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)</i>
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Town	Not a 'Gift'. No need to record. Town staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.

The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the Town be such that no Member of Council is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.

Members who are members of both Aurora Council and Regional Council will be subject to both this Rule and the rules in place for the Regional Municipality of York governing the receipt of gifts, benefits and hospitality. Where a gift, benefit or hospitality offering is made within the **exclusive** scope of the Member's duties as a Member of **either** Regional Council or Aurora Council, it will be clear which provision will govern. However, since business or personal interactions with Members of Council are not always specific to a discrete matter easily identified as **either** a Regional or local matter, in many, if not most circumstances, the Member may be subject to both the provisions adopted by both municipalities. In such cases the more stringent provision would govern.

Each Member of Council is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, in their offices for review by the Integrity Commissioner in the event of a complaint.

Use of real estate or significant assets or facilities (i.e., a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable gift or benefit. The purpose of the Code is not to prohibit Members from accepting all invitations to socialize at a vacation property with personal friends at their vacation property, provided the Gift is disclosed in accordance with this Rule.

Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before Town Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements. Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a recipient may opt to keep a gift.

An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Members should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.

For clarification, an invitation to an event celebrating the successful completion of a development or project or the opening of a new business within the Member's ward on the other hand could serve a legitimate business purpose and be seen as part of the responsibilities of office provided the person extending the invitation or that person's representative is in attendance.

An invitation to attend a charity golf tournament or fund-raising gala, provided the Member of Council is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts or dinners may serve a legitimate business purpose. Where a Member is uncertain in regards to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.

Regular invitations to lunch or dinner with persons who are considered friends of Members of Council is acceptable in situations where the Member pays their portion of the meal expense and treats it as a personal expense, meaning a claim is not made under the Corporate, Travel & Auto Expenses policy. Proper caution and diligence not to discuss matters before the Town for a decision must be exercised at all times. When in doubt it is prudent to consult with the Integrity Commissioner.

Rule No. 3: Member's Expenses

There are a range of expenses that support a Member's role in community development and engagement activities. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Municipal elected officials do not have this benefit. Members should refer to either the Corporate, Travel & Auto Expenses policy or the Compensation and Support for Members of Council policy for guidance of expenses eligible for reimbursement.

1. As community leaders, Members may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Members of Council should not handle any funds on behalf of such organizations.

Members of Council routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Member's involvement. The following guidelines shall apply:

- a. Members of Council should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
- b. Members of Council or persons acting on behalf of a Member shall not solicit or accept support in any form from an individual, group or corporation, with any pending significant planning, conversion or demolition variance application or procurement proposal before Town Council, which the Member knew or ought to have known about.
- c. With reference to member-organized community events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
- d. Where a Member of Council sponsors and/or lends support to a community or charitable event, this Code recognizes that all donations are subject to the Compensation and Support for Members of Council policy.
- e. No donation cheques should be made payable to a Member of Council or to the Town of Aurora. Members of Council may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group.
- f. Members of Council should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external events. If a Member of Council agrees to fundraise on behalf of a charity or community group, the Member should ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.

2. Nothing included herein affects the entitlement of a Member of Council to:

- a. urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Town;
- b. play an advisory ex officio or honorary role in any charitable or non-profit organization that holds community events in the Town; and
- c. collaborate with the Town of Aurora and its agencies, boards or commissions to hold community events.

By virtue of the office, Members of Council will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations online through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.

Rule No. 4: Confidential Information

1. No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.
2. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by law or authorized by Council to do so.
3. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
4. No Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Town property or assets.
5. Members of Council should not access or attempt to gain access to confidential information in the custody of the Town unless it is necessary for the performance of their duties and is not prohibited by Council policy.

Confidential Information includes information in the possession of, or received in confidence by, the Town of Aurora that the Town is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), or any other legislation.

MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *Municipal Act, 2001* allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the Town or a local board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the Code of Conduct, "confidential information" includes this type of information.

As elected officials, Members of Council will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Members' duties. In accordance with the Records and Information Management Policy, Councillor constituency records are at all times under the control of the Member and are not subject to any municipal disclosure requirements.

Under the Council Procedure By-law, a matter that has been discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public. The following are examples of the types of information that a Member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or request for proposal submissions if so specified;
- information deemed to be "personal information" under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment data)

Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it "Confidential", such communication will not be given any higher level of confidentiality than any other communication. The words "Privileged", "Confidential" or "Private" will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject matter of the communication.

Rule No. 5: Use of Town Resources

1. No Member shall use for personal purposes any Town staff services, property, equipment, services, supplies, websites, webboards, or other Town-owned materials, other than for purposes connected with the discharge of Town duties.
2. No Member shall obtain personal financial gain from the use or sale of Town developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the Town of Aurora.
3. No Member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his/her official duties.

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their Town duties as public officials.

While most of this property is provided within the confines of their office, much of it is transportable or may be provided for home use, given the nature of the demands placed on Members in carrying out their duties and in recognition of the fact that the Town does not provide constituency offices to Members of Council. Members are held to a higher standard of behaviour and conduct and therefore should not use such property for any purpose other than for carrying out their official duties. For clarity, this Rule is intended to prohibit the use of Town resources for purposes such as running a home business. It is not intended to prohibit occasional personal use, but it should be subject to practical limitations.

Careful attention should be given to the provisions of the Town's Compensation and Support for Members of Council policy and the Corporate, Travel & Auto Expenses policy which identifies approvable allowable expenses. **During election campaigns**, the provisions of Rules 6 and 7 will apply.

4. No Member shall use the services of Town staff, or make requests for document or information from Town staff, unless such information is required for the purpose of carrying out their duties as public officials.
5. No Member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Town, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business or a business event in the Town is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a Town or ward event provided that no such recognition shall constitute an endorsement of such business.

Rule No. 6: Election Campaigns

1. Members are required to follow the provisions of the *Municipal Elections Act, 1996* and Members are accountable under the provisions of that statute.
2. No Member shall use the facilities, equipment, supplies, services, staff or other resources of the Town (including Councillor newsletters, individual websites linked through the Town's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the Town of Aurora logo.

3. If a member of Council uses any social media account for campaign purposes, such account must not be created or supported by Town resources or use the Town logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.
4. To avoid confusion with any website or social media accounts used for Council Member work, Council members who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.
5. Despite the foregoing, Members are allowed to place campaign phone numbers, websites and email addresses on the election pages on the Town's website, which is available and authorized for use by all candidates for municipal and school board office.
6. In a municipal election year, commencing Nomination Day until the date of the election, Members may not publish Councillor newsletters or distribute them in municipal facilities. All newsletters distributed through the mail must be post-marked by no later than Nomination Day in an election year. Members of Council may, during such period, use Town facilities to communicate important notifications to the residents of their ward by email in normal Outlook format or by letter on the Councillor's stationery.
7. In a municipal election year, commencing on Nomination Day until the date of the election, no candidate including Members, may directly or indirectly, book any municipal facility for any purpose that might be perceived as an election campaign purpose.
8. Members shall be respectful of the role of the Town Clerk in managing the municipal election process and meeting all statutory requirements in respect thereof. The Town Clerk must ensure all candidates are treated equally and no candidate for elected office should interfere with how the Clerk carries out these duties.

Staff should not interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.

The restriction on booking facilities ensures that election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in.

Members should not authorize any event that could be perceived as the Town providing

them with an advantage over other candidates. It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.

The *Municipal Elections Act, 1996* clearly states that it is the responsibility of the Town Clerk to conduct the election and take all necessary actions to ensure municipal elections meet all statutory requirements.

9. No Members shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the Town.
10. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Rule 6 and in particular may rule on whether any activity by staff in a Councillor's office during an election year is prohibited election work or permitted activity sufficiently unrelated to the election.

Rule No. 7: Improper Use of Influence

1. No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.
2. Members shall not contact members of any tribunal regarding any matter before it, such as the Committee of Adjustment, which is charged with making independent decisions and whose members have been appointed by Council. Members may with prior written notice to the Committee of Adjustment Secretary/Treasurer, infrequently attend meetings to provide the Committee of Adjustment with history and context of an application before the committee. Members may send a letter or E-mail addressed to the Secretary of such tribunal expressing the views of the member on behalf of the community.

If Council has taken a position in an Ontario Municipal Board/Local Planning Appeal Tribunal ("OMB/LPAT") matter and instructed the Town Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of Council in such matter. With the consent of the lawyer assigned to represent the Town at an OMB/LPAT hearing, a member of Council who is in support of the Council instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of Council may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.

Examples of prohibited conduct are the use of one's status as a Member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's Family Member, or friends. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Member's supposed influence within Council in return for present actions or inaction.

Contact with members of tribunals appointed by Council on any case might be viewed as attempts to intimidate the tribunal member. Generally, members of Council should not take part in the proceedings of any other tribunal where the Town is a party unless such participation is approved by the Integrity Commissioner.

3. Pursuant to corporate policy, the Chief Administrative Officer directs Town Directors who in turn direct Town staff. Town Council and not individual Members of Council appropriately give direction to the Town administration.

Rule No. 8: Business Relations

1. No Member shall allow the prospect of his/her future employment by a person or entity to affect the performance of his/her duties to the Town, detrimentally or otherwise.
2. No Member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union.
3. No Member shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the Town.
4. No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

Rule No. 9: Member Conduct

Conduct at Council and Committee Meetings:

1. Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the Council Procedure By-law.
2. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed

session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

Members recognize the importance of cooperation and strive to create an atmosphere during Council and committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all of those in attendance.

Various statutes, the Council Procedure By-law and decisions by courts and quasi-judicial tribunals and the Information and Privacy Commission, establish when Town Council can discuss issues in closed session. Transparency requires that Council apply these rules narrowly so as to best ensure that decisions are held in public session as often as possible.

Unless prohibited by law, Members should clearly identify to the public how a decision was reached and the rationale for so doing.

3. Members shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory committees to which they are appointed by the Town or by virtue of being an elected official.

Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and their ability to contribute to matters before them, bringing their expertise and experience. Members shall not be absent from Council or committee meetings, or from those of agencies, boards and commissions to which they are appointed without reasonable justification (for example, illness of the Member, family circumstance, Regional business) for more than three consecutive scheduled meetings or on a regular basis.

4. Members shall conduct themselves with appropriate decorum at all times.

As leaders in the community, Members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

Rule No. 10: Media Communications

1. Members of Council will accurately communicate the decisions of Aurora Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
2. Members of Council will keep confidential information confidential, until such time as the matter can properly be made public.

3. In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

A Member may state that he/she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about other Members of Council or about Council's processes and decisions.

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.

While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Members erodes public confidence.

While Members are encouraged to actively participate in vigorous debate, Members should understand that they are part of a democratically-elected representative body and should not engage in social media as if they are outsiders. In this regard, caution should be exercised when blogging, posting, tweeting, re-posting and linking to posts using social media, whether the member is using a personal account or a Town account.

Members who post blogs should recognize that the Canadian Association of Journalists has identified the ethical conflict faced by journalists holding elected public office. It is recognized that there is an irreconcilable conflict in holding both roles.

While social media can be an excellent tool for communicating quickly with constituents and sharing ideas and obtaining input, social media can breed incivility that generally is avoided in face-to-face interactions. In a world where a transitory comment can become part of the permanent record, Members should exercise restraint in reacting too quickly, or promoting the social media posts of others whose views may be disparaging of Council's decisions or another Member's perspectives.

Rule No. 11: Respect for Town By-laws and Policies

1. Members shall encourage public respect for the Town and its by-laws.
2. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

A Councillor must not encourage disobedience of a Town by-law in responding to a member of the public, as this undermines confidence in the Town and in the Rule of Law.

Members of Council are required to observe the policies and procedures established by Town Council at all times, and are directed to pay special attention to, and comply strictly with, the Council Procedure By-law and both the Corporate, Travel & Auto Expenses policy and the Compensation and Support for Members of Council. In exceptional circumstances, a Member may request Council grant an exemption from any policy.

Rule No. 12: Respectful Workplace

1. Members are governed by the Town's Violence and Harassment Free Workplace policies. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
2. All complaints received involving members of Council under the Violence and Harassment Free Workplace policies shall be referred to the Integrity Commissioner for processing in accordance with both the said policy and the Council Code of Conduct Complaints Protocol.
3. The Ontario Human Rights Code applies in addition to the Violence and Harassment Free Workplace policies.

It is the policy of the Town of Aurora that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.

The Town of Aurora's Violence and Harassment Free Workplace policies ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policy.

The Town of Aurora's Violence and Harassment Free Workplace policies applies equally to members of staff and Members of Council. It will provide guidance to the Integrity Commissioner when a complaint is received involving a Member.

Rule No. 13: Conduct Respecting Staff

1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.

3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Town.

Under the direction of the Chief Administrative Officer, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Only Council as a whole has the authority to approve budget, policy, committee processes and other matters.

Accordingly, Members shall direct requests outside of Council-approved budget, process or policy, to the Budget Committee or directly to Council.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as standing committee members and as chairs of standing committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Town staff in both the carrying out of their responsibilities and in dealing with the Council. Staff are expected to provide information to Members to which they are entitled.

Town staff are accountable to the Chief Administrative Officer who is accountable to Town Council. Sometimes the line between staff duties and activities that are political in nature is not clear. Members of Council must respect the difference between the two in making requests of staff.

Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or their personal opinions.

The Town's Violence and Harassment Free Workplace policies applies to Members of Council. Staff and Members of Council are all entitled to be treated with respect and dignity in the workplace.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer. Any such attempts should be reported to the Integrity Commissioner.

Rule No. 14: Employment of Council Relatives/Family Members

1. No Member shall attempt to influence the outcome, or to influence any Town employee to hire or promote a Family Member.
2. No Members shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family Member.
3. No Member shall supervise a Family Member, or be placed in a position of influence over a Family Member.
4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.
5. Every Member shall adhere to the Town's Staff Recruitment and Selection policy

If a Family Member of a Councillor is an applicant for employment with the Town or is a candidate for promotion or transfer, the Family Member will proceed through the usual selection process pursuant to the Town's hiring policies, with no special consideration.

Rule No. 15: Not Undermine, Work Against Council's Decisions

1. Members of Council shall not actively undermine the implementation of Council's decisions.

The role of elected officials, once a council decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. Council decisions are arrived at following discussion and debate, reflecting the democratic process. Members are expected to engage in debate with their fellow council members through the democratic process of government. However, once Council has made its decision, Members must recognize that decision as the duly-considered decision of the body of Council. As members of that body of Council, individual members—those who did not agree with the decision—are not to engage in activities that seek to challenge or undermine that decision.

Members can express disagreement with Council's decisions, but it is contrary to the ethical behaviour of members of Council to actively seek to undermine, challenge or work against Council's decisions.

2. Members of Council shall not engage in litigation or other legal challenges against the municipality or Council's decisions.
3. Despite this provision, Members may pursue a complaint or request for investigation under any of the oversight, transparency and accountability mechanisms provided

under Part V.1 and under section 239 of the *Municipal Act*.

When members are allowed to participate in activities to challenge Council's properly considered decisions, such as legal challenges or other forms of litigation, this is contrary to the interests of the municipality as determined by the decision of the democratically elected governing body, Council. It can create challenges to staff as to when and how much information can be provided to Council (legal advice for example) because of the presence of a legal challenge, which may benefit by 'insider knowledge'.

4. Despite this Rule, Members of Council may seek to have a Council decision reconsidered in accordance with Council's Procedure By-law.

Rule No. 16: Reprisals and Obstruction

1. It is a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.
2. No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Conduct, or against a person who provides information to the Integrity Commissioner in any investigation.
3. It is a violation of the Code of Conduct to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code of Conduct.

Rule No. 17: Acting on Advice of Integrity Commissioner

1. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

Rule No. 18: Implementation

1. Members are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by Council.
2. At the beginning of each term, Members will be expected to meet with the Integrity Commissioner.

Members are expected to understand the obligations on elected officials set out in this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification required. A Code of Conduct component will be included as part of the orientation for each new term of Council. April 2018

Council Code of Conduct Complaint Protocol

Part A: Informal Complaint Procedure

Any person or representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the Council Code of Conduct (the "Code") may wish to address the prohibited behaviour or activity themselves as follows:

1. Advise the member that the behaviour or activity contravenes the Code;
2. Encourage the member to stop the prohibited behaviour or activity;
3. Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
4. If applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
5. Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

Part B: Formal Complaint Procedure

Initial Complaint

- 1.1. A request for an investigation of a complaint that a member has contravened the Code of Conduct (the "complaint") shall be sent directly to the Integrity Commissioner by E-mail substantially in the form attached to this Protocol as Schedule "A".
- 1.2. All complaints shall be submitted by an identifiable individual (which includes the authorized signing officer of an organization).

1.3. A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. The complaint should include the name of the member, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

1.4. Election Blackout Period:

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the *Municipal Act*, except as described in those sections.

1.5. Transitional Provision:

For the purposes of the October 2018 regular municipal election, this provision of the Protocol shall be interpreted as if the provisions of s.223.4 and 223.4.1 as amended were already in force.

Classification by Integrity Commissioner

2.1. Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation, a complaint with respect to the *Municipal Conflict of Interest Act* or other relevant Council policies.

2.2. If the complaint, on its face, is not a complaint with respect to non-compliance with the Code or another Council policy governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:

- (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
- (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Town Clerk; and

- (c) the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.
- 2.3. The Integrity Commissioner may assist the complainant in restating, narrowing or clarifying the complaint so that the public interest will be best served were the complaint to be pursued.
- 2.4. The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- 2.5. The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

Investigation

- 3.1. The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to Council in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
- 3.2. If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- 3.3. The Integrity Commissioner shall file an annual report to Town Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
- 3.4. Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.

- 4.1. If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- 4.2. The Integrity Commissioner may in exceptional circumstances elect to exercise the powers of a Commission under Parts I and II of the *Public Inquiries Act*, as contemplated by Subsection 223.4(2) of the Act.

If the Integrity Commissioner elects to conduct an inquiry under the *Public Inquiries Act*, he/she shall report to Council before proceeding, setting out the reasons for the investigation, and providing an estimate of the expected cost and time that the investigation will require, and providing an opportunity for Council to respond to the reasonableness of the expenditure of public funds for the purpose of such Commission.

- 4.3. When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.
- 5.1. The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act* and/or in the context of a particular situation, the principles of procedural fairness:
 - (a) provide the complaint and supporting material to the member whose conduct is in question and provide the member with a reasonable opportunity to respond.
- 5.2. Except where the Integrity Commissioner determines that it is not in the public interest to do so, the name of the complainant shall be provided as part of the complaint documents.
- 5.3. If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any Town work location relevant to the complaint for the purposes of investigation and settlement.
- 5.4. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.

- 5.5. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
- 6.1. The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
- 6.2. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
- 6.3. Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
- 6.4. Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
- 7.1. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
- 8.1. The Town Clerk shall process the report for the next meeting of Council.

Council Review

- 9.1. Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- 9.2. In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the *Municipal Act*, but shall not refer the recommendation other than back to the Integrity Commissioner.
- 9.3. Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.
- 9.4. Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:

- (a) a reprimand; or
- (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days, and may also take the following actions:
- (c) removal from membership of a committee;
- (d) removal as chair of a committee;
- (e) repayment or reimbursement of monies received; or
- (f) return of property or reimbursement of its value.

Confidentiality

- 10.1. A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
- 10.2. The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
- 10.3. All reports from the Integrity Commissioner to Council will be made available to the public.
- 10.4. Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- 10.5. The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

Attachment "A"**Complaint Form**

I, _____, hereby request the Integrity Commissioner for the Town of Aurora to conduct an inquiry about whether or not the following member(s) of the Town Council has contravened the Council Code of Conduct or the *Municipal Conflict of Interest Act*:

I have reasonable and probable grounds to believe that the above member(s) has contravened the Council Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached (attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

Date: _____ Signature: _____

Name: _____

Address: _____

Email: _____

Phone: _____

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DUTIES AND RESPONSIBILITIES OF THE MUNICIPAL COUNCILLOR AND TOWN ADMINISTRATION

Municipal Corporations

Municipalities are created by the Province to be responsible and accountable governments with respect to matters within their jurisdiction. The varied and complex powers and duties of municipalities are found in many statutes including the following:

- *Municipal Act, 2001*;
- *Development Charges Act, 1997*;
- *Municipal Conflict of Interest Act*;
- *Planning Act*;
- *Municipal Freedom of Information and Protection of Privacy Act*;
- *Building Code Act, 1992*;
- *Safe Drinking Water Act, 2002*;
- *Assessment Act*;
- *Oak Ridges Moraine Conservation Act, 2001*;
- *Accessibility for Ontarians with Disabilities Act, 2005*;
- *Highway Traffic Act*;
- *Drainage Act*; and
- *Occupational Health and Safety Act*.

These powers and duties are constantly changing and council members must be well informed on their many and varied roles.

The *Municipal Act, 2001* provides that the powers of the municipality shall be exercised by its council. These powers must be exercised by by-law, unless there is specific authorization in a statute to act without a by-law. While the scope of powers of a municipality is interpreted to be broad, a lower-tier municipality such as the Town of Aurora is subject to certain spheres of jurisdiction as described in the *Municipal Act, 2001*, and is also subject to provincial and federal jurisdiction.

Role of Council

Section 224 of the *Municipal Act, 2001* provides that the role of council is:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;
- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
- to maintain the financial integrity of the municipality; and
- to carry out the duties of council under any legislation.

Not only must a council provide both long term and short term policy guidance and direction, but a council must also ensure the policies are fulfilled by staff and that the municipality functions in an accountable and efficient way.

Role of the Head of Council

The head of council for the Town of Aurora is the Mayor. Section 225 of the *Municipal Act, 2001* also provides that the role of the head of council includes the following responsibilities:

- to act as chief executive officer of the municipality;
- to preside over council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council and, without limiting such leadership, to provide information and recommendations to the council with respect to the role of council regarding administrative policies, controllership policies, and the accountability and transparency of the operations of the municipality;
- to represent the municipality at official functions; and
- to carry out the duties of the head of council under any legislation.

The Mayor is referred to as the “Chief Executive Officer”. The *Municipal Act, 2001* imposes mandatory legislative duties on a mayor, without granting specific expanded authority to a mayor. A mayor under the current legislation remains as a single member of council with one vote.

As stated in section 226.1 of the *Municipal Act, 2001*, as chief executive officer of a municipality, the head of council shall:

- uphold and promote the purposes of the municipality;
- promote public involvement in the municipality’s activities;
- act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The Mayor also serves as a signing officer along with the Clerk for the Town of Aurora with respect to legal documents and by-laws. As well, the Town of Aurora’s Procedure By-law that governs all meetings of Council provides the Mayor with the ability to call special council meetings. In addition, under the “Policy for Ad Hoc/Advisory Committees and Local Boards”, the Mayor sits as an *ex-officio* member of all Council ad

hoc and advisory committees and local boards, and may take part in discussions but cannot take part in a vote unless the Mayor's attendance is counted in order to form quorum for a particular meeting of such committee or board.

The Mayor, by virtue of the office, represents the Town of Aurora on the Region of York Council and sits on Regional Committees.

Role of the Administration

Section 227 of the *Municipal Act, 2001* also provides that the role of the officers and employees of the municipality are as follows:

- to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- to undertake research and provide advice to council on the policies and programs of the municipality; and
- to carry out other duties required under any legislation and other duties assigned by the municipality.

Chief Administrative Officer

A municipality may appoint a Chief Administrative Officer and, in accordance with section 229 of the *Municipal Act, 2001*, once the Chief Administrative Officer is appointed, he or she is responsible for:

- exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- performing such other duties as are assigned by the municipality.

Officers and Other Employees

Generally, a municipality will have two distinct classes of employees – officers who hold offices created by Council and who are appointed by Council by by-law, and other employees.

Officers of a municipality include those positions that are mandated by statute, such as the Clerk (s. 228 of the *Municipal Act, 2001*), the Treasurer (s. 286 of the *Municipal Act, 2001*) and the Chief Building Official (s. 3 of the *Building Code Act, 1992*). Each of these positions is required to undertake the duties and responsibilities that are set out in a number of statutes and regulations. Although the Clerk is not required to be an employee of the municipality, someone must assume the role and the responsibilities. Deputy Clerks and Deputy Treasurers may also be appointed to fulfill the role of Clerk or Treasurer.

Office Consolidation

This is a consolidation of the Town's **Procedure By-law** being **By-law No. 6228-19, as amended**. This is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-law. Official versions of all by-laws can be obtained by contacting the Legislative Services Division at (905) 727-3123 or clerks@aurora.ca. If there are any discrepancies between this consolidation and By-law No. 6228-19, as amended, the By-law(s) shall prevail.

By-law No. [6228-19](#), as amended by

By-law No.	Purpose	Date Enacted
6246-20	Emergency Meetings during a Declared Emergency	Mar 31, 2020
6258-20	Emergency Meetings during a Declared Emergency, Electronic Meetings	May 26, 2020
6275-20	Electronic Participation (repeals 6246-20, 6258-20)	Aug 25, 2020
6350-21	Closed Session, Openness and Transparency	May 25, 2021
6453-22	Deputy Mayor Rotation of Ward Councillors	Sep 20, 2022 Effective Nov 15, 2022

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The Corporation of the Town of Aurora

By-law Number 6228-19

Being a By-law to govern the proceedings of Council and Committee meetings of the Town of Aurora.

Whereas subsection 238 (2) of the *Municipal Act, 2001* requires every Council and local board to adopt a Procedure by-law for governing the calling, place and proceedings of Meetings;

And whereas subsection 11 (2) of the *Municipal Act, 2001* provides that upper and lower tier municipalities may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations; and,

And whereas it is Council's desire to follow a process of municipal governance that reflects an open, transparent government;

And whereas Council, in the interest of good governance, recognizes a Procedure By-law as a hallmark of accountability and transparency; and,

And whereas Council considers it necessary to enact a by-law in this regard and to repeal Procedure By-law Number 6068-18;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1. Definitions

In this Procedure By-law:

- a) "CAO" means the Chief Administrative Officer of the Town or his/her designate;
- b) "Chair" means the presiding officer at a meeting of Council or a Committee;
- c) "Clerk" means the Clerk of the Town or his/her designate;

- d) “Closed Session” means a Meeting, or part of a Meeting of Council or a Committee, which is closed to the public as permitted by the *Municipal Act, 2001*;
- e) “Code of Ethics” means the “Code of Ethics”, a declaration of the principles of good conduct and ethics.
- f) “Committee” means any Standing Committee of Council or an advisory or special Committee established by Council from time to time;
- g) “Confirming By-law” means a by-law passed for the purpose of giving effect to a previous decision or proceeding of Council;
- h) “Council” means the Members of Council of the Town of Aurora;
- i) “Delegation” means an address to Council or a Committee at the request of a person wishing to speak;
- j) “Deputy Mayor” means the Member appointed to assume the duties, rights, powers and authority of the Mayor in the circumstances set out in Section 242 of the *Municipal Act, 2001*; (**amended per By-law No. 6453-22**)
- k) “Director” means a Director of the Town or his/her designate or successor in title;
- l) “Emergency Weather Event” means an emergency weather event as defined by Town Policy No. HR-23 – Facility Closure – Inclement Weather/Power Failure – as may be amended from time to time;
- m) “Friendly Amendment” means an amendment to the Motion under debate with the consent of the mover and seconder only, and without the requirement for an amending Motion to be made;
- n) “Frivolous” means without merit or substance or is trivial;
- o) “Head” means the individual or body determined to be head under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*
- p) “Inaugural Meeting” means the first Meeting of Council after a regular election;

- q)** “Local Board” means a local board defined by the *Municipal Act, 2001*;
- r)** “Mayor” means the Mayor of the Town;
- s)** “Meeting” means any regular, special or other Meeting of Council or a Committee and includes a Workshop;
- t)** “Member” means any individual elected to Council or a person appointed by Council to a Committee;
- u)** “Motion” means a proposal moved by a Member, and seconded by another Member, to adopt, amend, or otherwise deal with a matter before Council or a Committee;
- v)** “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
- w)** “Municipal Conflict of Interest Act” means the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended;
- x)** “Municipality” means The Corporation of the Town of Aurora;
- y)** “Notice” means written notice, except where legislation, by-law or policy of the Town provides for another form and manner of notice;
- z)** “Offending Member” means a Member who has been found by the Chair or by Council or by a Committee to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;
- aa)** “Point of Order” means a Motion raised by a Member drawing attention to an infraction of this Procedure By-law;
- bb)** “Point of Personal Privilege” means a Motion raised by a Member which concerns the health, safety, rights, or integrity of the Member, the Council, a Committee, Staff or anyone present at a Meeting;
- cc)** “Procedural Matter” means a matter or Motion of a procedural nature;
- dd)** “Public Planning Meeting” means a Meeting held pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or other statute;

- ee)** “Quorum” means the number of Members required for the legal conduct of the business of Council or a Committee.
- ff)** “Resolution” means the decision of Council on any Motion;
- gg)** “Robert’s Rules of Order” means the most current edition of Robert’s Rules of Order, Newly Revised;
- hh)** “Rules of Procedure” means the rules and regulations contained in this Procedure By-law and that govern the proceedings of Council and its Committees;
- ii)** “Staff” means an employee(s) of the Town;
- jj)** “Standing Committee” means a Committee established by Council and consisting solely of all Members of Council;
- kk)** “Town” means The Corporation of The Town of Aurora;
- ll)** “Town Hall” means the municipal offices located at 100 John West Way, Aurora, Ontario;
- mm)** “Vexatious” means without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient or others;
- nn)** “Workshop” means a Meeting of Council or Committee for the purpose of discussing issues in an informal venue.

2. Purpose and Application

- a)** This By-law shall be known as the Procedure By-law and establishes the rules of procedure for Council and Committee Meetings.

3. Principles of the Procedure By-law

- a)** The principles of openness, transparency and accountability to the public guide the Town’s decision-making process. In the context of Council and Committee proceedings, this is accomplished by:
 - i)** Ensuring the decision-making process is understood by the public and other stakeholders;

- ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this Procedure By-law and other statutory requirements;
 - iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c) The principles of parliamentary law governing Council and Committee Meetings include:
 - i) Every Member has the right to one vote, unless prevented by law;
 - ii) Each Member has the right to be heard on a matter, unless prevented by law;
 - iii) Each Member has the right to information to help make decisions, unless prevented by law;
 - iv) Each Member has the right to an efficient meeting;
 - v) Each Member has the right to be treated with respect and courtesy;
 - vi) Each Member represents the public and will first and foremost consider the well-being and interests of the Municipality.

4. Interpreting the Procedure By-law

- a) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- b) If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order.

5. Suspension of Rules

- a) Rules of Procedure provided for in this Procedure By-law may be suspended by a two-thirds majority vote of Council or a Committee, with the exception of the following circumstances:
 - i) Where required by law;
 - ii) Contractual agreements binding the Town;
 - iii) Quorum requirements.
- b) A Motion to suspend the Rules of Procedure required by this Procedure By-law shall not be debatable or amendable.

6. Standing Committees

- a) General Committee
 - i) The General Committee shall be comprised of all Members of Council.
 - ii) The General Committee may consider delegations, Community presentations, correspondence, staff reports and matters which may require more elaboration and discussion than would be appropriate in a Council Meeting and such other matters as Council may determine. Recommendations from General Committee will be considered by Council.
- b) Audit Committee
 - i) The Audit Committee shall be comprised of all Members of Council.
 - ii) The Audit Committee shall:
 - (a) Review audited financial statements;
 - (b) Review significant management letter comments and related recommendations;
 - (c) Review the appointment of auditors; and
 - (d) Make recommendations regarding the above to Council.

- iii) The Committee's mandate shall include operational reviews.
 - iv) Meetings will be held at the call of the Chair. Agendas will be distributed to Members of Council at least forty-eight (48) hours prior to the Meeting.
- c) Budget Committee**
- i) The Budget Committee will be comprised of all Members of Council.
 - ii) The Budget Committee shall make recommendations to Council on approval of the Town's annual operating and capital budgets.
 - iii) The Budget Committee has delegated authority to:
 - (a) Approve the Meeting minutes of the Budget Committee;
 - (b) Direct staff to bring forward information to the Budget Committee as needed, and defer matters to a future General Committee or Budget Committee meeting; and
 - (c) Direct staff to prepare and bring forward for Council's consideration a report summarizing Committee recommendations on the annual capital and operating budgets.
 - iv) Budget Committee Meetings will be held as outlined in the Meeting Schedule, as approved by Council.

7. Committees

- a) When not provided for in the Committees' Terms of Reference or the Town Policy for Ad Hoc/Advisory Committees and Local Boards, the Rules of Procedure set out in this Procedure By-law shall govern all Meetings of all Committees, including any ad hoc, Advisory Committees, or Local Boards.

8. Chair of Meeting

- a) The Chair is the presiding officer at a Meeting of Council or a Committee.
- b) The Chair of a Meeting of Council, Audit Committee, Budget Committee, a Closed Session or a Workshop Meeting is the Mayor. In the absence of the Mayor, the Deputy Mayor is Chair.

- c) The Chair of a Meeting of General Committee shall be the Deputy Mayor as provided for in Section 10 of this By-law. **(amended per By-law No. 6453-22)**
- d) In the absence of the person appointed as Chair, the Members shall appoint one of their Members as Chair for the purpose of that Meeting.
- e) The Chair and any Vice Chairs of other Committees are appointed in accordance with the Town's Policy for Ad Hoc/Advisory Committees and Local Boards, or their Terms of Reference.

9. Duties of the Chair

- a) The Chair is responsible for, where applicable:
 - i) Carrying out the roles and responsibilities of his/her role as described in the *Municipal Act, 2001*;
 - ii) Chairing the Meeting in an objective manner in accordance with this Procedure By-law;
 - iii) Enforcing the Rules of Procedure in this Procedure By-law;
 - iv) Enforcing order and good behaviour of all Members at all times;
 - v) Announcing the business before Council or a Committee and the order in which it is to be considered;
 - vi) Receiving, stating and framing all Motions presented to clarify their intent as moved;
 - vii) Ruling on whether a Motion is in order;
 - viii) Protecting Council or a Committee from a Motion that is obviously Frivolous or tending to cause delay by refusing to acknowledge the Motion;
 - ix) Providing information to Members on any matter related to the business of Council or a Committee;
 - x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order subject to an appeal by any

Member to the Council or a Committee on any question of order in respect to business before the Council or a Committee, and giving the facts, circumstances and reasons for the ruling;

- xi) Calling a vote on the question of sustaining the ruling of the Chair, and announcing the results of the vote, if there is an appeal to the ruling of the Chair. In this regard, the Chair may provide further explanation of the ruling prior to calling the vote;
- xii) Recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person if necessary;
- xiii) Recessing the Meeting for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder;
- xiv) Ensuring that Members take a health break by announcing a minimum ten (10) minute recess after two (2) hours have passed since the last break;
- xv) Ensuring that all Members who wish to speak on a Motion have spoken;
- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, recording secretary or other appropriate person to read Motions before voting;
- xvii) Putting all Motions to a vote and announcing results;
- xviii) Voting on all matters unless the *Municipal Conflict of Interest Act* prohibits it;
- xix) Declining to put to a vote any Motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Adjourning the Meeting when the business of the Meeting has concluded; and,
- xxii) Signing all by-laws, Resolutions, and minutes when required.

10. Deputy Mayor (section added per By-law No. 6453-22)

- a) The Deputy Mayor shall be composed of all Ward Council Members with appointments running concurrently on a monthly rotation basis. The Clerk shall prepare and circulate a schedule for the rotation of the Deputy Mayor at the beginning of each term of Council for the entire term of Council, as follows:
 - i) Each Ward Councillor shall hold the position of Deputy Mayor for seven (7) non-consecutive months throughout the term of Council;
 - ii) Each Ward Councillor shall be the Deputy Mayor in July or August once over the course of the term of Council; and,
 - iii) No Deputy Mayor will be appointed in July, August, September, October, November and December of a Municipal Election Year.
- b) Ward Councillors shall notify the Clerk of any exchanges of their appointed months with other Ward Councillors due to a foreseen absence.
- c) In the absence of the Deputy Mayor, the Mayor will Chair any General Committee meetings.
- d) The Deputy Mayor shall act in the absence of the Mayor in the following circumstances:
 - i) When the Office of Mayor is vacant;
 - ii) When the Mayor is absent due to illness, or scheduling conflict;
 - iii) When the Mayor is absent from the Town;
 - iv) When the Mayor refuses to act; or
 - v) When the Mayor declares a conflict of interest.

- e) The Deputy Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council in the Mayor's absence, as defined in Section 241 and 242 of the *Municipal Act, 2001*.

11. Members of Council and Committees

- a) Members are responsible for, where applicable:
 - i) Carry out the responsibilities of the role of Council as described in the *Municipal Act, 2001*, *Municipal Conflict of Interest Act* and any other legislation;
 - ii) Attending scheduled Meetings;
 - iii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
 - iv) Voting on Motions put to a vote, unless the *Municipal Conflict of Interest Act* prohibits it;
 - v) Respecting the Rules of Procedure in this Procedure By-law;
 - vi) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege;
 - vii) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
 - viii) Refraining from using indecent, offensive or insulting language or speak disrespectfully of any individual.
 - ix) Refraining from engaging in private conversation while in the Meeting or using communication devices in any manner that disrupts the Member speaking or interrupts the business of Council;
 - x) Respecting and following the decisions of Council or a Committee;
 - xi) Not disclosing any of the content of a Meeting that was closed to the public or provide confidential documents or materials to unauthorized individuals;

- xii) Complying with the Chair's rulings and Council's decisions; and
- xiii) Complying with the Council Code of Ethics.

12. Breach of Rules

- a) If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:
 - i) After the first occurrence, the Chair calls the Member to order.
 - ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting.
 - iii) Any Member other than the Offending Member may appeal the Chair's ruling in ii), and Council or a Committee may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to his/her seat.
 - iv) At the next available opportunity in the Meeting, the Chair will offer the Offending Member the opportunity to apologize to Council or a Committee. The apology will not include additional comments or debate by the Offending Member or by Council or a Committee.
 - v) After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the Meeting.
 - vi) Should, at any point, the Offending Member create a disturbance while seated in the audience in accordance with subsection 10.b)ii), the Chair will order the Offending Member to leave the Council chamber or meeting room.
 - vii) Council cannot appeal the Chair's ruling in accordance with subsection 10.b) vi).
 - viii) If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room as required in subsection 10.b)vi), the Chair may request the CAO to contact security or the police for assistance.

13. Right of Public Input and Notice

- a) The public has the right to have input and receive Notice on Council's decision-making process. The methods for doing so include: writing to Council through the Clerk; submitting a petition; or speaking as a Delegation. The public will receive Notice in accordance with the requirements of legislation, this Procedure By-law and the Town's Notice By-law.
- b) Should an individual wish to be provided with further Notice related to a matter of business before Council or Committee, he/she is required to indicate this wish to the Clerk on the prescribed form, which is available on the Town's website or at the Town Hall.

14. Members of the Public

- a) The Chair may expel or exclude any person who disrupts a Meeting, and may request security and/or police assistance in doing so.
- b) No persons, other than Members and Town staff, are permitted to approach the area where Members and staff are seated.
- c) Attendees will submit all materials for Council or Committee through the Clerk.
- d) Attendees are responsible for:
 - i) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behavior that may be considered disruptive;
 - ii) Speaking respectfully at all times;
 - iii) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.
- e) All communication devices shall be turned off or set to silent mode during any meeting, with the exception of assistive devices for people with disabilities.

15. Preparation of Agendas

- a) The CAO and his/her staff are charged with providing guidance and recommendations to Council or Committee related to municipal business, and implementing the decisions of Council.
- b) The CAO chairs a regularly scheduled internal meeting to review draft agenda items in order to support the business of Council.
- c) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public access to agendas and agenda items, following approval by the CAO and/or Director.

16. Availability of Agendas

- a) Council Meeting agendas are generally available to Members of Council and the public on each Thursday preceding a Meeting.
- b) General Committee Meeting agendas are generally available to Members on the Monday that is eight (8) days preceding a General Committee Meeting and are generally available to the public on the following Tuesday.
- c) Closed Session agendas will be provided to Council in accordance with the publishing timeframes set out in Section 15 a) where required.
- d) Council Public Planning Meeting agendas are generally available to Members of Council and the public seven (7) days prior to the Meeting date.
- e) Special General Committee and Council, Workshop and emergency Meeting agendas will be provided to Members in accordance with the publishing timeframes set out in the Notice of Meetings section of this Procedure By-law, where required.
- f) Agendas for Committees, including Audit Committee and Budget Committee and excluding General Committee, are generally available seven (7) days prior to the meeting date.

17. Additional Items and Corrections

- a) An additional item is any item that is to be added to a Council or Committee agenda following publication of the original agenda.
- b) Any corrections to the agendas of Council or Committee may be listed on the additional items to be distributed, for information only.
- c) Committees are required to consent to the introduction of additional items by approving the agenda, as amended.
- d) Requests for items to be added to the agenda as an additional item shall have met at least one of the following conditions:
 - i) Government/agency deadlines;
 - ii) Legal implications;
 - iii) Contractual implications;
 - iv) Financial implications;
 - v) Council or General Committee direction; or
 - vi) As directed by the CAO.
- e) Additional items to Council or General Committee Meeting agenda are available on each Monday preceding the Meeting, and further additional items may be provided up to and including the Meeting day.

18. Reports of Council and General Committee

- a) In accordance with established administrative protocols, reports prepared by staff are submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or General Committee.
- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

19. Information Reports

- a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or General Committee, or is a matter of Town business.
- b) An information report does not contain recommendations.
- c) An Information Report may be requested by Council or General Committee in the form of a motion.
- d) Information reports are circulated directly to Council Members by email and made available to the public on the Town's website in accordance with the timelines set out in the Availability of Agendas section of this Procedure By-law. Information reports are not published on a General Committee or Council agenda unless a Council Member makes such a request to the Clerk.
- e) Information Reports will be placed on an upcoming General Committee agenda at the request of a Council Member. Where required due to urgency or timing, information reports may be considered directly at Council as an item.

20. Meetings

- a) Meetings Open to the Public
 - i) All Meetings shall be open to the public except as provided for in the Closed Session section of this Procedure By-law.
- b) Inaugural Meeting
 - i) The first Meeting of a newly elected Council after a regular municipal election shall be held on the first Tuesday in December at 7 p.m. or such other date and time as determined by the Clerk.
- c) Approval of the Meeting Schedule
 - i) Prior to January 1 of every year, Council approves a Meeting schedule of Council and Standing Committees for each calendar year, which may be amended. The Meeting Schedule is made available to the public on the Town's website.

- ii) The Meeting schedule of Committees is determined by its Members, in accordance with each Committee's Terms of Reference and/or prescribed mandate.
- d) Location of Meetings
 - i) Meetings shall take place at Town Hall, or at another location within the municipality or adjacent to the municipality, as authorized by the Mayor or by Council, or as provided for in the *Municipal Act, 2001* when Notice is given.
- e) Schedule of Meetings
 - i) Meetings shall take place in accordance with the Meeting Schedule as prepared by the Clerk and approved by Council.
 - ii) All Council Meetings will generally be held on the fourth Tuesday of each month at 7 p.m. and General Committee Meetings will generally be held on the first and third Tuesday of each month at 7 p.m. Where a Council Meeting day is a public or civic holiday, Council will meet at the same hour on the Wednesday immediately following the holiday.
 - iii) Unless otherwise determined by the Clerk, Council Closed Session will be scheduled at 5:45 p.m. immediately prior to a Council or General Committee Meeting, and will recess or adjourn at least ten (10) minutes prior to the scheduled time of the meeting.
- f) Public Planning Meetings
 - i) Council will meet on the second Tuesday of each month at 7 p.m. for a Council Meeting to consider development-related applications and other matters that have been submitted under the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
- g) Quorum
 - i) A majority of Members shall constitute a Quorum.
 - ii) As soon as there is a Quorum after the time appointed for commencement of a Meeting, the Mayor or Chair will call the

Meeting to order. If a Quorum is not present 30 minutes after the time appointed for commencement of a Meeting, the Clerk shall indicate that no Quorum is present and the Meeting shall not commence.

- iii) If during the course of a Meeting, Quorum is lost, the Chair shall declare that the Meeting shall be adjourned until the date of the next scheduled Meeting. The agenda items are deemed to be deferred to the next scheduled Meeting.

h) Late Arrival

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

i) Electronic Participation (section added per By-law No. 6275-20)

- i) Any member may participate electronically in a Meeting that is open to the public or in Closed Session.
- ii) Any Member who is participating electronically in a Meeting shall be counted in determining whether or not a Quorum is present at any point in time during the Meeting.
- iii) For staffing and scheduling purposes, any Council Member who is participating electronically in a General Committee or Council Meeting shall notify the Clerk, at least twenty-four (24) hours prior to the General Committee or Council Meeting.
- iv) Delegates may participate electronically in a Meeting, by completing and submitting an Electronic Delegation Request Form to **clerks@aurora.ca**, in accordance with the Delegation protocols and submission deadlines outlined in this by-law.
- v) A Member who participates electronically in a Meeting shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.
- vi) Electronic participation in a Meeting shall be conducted by way of electronic means, including, but not limited to, audio teleconference, video teleconference, or by means of the internet,

following instructions provided by the Clerk in order to ensure that a Meeting may proceed in the most transparent and successful manner under the current timelines and circumstances.

21. Notice of Meetings

a) General Provisions

- i) The Clerk gives Notice of a Meeting by:
 - (a) Posting the annual approved schedule of Meetings; or
 - (b) Using the Town's social media accounts and website; or
 - (c) Publishing Notice on the Town's regular advertising page in the local newspaper; or
 - (d) Providing the agenda to Members and the public; or
 - (e) All of the above.
- ii) Every Notice of a Meeting shall indicate the date, time and place of the Meeting, and the contact information for the Clerk's office.
- iii) Nothing in this Procedure By-law shall prevent the Clerk from using more extensive methods of Notice.
- iv) Nothing in this Procedure By-law shall prevent the Clerk from using longer timeframes for providing Notice.

b) Special Meetings of Council or General Committee

- i) A special Meeting of Council or General Committee may be called by the Mayor at any time. A special Meeting of Council or General Committee is limited to business matters included in the Notice of Meeting.
- ii) Upon receipt of a written petition from a majority of the Members of Council, the Clerk will summon a special Meeting of Council or General Committee for the specific purpose and time identified in the petition.
- iii) In addition to the general Notice provisions in this Procedure By-law, the Clerk shall give Notice of a special Meeting of Council or General Committee by providing an agenda at least twenty-four (24)

hours prior to the Meeting or if the Meeting is to be scheduled in less than twenty-four (24) hours, then by providing an agenda at the first opportunity to do so.

c) Workshop Meetings

- i) The Mayor and/or CAO may hold a Workshop Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no Motions are passed.
- ii) A record describing, in general terms, the Meeting and the subject matter discussed is made at all Workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.
- iii) In addition to the general Notice provisions in this section of the Procedure By-law, the Clerk shall give Notice of a Workshop Meeting by providing an agenda at least twenty-four (24) hours prior to the Meeting.
- iv) Delegations shall not be permitted at Workshop Meetings.

d) Cancellation or Postponement of Meetings

- i) A Meeting may be cancelled or postponed where it is known in advance that Quorum will not be achieved, by Council Resolution, in the event of an emergency or Emergency Weather Event, or where the Meeting is no longer required, as deemed by the CAO.
- ii) Where possible, the Clerk shall give Notice of cancellations or postponements of Meetings by:
 - (a) Providing Notice to each Member by email notification no less than forty-eight (48) hours prior to the time set for the Meeting; or
 - (b) Providing Notice to the public no less than 3 hours by:
 - Posting a Notice on the Town website;
 - Sending a Notice via the Town's social media accounts;
 - Posting a Notice on the Town's regular advertising page in the local newspaper, if time permits; and

Where (c) cannot be achieved, posting a Notice at the main entrance to Town Hall.

- (c) Notwithstanding subsection 19.d) ii), in the case of an emergency or an Emergency Weather Event, the Clerk shall provide Notice to each Member and the public as soon as practically possible.

- iii) Meetings of Committees may be cancelled or postponed by the Clerk, recording secretary, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency or Emergency Weather Event.

e) Invalidation of Notice of Meeting

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

21.1 (Former section 20.1 removed per By-law No. 6275-20)

22. Closed Session

a) Matters of Closed Session

- i) Council or a Committee may, by Resolution, close a Meeting or part of a Meeting to the public in accordance with section 239 of the *Municipal Act, 2001*.
- ii) Council or a Committee may also resolve into a Closed Session to the public for the following purposes:
 - (a) An ongoing investigation respecting the Municipality, a Local Board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*.

b) Notice of Closed Session

- i) Where a matter may be considered by Council or General Committee for discussion in Closed Session, wherever possible, written Notice by way of a published agenda will include:
 - (a) The fact that the Meeting will be closed to the public as provided for in the *Municipal Act, 2001*; and
 - (b) The general nature of the matter to be considered at the Closed Session.
- c) A Motion to close a Meeting or part of a Meeting to the public shall state the:
 - i) Intention to close the Meeting to the public; and
 - ii) General nature of the matter to be considered at the Closed Session, and the grounds for closing the Meeting as set out in the *Municipal Act, 2001*.
- d) Voting during Closed Session
 - i) Only votes relating to procedural matters or direction to staff may be taken during a Closed Session, unless otherwise authorized.
- e) Upon completion of the Closed Session:
 - i) The Members shall immediately reconvene in open session;
 - ii) The Mayor shall report any outcomes on the Closed Session as necessary; and,
 - iii) If applicable, the Members shall vote on any Resolution(s) originating from the Closed Session.
- f) Reporting Out and Confidentiality of Closed Session Discussions
 - i) Any required vote will occur following the Closed Session discussion of a Council or Committee Meeting.
 - ii) Public General Committee and Council Closed Session agendas, minutes or reports shall provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in Closed Session and the position of the Municipality.

- iii) Minutes of a Closed Session shall be presented for adoption at a scheduled Meeting of Council that does not occur on the same day.
- iv) No Member shall disclose or discuss, through written, electronic or verbal communication or any other means, to any individual or corporate third party, any information that has been or will be discussed at a Closed Session of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, may be made public, subject to review by the head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* or if directed to do so by a court.
- g) **(section removed per By-law No. 6350-21)**
- h) Closed Meeting Investigation
 - i) A person may request that an investigation be undertaken to determine whether Council or Committee complied with the requirements of the *Municipal Act, 2001* and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by submitting a written request to the Town Clerk.

23. Speaking Order and Limit

- a) The Chair shall maintain a list of Members who have requested to speak or ask questions. The Chair shall designate Members to speak or ask questions in the order in which they appear on the list. The Chair shall give priority to Members who have not spoken to the matter previously.
- b) At Committee Meetings, Members are permitted to speak two (2) times on a matter, the first time being for a maximum of ten (10) minutes, and the second time being for a maximum of five (5) minutes; and
- c) At Council Meetings, Members are permitted to speak two (2) times on a matter for a maximum of five (5) minutes each time.

24. Rules of Debate

- a) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- b) Any Member may require a Motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- c) Members shall express themselves succinctly without repetition.
- d) Questions may be asked only of:
 - i) The Chair;
 - ii) Staff;
 - iii) A previous speaker; and,
 - iv) A delegation.

25. Order of Business – General Committee

- a) The order of business of General Committee is set out in the agenda, as follows, where provided for:
 - i) Approval of the Agenda
 - ii) Declarations of Pecuniary Interest and General Nature Thereof
 - iii) Community Presentations
 - iv) Delegations
 - v) Consent Agenda
 - vi) Advisory Committee Meeting Minutes
 - vii) Consideration of Items Requiring Discussion (Regular Agenda)
 - viii) Notices of Motion
 - ix) New Business

x) Closed Session

xi) Adjournment

26. Order of Business – Council

a) The order of business for the Council is set out in the agenda as follows, where provided for:

i) Approval of the Agenda

ii) Declarations of Pecuniary Interest and General Nature Thereof

iii) Community Presentations

iv) Delegations

v) Consent Agenda

vi) Standing Committee Reports

vii) Consideration of Items Requiring Discussion (Regular Agenda)

viii) Motions

ix) Regional Report

x) New Business

xi) Public Service Announcements

xii) By-laws

xiii) Closed Session

xiv) Confirming By-law

xv) Adjournment

27. Order of Business – Other

a) The order of business for any other meeting type is at the discretion of the Clerk.

28. Record of Meetings

- a)** The Clerk records the minutes of Meetings of General Committee and Council without note or comment. The minutes record:
 - i) The date, time and location of the Meeting;
 - ii) The name of the Chair and a record of the attendance at the Meeting;
 - iii) The name and nature of presenters and Delegations; and
 - iv) All Resolutions, decisions and other proceedings of the Meeting;
- b)** Minutes of Committees, excluding standing Committees are submitted to General Committee for receipt.
- c)** The receipt of Committee minutes, excluding standing Committee minutes, by Council does not constitute endorsement by the Town of any recommendations or actions contained in the minutes.
- d)** A General Committee report is submitted to the next regular Council meeting for consideration of the recommendations to Council. The report from General Committee that is presented to Council shall not contain the mover or seconder on each item but rather shall only show recommendations endorsed by the General Committee.
- e)** Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval. The approved minutes form the official record of the Meeting.
- f)** After the Council Meeting minutes have been approved by Council, they shall be signed by the Mayor and Clerk.
- g)** Approved minutes of Council, including the report of the General Committee, will be posted on the Town's website as they become available.
- h)** The Clerk shall ensure that the minutes of each Meeting are made available to Members within a reasonable amount of time after the holding of such Meeting.

29. Changes in Order of Agenda

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

30. Declarations of Pecuniary Interest

- a) Members are required to make declarations of pecuniary interest in accordance with the requirements of the *Municipal Conflict of Interest Act* and/or other relevant legislation and shall refrain from speaking to and voting on the matter. At a Meeting at which a Member discloses a pecuniary interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the Committee or Local Board.
- b) A public registry of all declarations of pecuniary interest will be maintained by the Clerk in accordance with the *Municipal Conflict of Interest Act*.
- c) Where a Meeting is not open to the public, in addition to complying with the requirements set out in the Closed Session section of this Procedure By-law, the Member shall leave the Meeting or the part of the Meeting during which the matter is under consideration.
- d) Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Member's interest and otherwise comply at the first Meeting of Council or Committee, as the case may be, attended by the Member after the particular Meeting.
- e) The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting.

31. Staff and Community Presentations

- a) Staff Presentations
 - i) Staff presentations, if related to a report on the agenda shall occur at the time the report is discussed. Presentations by Staff at Meetings shall be a maximum of ten (10) minutes.

b) Community Presentations

- i) Community Presentations may be made by third-parties invited by staff to Council or General Committee on matters of interest to the Town. Such presentations are received or presented by the Chair.
- ii) Requests to be added to the Community Presentations section of an agenda shall be submitted to the Clerk at least three (3) weeks prior to the Meeting date.
- iii) Any accompanying materials must be submitted to the Clerk in an electronic format at least three (3) business days prior to the Meeting date.
- iv) Community Presentations may be up to five (5) minutes. The consent of Council or General Committee is required to extend a presentation beyond five (5) minutes.
- v) The Clerk may limit the frequency and/or number of times a group or individual may appear before General Committee or Council.

32. Delegations at Meetings of Council and General Committee**a) General Provisions**

- i) Delegates shall be encouraged to appear at the appropriate Committee first rather than Council.
- ii) Anyone wishing to appear before General Committee shall register as a delegate by submitting the prescribed form to the Clerk no later than 9 a.m. on the scheduled Meeting date.
- iii) Anyone wishing to appear before Council shall register as a delegate by submitting the prescribed form to the Clerk no later than 9 a.m. one (1) business day prior to the scheduled Meeting date.
- iv) Delegates shall advise the Clerk that the audio-visual equipment will be required and shall submit supporting material to the Clerk for approval in an electronic format no later than 4:30 p.m. on the Friday prior to the Meeting date.

- v) Delegates requesting specific financial assistance or services in-kind from General Committee or Council shall be directed to a Budget Committee meeting. Requests made outside the Budget Committee Meeting must include a detailed written request to the Clerk prior to the Meeting, which will be forwarded to the appropriate department for review. A decision will not be made at the Meeting where the Delegation is heard.
- vi) The Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise to the requester the earliest possible date when his/her Delegation may be accommodated. A limit of four (4) Delegations will be considered at a Meeting of General Committee, and two (2) Delegations will be considered at a Meeting of Council.
- vii) The Clerk may limit the frequency and/or number of times a group or individual may appear before General Committee or Council.
- viii) Delegation requests received after the deadline or limit has been reached will be acknowledged by the Clerk but not placed on an agenda.
- ix) Delegations at General Committee and Council Meetings shall be on a subject that is within the jurisdiction or influence of local government. Delegations at a Meeting of Council shall be related to an item of business on the agenda.
- x) Delegations regarding active planning applications will not be permitted at a Council Meeting
- xi) Delegates shall refrain from making statements or comments that are, in the opinion of the Chair, frivolous or vexatious in nature.
- xii) Delegates who share the same position on a matter or are from the same organization, are encouraged to speak in one delegation.
- xiii) Delegates shall be restricted to a speaking limit of five (5) minutes, regardless of whether they are representing an organization, association or other group.

- xiv) The consent of Council or General Committee is required to grant a delegate one (1) extension of up to five (5) minutes at a Council or General Committee Meeting, and to consider more than two (2) Delegations at a Council Meeting.
- xv) Delegates who appear before General Committee are not permitted to make a Delegation in relation to the same item at the following Council Meeting, but may submit written material to Members of Council through the Clerk's Office.

b) Conduct of Delegates

- i) Delegates shall not make detrimental, offensive or insulting comments, or speak ill of, or malign the integrity of Staff, the public, Council or Committee or other external public agencies.
- ii) Delegates who contravene this section will not be permitted to finish their delegation and will be asked by the Chair to take their seat in the audience.

c) Delegations at Council Meetings

- i) Anyone wishing to speak on an item that is not on the Council agenda may be placed on a Committee agenda to address an issue that is not on the Council agenda.

d) Delegations at Public Planning Meetings

- i) Any person may speak on a matter on the agenda at a Public Planning Meeting. The delegate shall not speak for more than five (5) minutes, but may have an opportunity to speak more than once on the agenda item.

33. Consent Agenda

- a) Consent Agenda will include the following items that do not have presentations or Delegations:
 - i) Receipt of the Minutes (i.e., Special Council, Workshop, Closed Session) (Council Meeting agenda only);
 - ii) Procurement items that are within the approved budget;

- iii) Communications addressed to Council;
 - iv) Information reports requested by Council through motions; and
 - v) Items as directed by the CAO or Clerk.
- b)** Questions of clarification may be asked by Members about any consent item during the adoption of the Consent Agenda without requiring a separate vote.
 - c)** Members shall identify any items contained on the Consent Agenda which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately under Consideration of Items Requiring Discussion (Regular Agenda).
 - d)** In the event that a Member declares a pecuniary interest on an item that is included on the Consent Agenda, that item shall be considered under Consideration of Items Requiring Discussion (Regular Agenda).
 - e)** Items on the Consent Agenda or the balance of the items, as the case may be, shall be adopted in one Motion.

34. Notice of Motion

- a)** A Member desiring to introduce a subject for discussion by Council will provide the proposed Notice of Motion to the Clerk in writing for inclusion in a regular agenda of General Committee by 12 p.m. on the Wednesday prior to the meeting.
- b)** The Motions will be included on the next Council agenda for consideration and disposition. Motions that are not in order, as determined by the Clerk, will not be included.
- c)** Closed Session Notices of Motion may be published as part of a General Committee or Council agenda to fulfil Notice provisions. The subsequent Motion will be brought forward to the next scheduled Council Closed Session meeting, or to a meeting agreed to by the authoring Member and the Clerk.

- d) The CAO or Staff may be requested to comment on the Motion raised in this section, but no staff report will be prepared unless the Motion, once adopted by Council, is referred to staff for a further report.
- e) It is the duty of the Member to:
 - i) Prepare the proposed Motion in writing
 - ii) Submit the proposed Motion to the Clerk
 - iii) Ensure the content of the proposed Motion allows for it to be published on a public agenda.

35. Regional Report

- a) The representative of the Town on Regional Council will provide a report at regular Meetings of Council on matters of interest to the Town, when available.

36. New Business

- a) Any Member of Council or a Committee, at any Meeting, may present and introduce any matter of new business during the New Business portion of the Meeting, and shall have regard to the following guidelines:
 - i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Director or appropriate Staff;
 - ii) Members are discouraged from raising substantive policy matters, in particular consideration of corporate policies or by-laws; and,
 - iii) Members of Council are encouraged to raise announcements and community events under the Public Service Announcements portion of the Council agenda.

37. Public Service Announcements

- a) Members may speak for no more than three (3) minutes on public service announcements and community events, unless the consent of Council is granted.

38. By-laws

- a) By-laws are considered by Council and approved by Motion.
- b) Every by-law adopted by Council is done so under the seal of the Town and signed by the Clerk and the Mayor.
- c) All by-laws shall be given first, second and third readings in a single Motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the Motion and dealt with separately.
- d) The following types of by-laws may be presented directly to Council without an accompanying staff report:
 - i) Those directed to be presented directly to Council by General Committee or Council;
 - ii) The appointment of statutory positions, staff for by-law inspection, municipal law enforcement and provincial offences administration;
 - iii) Consolidation of by-laws or housekeeping amendments;
 - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
 - v) A by-law to levy interim property taxes;
 - vi) A by-law to set tax rates in accordance with the approved budget;
 - vii) Part-lot control by-laws;
 - viii) Assumption by-laws;
 - ix) A by-law to establish a public highway;
 - x) Minor amendments resulting from changes to provincial enabling legislation; and,
 - xi) Other administrative by-laws deemed appropriate by the CAO.
- e) Every Council Meeting shall be confirmed by by-law so that every decision of Council at that Council Meeting and every Resolution of the Meeting

shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

- f) All amendments to any by-law approved by Council shall be deemed to be incorporated into the by-law and if the by-law proposing the amendment is enacted by Council, the amendments shall be inserted by the Clerk.
- g) All by-laws, including the confirming by-law, shall be voted on prior to Adjournment.

39. Adjournment

- a) No item of business shall be considered at a Meeting of Council or General Committee after 10:30 p.m. unless a majority of the Members present enact a resolution to extend the hour. The Resolution must include a proposed time for adjournment of the Meeting.

40. Correspondence

- a) Where correspondence is not requested to be included in a Council or General Committee agenda, it is circulated by the Clerk to Members, the CAO, Directors and applicable Staff for their information, and forms a part of the Clerk's records.
- b) Where correspondence has been requested to be included on a Council or General Committee Meeting agenda or on the request of a Member to the Clerk, correspondence is placed on the General Committee meeting agenda for consideration. Where required due to urgency or timing, correspondence may be considered directly by Council as an Additional Item.
- c) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.

41. Petitions

- a) Petitions may be submitted to the Clerk and will include a minimum of two (2) persons and their respective addresses unless otherwise required by law, and a clear statement of the purpose for the petition.

- b) If the petition meets the requirements of the Petition Policy and/or any other related Town Policies, the request conveyed in the petition will be considered by General Committee for disposition. Where required due to urgency or timing, petitions may be considered directly by Council.
- c) Staff may prepare recommendations related to the matter for Council's consideration.
- d) The Town is not accountable for the accuracy or reliability of petitions that are submitted.

42. Motions from Other Municipalities

- a) All requests for endorsement of resolutions from other municipalities will be electronically circulated to Council and acknowledged by the Clerk, with the advice that the Town does not take action on resolutions received from other municipalities, but rather makes its position known through the appropriate municipal association, or alternatively, directly to the relevant Minister or government leader.
- b) A Member of Council may request that a resolution from another municipality be added to a General Committee agenda for consideration.
- c) The Council's receipt of resolutions from other municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.

43. Motions – Impact on Corporate Resources

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a Motion that makes an impact on corporate resources where a matter:
 - i) Has already been approved by Council;
 - ii) Is considered by the CAO to be minor in nature; and/or,
 - iii) Falls within existing service levels.

44. Procedures Concerning Motions**a) General Rules**

- i) Every Motion in any Meeting of Council or Committee requires a mover and a seconder.
- ii) When duly moved and seconded, every Motion, other than a Motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for discussion.
- iii) No debate is permitted on any Motion or amending Motion until it has been properly seconded.
- iv) A Member may move a Motion in order to initiate discussion and debate, but vote in opposition to the Motion. A seconder of the Motion may vote against the Motion.
- v) A Motion or amending Motion may not be withdrawn without the consent of the mover and seconder.
- vi) The Chair of a Meeting of Council or a Committee will not move or second a Motion.

All Members of Council or a Committee will vote on all Motions except in the instance where the Member refrains from voting on an issue due to a declaration of a pecuniary interest in the matter by the Member. If any Member does not vote, he/she will be deemed as voting in the negative (except where prohibited from voting by statute).

b) Motion under Debate

- i) When a Motion is under debate, no other Motion may be considered except for the following Motions, to be considered in the listed order of priority:
 - (a) To adjourn;
 - (b) To recess;
 - (c) To table an item;
 - (d) To put the question to a vote or call the vote;

- (e) To defer;
- (f) To refer;
- (g) To amend.

c) Motion to Adjourn

- i) A Motion to adjourn means a Motion to end a Meeting.
- ii) A Motion to adjourn is not debatable and shall always be in order except when:
 - (a) Another Member is in possession of the floor;
 - (b) A vote has been called; or
 - (c) Members are voting.
- iii) A Motion to adjourn is not amendable, except when moved to set future time for adjourning.
- iv) A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.

d) Motion to Recess

- i) A Motion to recess means to suspend a meeting for a specific length of time.
- ii) A Motion to recess when other business is before the Meeting:
 - (a) Specifies the length of time of the recess;
 - (b) Is debatable as to the length or timing of the recess; and
 - (c) Can only be amended with respect to the length of the recess.

e) Motion to Table

- i) A Motion to table means to postpone a matter without setting a definite date for future discussion for a matter. A tabled Motion that has not been decided on by Council during the term of Council in which the Motion was introduced is deemed to have been withdrawn.
- ii) A Motion to table:

- (a) Is not to be amended or debated; and
 - (b) Applies to the Motion and any amendments thereto under debate at the time when the Motion to table was made.
 - iii) If the Motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the CAO, or a Member through a Motion, brings it forward to a subsequent Meeting.
- f) Motion “To Put the Question to a Vote” or “To call the Vote”
 - i) A Motion “To Put the Question to a Vote” or “To call the Vote” means to stop debate and immediately proceed to vote on the Motion.
 - ii) Any Member may request the Chair “To Put the Question to a Vote” or “To call the Vote” by presenting a Motion that the question “now be put to a vote.” A Motion to put the question to a vote must:
 - (a) Be seconded;
 - (b) Is not open to debate;
 - (c) Immediately put to a vote without debate;
 - (d) Requires a 2/3 majority vote to close debate.
- g) Motion to Refer
 - i) A Motion to refer means to direct a matter under discussion by Council or a Committee to Staff or another Committee for further examination or review.
 - ii) A Motion to refer a matter under consideration to a Committee or to Staff:
 - (a) Shall be debatable as to the rationale of referring, and cannot go into the merits of the Motion or subject being referred; and
 - (b) May be amended as to the Committee or group to whom it is being referred, as to the time the Committee or Staff reports back, and as to directions given to the Committee or Staff; and

- (c) Includes the terms on which the Motion is being referred and the time at which the matter is to be returned; and
 - (d) Includes the reasons for the referral.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- h) Motion to Defer**
 - i) A Motion to defer means to postpone all discussion on a matter until a future date or time, one which is established as part of the Motion.
 - ii) A Motion to defer to a certain time or date:
 - (a) Is open to debate as to advisability of postponement and cannot go into the merits of the Motion or subject being postponed; and
 - (b) May be amended as to the time or date to which the matter is to be deferred.
 - iii) This Motion may be delayed by the Chair in order to permit Members on the speaking list to speak.
- i) Motion to Amend**
 - i) The purpose of this Motion is to modify a Motion. It cannot be used to directly contradict or negate the effect of another Motion.
 - ii) A Motion to amend:
 - (a) Is open to debate; and,
 - (b) Is to be relevant to the main Motion; and
 - (c) Is applied to a Motion at one time, and that amendment may be amended [by a secondary amendment], which then cannot be amended.
 - iii) If a Motion to amend is not considered a Friendly Amendment, then the Motion to amend:

- (a) If more than one Motion, will be put to a vote in the reverse order to that in which they were moved;
- (b) Will be decided upon or withdrawn before the main Motion is put to the vote;
- (c) Will not be amended more than once, provided that further amendments may be made to the main Motion; and,
- (d) Will not be directly contrary to the main Motion.

j) Motion Containing Two or More Matters

- i) When the Motion under consideration concerns two (2) or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.
- ii) A vote on the main Motion or the Motion, as amended, may be split for the purpose of complying with the *Municipal Conflict of Interest Act*, or at the discretion of the Chair.

k) Withdrawal of Motion

- i) A request to withdraw a Motion:
 - (a) May only be made by the mover of the Motion;
 - (b) Requires consent of the seconder of the Motion; and,
 - (c) Is in order any time during the debate.

l) Adoption in a Single Motion

- i) One or more items on an agenda may be adopted in a single Motion.

45. Voting

a) General Rules

- i) After a Motion is finally put to a vote by the Chair, no Member speaks to it nor will any other Motion be made until after the vote is taken and the result has been declared.
- ii) All Members of Council or a Committee will vote on all Motions. Failure by any Member to announce his/her vote openly and

individually, including an “abstention,” is deemed to be a vote in the negative.

- iii) Each Member present and voting announces or indicates his/her vote upon the Motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

b) Majority Vote

- i) A majority means more than half of the Members present, or:
 - (a) If 7 Members present: 4
 - (b) If 6 Members present: 4
 - (c) If 5 Members present: 3
- ii) Unless this Procedure By-law states otherwise, a matter passes when a majority of Members present vote in the affirmative.
- iii) Where required in this Procedure By-law, a two-thirds majority means $\frac{2}{3}$ of the Members present, or:
 - (a) $\frac{2}{3}$ of 7: 5
 - (b) $\frac{2}{3}$ of 6: 4
 - (c) $\frac{2}{3}$ of 5: 4
 - (d) $\frac{2}{3}$ of 4: 3

c) Tie Vote

- i) Any Motion on which there is a tie vote is deemed to be defeated.

d) Recorded Vote

- i) A recorded vote is only permitted at Council Meetings and will be taken at the request of a Member prior to the commencement of the vote being taken or immediately thereafter.
- ii) A Member of Council's failure to participate in a recorded vote when he/she has not declared a pecuniary interest is deemed to be a negative vote.
- iii) A recorded vote at Council Meetings will be taken as set out in a) or b) below:

- (a) Each Member announces his/her vote openly, and the Clerk records his/her vote in the minutes. Votes are called in random order as determined by the Clerk.
 - (b) Each Member first indicates his/her vote by using an electronic device. Each Member's vote is then electronically displayed on a screen, and the Clerk announces the outcome of the vote and records each Member's vote in the minutes.
- iv) Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue is not recorded in any Meeting minutes.

46. Reconsideration of a Matter

- a) Council cannot reconsider a matter until six (6) months have passed from the date of the matter's original disposition by Council, except upon a vote in the affirmative of two-thirds majority of the Members present.
- b) Decisions which contractually bind the Town shall not be reconsidered.
- c) A Motion to reconsider shall be introduced by way of a Notice of Motion and considered either at the next Council Meeting or at a special Meeting called to reconsider the Motion unless the Council, without debate, dispenses with the requirement for a Notice of Motion on a two-thirds vote.
- d) A Motion to reconsider is debatable, which debate will be restricted to the rationale for reconsidering the matter, and no debate of the main Motion shall be allowed until the Motion for reconsideration is carried.
- e) Once the reconsideration Motion has carried, the matter is reopened in its entirety unless the reconsideration Motion specifies otherwise.
- f) If the matter is reopened, all previous decisions of the Council remain in force until the Council decides otherwise.
- g) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- h) Notwithstanding the time period set out in s. 45 (a), if a Council matter was lost as a result of a tie vote due to an absent Member, the matter may

be reconsidered at the next Council meeting via a Motion to reconsider carried by a majority of the Members present.

47. Point of Order

- a)** A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
 - i)** A deviation or departure from this Procedure By-law; or
 - ii)** A deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- b)** Upon hearing such Point of Order, the Chair decides and states his/her ruling on the matter.
- c)** Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
- d)** If no Member appeals, the decision of the Chair is final.
- e)** If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair be sustained without further debate. The decision of the majority of the Members who are present at the Meeting is final.

48. Point of Personal Privilege

- a)** A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of his/her own person, the Council, a Committee Member, Staff or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b)** Upon hearing such Point of Personal Privilege, the Chair decides and states his/her ruling on the matter.
- c)** Where the Chair rules that a breach of privilege has taken place, he/she demands that the offending Member or individual apologize and, failing

such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.

- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of privilege to the Council or a Committee.
- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state his/her case, the Chair has the right to reply and the Council or Committee decides the question of whether the decision of the Chair be sustained without further debate. The decision of a majority of the Members who are present at the Meeting is final.

49. Public Record

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

50. Administrative Authority of Clerk

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.
- b) The Clerk is authorized to create and amend an annotated version of the Procedure By-law from time to time, to assist Members in complying with the rules as enforced and interpreted.

51. Recording, Broadcasting and/or Live Streaming Meetings

- a) All Meetings with a Quorum of Members shall be audio and/or visually recorded, broadcast and/or live streamed publicly by the Town, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.

- b)** All Meetings of Committee of Adjustment, Property Standards Committee, and other quasi-judicial bodies or Committees of the Town shall be audio and/or visually recorded, broadcast and/or live streamed publicly by the Town, with the exception of Meetings closed to the public provided for in the Closed Session section of this Procedure By-law.
- c)** Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or recording secretary to ensure attendees at the Meeting are notified through the Chair.
- d)** The approved minutes of a Meeting will form the official record of the Meeting. Any audio, video, or other record of the Meeting shall not be considered an official record.

52. Review of Procedure By-law

- a)** Council shall review this By-law within the first six (6) months of the second year of each term of Council.
- b)** The Clerk shall bring forward housekeeping amendments, as required or as directed by Council.

53. Severability

- a)** Each and every one of the provisions of this Procedure By-law is severable and if any provisions of this Procedure By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions of this Procedure By-law shall remain in full force and effect.

54. Enactment

- a)** By-law Number 6068-18 be and is hereby repealed.
- b)** This By-law shall come into full force and effect on January 1, 2020.

Administrative Policies & Procedures

Council/Staff Communications

Policy No. 5

Administration

Topic:	Council Information Requests	Affects:	All Employees & Elected Officials
Section	Administration	Replaces:	Old Policy No. 5
Original Policy Date:	April 6, 1988	Prior Revision Date:	August 23, 1989
Effective Date:	January 29, 2013	Next Revision Date:	January, 2016
Prepared By:	Administration	Approval Authority:	Council

1. POLICY

In executing the office for which they were elected, Members of Council individually have a right to make reasonable requests of the administration for documents or information available for any matter affecting the municipality, its processes, its records, services, programs or initiatives.

2. PURPOSE

The purpose of this policy is to establish procedures to govern the ways and means by which members of Council gain access to information concerning Town business, and to describe the forms of information which will be provided.

3. WHO TO CONTACT

A Council member who wishes to inquire into a certain matter or who wishes to obtain copies of documents on file with the Town should address the inquiry to the appropriate Director. In the absence of the Director, the request should be made to the C.A.O. Departmental staff are not to be consulted for the purposes of making inquiries in any circumstances.

4. METHODS OF COMMUNICATION

Routine inquiries can be made in person, by telephone or by email. Unless copies of documents are requested, the reply will usually be communicated in the same manner as the question.

Councillors requesting a written response to an inquiry should submit same in writing.

Inquiries which will require extensive research and staff time, should be directed through Council. Where doubt exists about the magnitude of effort required for responding to an inquiry, the C.A.O. or Director should be consulted prior to any Notice of Motion or request to Council.

5. DOCUMENTS AND INFORMATION AVAILABLE

In general, members of Council have access to any documents on file with the Town save and except:

- 5.1 Those documents protected from release by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 5.2 Copies of documents prepared by staff which are still in draft format (i.e. not approved by the author for release) or documents which are to be provided to Councillors simultaneously at a future time. (e.g. Agenda materials)

- 5.3 Personnel files related to any specific employee, former employee, or applicant, or any recruitment process.
- 5.4 Original files, drawings, or other documents will not be provided.
- 5.5 Material which should most appropriately be provided to all members of Council in a closed meeting.

6. TIME FOR RESPONSE

Members of Council can expect to receive a response to a routine inquiry generally within one business day, although in practical terms, the response can usually be obtained in a shorter time. Where a response cannot be provided within one business day, the member making the inquiry shall be informed of the reasons for delay and the expected response date.

7. DISTRIBUTION OF RESPONSE AT DISCRETION OF STAFF

When the response to an inquiry made by a member of Council is to be communicated in written format (e.g. a memo, or a copy of a file document), it shall be at the sole discretion of the CAO or the Director whether all other members of Council receive a copy of the response accompanied by a note indicating the name of the Councillor making the requisition and the date of the requisition. The decision shall be based on the perceived level of interest of Council, and the nature, sensitivity or volume of the information requested. Likewise, the CAO may determine that the information would be of public interest, and may add such information to a public agenda of the General Committee.

8. UPDATES

Minor administrative updates to this policy by the CAO are authorized, provided no material changes affecting members of Council or changes which may have a material financial impact on the corporation are made without Council approval.

Signed:



Neil Garbe, Chief Administrative Officer

28-Feb-2013

Date



The *Municipal Freedom of Information and Protection of Privacy Act* and Councillors' records

April 2016

INTRODUCTION

The Information and Privacy Commissioner of Ontario (IPC) sometimes decides appeals relating to requests for access to records created or held by municipal councillors. The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) does not expressly refer to records of municipal councillors and, therefore, before a determination can be made on access to those records, the IPC must decide whether MFIPPA applies. In making this decision, the IPC examines the specific facts of each case in light of a number of principles.

The IPC has been calling for amendments to MFIPPA to clarify when it applies to these records, including in August 2015, when the IPC wrote to the Minister of Municipal Affairs and Housing setting out proposed amendments (this letter is available on the IPC's **website**).

In the absence of amendments, however, the IPC is issuing this fact sheet, which explains when and how councillors' records are subject to MFIPPA.

WHEN ARE COUNCILLORS' RECORDS SUBJECT TO MFIPPA?

Councillors' records are subject to MFIPPA where:

1. a councillor is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution, or
2. the records are in the custody or control of the municipality.

WHEN IS A COUNCILLOR AN OFFICER OR EMPLOYEE OF A MUNICIPALITY?

A councillor is likely to have several roles, such as an individual constituent representative, a politician, or a head or member of a municipal committee or board, such as a transit corporation. Some of these roles may entail the councillor acting as an officer or employee, while others do not.

The term “officer” refers to a “high ranking individual within the municipal civic service, who exercises management and administrative functions, and who derives his or her authority either from statute or from council” (IPC Order M-813).

The courts have found that elected members of a municipal council are not agents or employees of the municipal corporation in all circumstances. This is consistent with the treatment of Members of Provincial Parliament under the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

In applying these principles, the IPC has found in many cases that municipal councillors are not officers or employees of a municipal institution. For example, in Order MO-2821, the IPC found that communications between municipal councillors about cycling issues were not created in their capacity as officers or employees of the city. This office decided that although the councillors were members of a city committee, the records did not relate to the discharge of any special authority to act on behalf of the city. In Order MO-2824, the IPC determined that the analysis of whether or not a councillor is an officer did not turn on who the councillor communicated with, but rather in what capacity the councillor was acting.

In other situations, the IPC has found that a councillor is an officer or employee of a municipal corporation. For example, a mayor is an officer of a municipality, as he or she is its chief executive officer (IPC Order MO-1403). Therefore, records created or received in connection with his or her duties as a mayor are covered by *MFIPPA*, in the same manner as the records of city employees or other officials of the city.

DOES THE MUNICIPALITY HAVE CUSTODY OR CONTROL OF THE RECORDS?

Even where a councillor is not an officer or employee of a municipal corporation, the IPC may still find that the councillor’s records are subject to *MFIPPA* because they are in the custody or control of the institution. These findings are based on section 4(1) of *MFIPPA* that states “every person has a right of access to a record or part of a record **in the custody or under the control** of an institution” unless specific exemptions apply.

A record does not need to be both in the custody and under the control of an institution, but rather one or the other (IPC Order P-239).

The IPC has interpreted “in the custody or under the control” broadly, and considers a number of factors in making a determination under section 4. These factors go beyond the physical location of a record, and involve factors such as the purposes of the record, its originator, and whether the record pertains to the institution’s mandate or functions. For example, bare possession of municipal councillors’ records by itself may not establish that a municipality has “custody or control” of those records. (*City of Ottawa v. Ontario*, 2010 ONSC 6835 (Div. Ct.)). For a list of some of the factors, please see Appendix A.

In cases where the record is not held by an institution, such as where it is solely held by a councillor, the IPC looks at the factors set out in Appendix A within the framework of the following two-part test from *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25 (CanLII):

1. Do the contents of the record relate to the institution's business?
2. Could the institution reasonably expect to obtain a copy of the record upon request?

On the second question, the Supreme Court of Canada stated:

...all relevant factors must be considered in order to determine whether the government institution could reasonably expect to obtain a copy upon request. These factors include the substantive content of the record, the circumstances in which it was created, and the legal relationship between the government institution and the record holder... The reasonable expectation test is objective. If a senior official of the government institution, based on all relevant factors, reasonably *should* be able to obtain a copy of the record, the test is made out and the record must be disclosed, unless it is subject to any specific statutory exemption. In applying the test, the word "could" is to be understood accordingly (*National Defence*).

If you answer **yes** to each part of the two-part test above, then the records are in the control of the municipality, *MFIPPA* applies, and the institution must issue an access decision.

RECENT IPC ORDERS

In finding that the City of Vaughan had control of toll road invoices held by councillors in Order MO-2750, the IPC considered that:

- the city reimbursed the councillors for expenses incurred using the toll road because the councillors incurred them in the conduct of city business. The city made the reimbursements in accordance with city policy, and
- the city's policy required the councillors to retain supporting invoices and entitled the city to obtain copies of them on request

In Order MO-3281, the IPC found that an email sent from a councillor to an outside party was under the control of the City of Oshawa because:

- the email's content related to a city matter, namely the hiring of an investigator to review allegations made by the city's auditor general, and
- the email played a crucial role in the negotiations, which led to the hiring of the investigator, it related directly to the city's mandate and functions, and the city could reasonably expect to obtain the email upon request

In Privacy Complaint MC10-75 and MC11-18, the IPC found that emails received by the chair of the Toronto Transit Commission (TTC) in his capacity as the chair were in the custody or control of the TTC and the City of Toronto. The investigator's findings were based on the following:

- the city had enacted a code of conduct governing the conduct of members of council sitting on boards which addressed confidentiality concerns
- the record was held by the city on a server maintained by the city, and
- the record related to a matter that fell within the city's mandate and functions, and was sent to the councillor as the chair of the TTC, who then passed the record on to TTC staff for processing as a service complaint

In contrast, the IPC found in Order MO-2842 that a councillor's communications with a third party in relation to bringing a National Football League (NFL) team to the City of Toronto were not in the city's custody or control. In coming to this finding, the order noted:

- the records related to the councillor's role as an individual constituent representative and were in their nature "political" rather than "city" records
- the councillor had no express authority to act for the city in regards to this matter
- the records (if they existed) related to a matter that was speculative or hypothetical, and
- an agreement to bring an NFL team to the city was not discussed or reviewed by the city and no agreement ever materialized

CONCLUSION

Determining whether councillors' records are subject to *MFIPPA* very much depends on the context. It involves a consideration of a number of factors and circumstances to determine first whether the councillor is either an officer or employee of a municipality and, if not, whether his or her records are in the custody or under the control of the municipality.

Municipalities need to take steps to ensure the transparency of their business activities and the privacy of personal information entrusted to them. To address the unique role of municipal councillors, municipalities should develop comprehensive policies and procedures regarding the appropriate management of records relating to the conduct of municipal business and the protection of privacy. These policies and procedures should inform councillors that, on occasion, they will be required to provide city staff with records to respond to an FOI request. To ensure that the policies and procedures are followed, municipalities should provide training on them during orientation of councillors and on a regular basis throughout their tenure.

APPENDIX A

The IPC has developed a list of factors to consider in determining whether a record is in the custody or control of an institution. The list is not intended to be exhaustive. Some of the listed factors may not apply in a specific case, while other unlisted factors may apply.

- Was the record created by an officer or employee of the institution?
- What use did the creator intend to make of the record?
- Does the institution have a statutory power or duty to carry out the activity that resulted in the creation of the record?
- Is the activity in question a “core”, “central” or “basic” function of the institution?
- Does the content of the record relate to the institution’s mandate and functions?
- Does the institution have physical possession of the record, either because it has been voluntarily provided by the creator or pursuant to a mandatory statutory or employment requirement?
- If the institution does have possession of the record, is it more than “bare possession”?
- If the institution does not have possession of the record, is it being held by an officer or employee of the institution for the purposes of his or her duties as an officer or employee?
- Does the institution have a right to possession of the record?
- Does the institution have the authority to regulate the record’s content, use and disposal?
- Are there any limits on the use to which the institution may put the record, what are those limits, and why do they apply to the record?
- To what extent has the institution relied upon the record?
- How closely is the record integrated with other records held by the institution?
- What is the customary practice of the institution and other similar institutions in relation to possession or control of records of this nature, in similar circumstances?

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5690-15

BEING A BY-LAW to define the accountability and transparency policies and procedures for The Corporation of the Town of Aurora.

WHEREAS paragraph 5 of subsection 270(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality shall adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions and the manner in which it will try to ensure that its actions are transparent to the public;

AND WHEREAS on November 27, 2007 the Town adopted a corporate policy regarding procedures by which the Town will try to ensure that it is accountable to the public for its actions and that its actions are transparent to the public, being Town Administration Procedure No. 67;

AND WHEREAS it is deemed necessary to adopt a policy by by-law with respect to the Town's accountability and transparency to replace Administration Procedure No. 67;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY ENACTS AS FOLLOWS:

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PART 1: DEFINITIONS, PRINCIPLES, PURPOSE AND APPLICATION

1. DEFINITIONS OF THIS BY-LAW

1.(1) In this by-law, the following words have the following meanings:

- (a) **“AODA”** means the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11, as amended;
- (b) **“CAO”** means the Chief Administrative Officer of the Town, or his/her designate;
- (c) **“Closed Meeting”** means a regular, special or other meeting of a Council, of a local board or of a committee that is closed to the public within the meaning ascribed to it under section 239 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;
- (d) **“Council”** means the Council of The Corporation of the Town of Aurora;
- (e) **“Department”** means a department of the Town;
- (f) **“Department Head”** means a Director, or his/her designate, of the Town who is responsible for a Department, and shall include the CAO with respect to his/her direct responsibilities for a Department;
- (g) **“Town”** means The Corporation of the Town of Aurora.

2. VISION, MISSION AND VALUES OF THE TOWN

2.(1) The Town’s vision is to be a respected leader in municipal government, seeking innovative approaches and effective solutions that meet community expectations.

2.(2) The Town’s mission is to be a professional and resilient organization dedicated to providing high quality service and better understanding the needs of our community.

2.(3) The Town values the following:

- (a) Acting with honesty and integrity while serving the community;
- (b) Providing a positive work environment that promotes employee health and well-being;
- (c) Recognizing and respecting the diversity of its community and workforce;
- (d) Protecting and enhancing the natural environment;
- (e) Valuing the cultural heritage and the history of our community; and
- (f) Contributing to the economic vitality of our community.

3. PURPOSES, GOALS, AND OBJECTIVES OF THIS BY-LAW

The purposes, goals, and objectives of this by-law are:

- (a) to ensure openness, accountability and transparency while protecting the best interests of the Town;

- (b) to deliver high quality services while promoting the efficient use of public resources;
- (c) to avoid conflicts between the interests of the Town and those of the Town's employees and elected officials;
- (d) to foster an environment that invites and encourages citizen participation and engagement; and
- (e) to incorporate, where applicable, the requirements of the AODA in practices of the Town as well as any requirements contained in other legislation (either provincial or federal) which may impact the practices of the Town.

4. ACCOUNTABILITY AND TRANSPARENCY PRINCIPLES AND PRACTICES

Accountability and transparency affect and are affected by the public sector organization as a whole, and the community it serves, whether at the local, provincial, or national level. Accountability and transparency are standards of good governance that enhance public trust. Therefore, the Town has adopted Accountability and Transparency Principles and Practices, as follows:

Accountability:

Taking ownership and being responsible to stakeholders for our actions or inactions. This value is essential to preserve the public trust and to protect the public interest.

Efficiency:

Efficient management of the Town. This value is essential to ensure issues and needs of the public are responded to in a timely fashion.

Ethics:

Acting in a manner true to the values listed herein. Acting ethically is essential to preserve the public's trust.

Impartiality:

Unbiased decision-making and action. This value is essential to ensure fairness for the public good.

Professionalism:

Upholding high standards of job performance and ethical behavior. This value is essential to balance diverse public interests.

Service:

Obligation to assist stakeholders. This value is essential to support the public good.

Transparency:

Easily accessible and understandable policies and processes. This value is essential to ensure active encouragement and fostering of public participation in the Town's decision-making.

5. APPLICATION

- 5.(1) This by-law shall apply to all members and committees of Council and employees of the Town with respect to their roles in the political processes, decision-making and administrative management of the Town.

6. RESPONSIBILITIES

- 6.(1) Council is responsible for providing good government for its constituents in an accountable and transparent manner by:

- (a) encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
 - (b) delivering high quality services to its constituents; and
 - (c) promoting the efficient use of public resources.
- 6.(2) With respect to financial dealings, as required under the *Municipal Act, 2001*, as amended, the Town shall be responsible for providing accountability and transparency to its constituents in a manner that may include, but is not limited to, the following:
- (a) publishing internal and external audits;
 - (b) publicly providing financial statements and reporting;
 - (c) documenting long term financial planning;
 - (d) demonstrating a commitment to asset management;
 - (e) adopting open and transparent procurement policies and practices;
 - (f) providing, when concluded, the details of any purchase or sale of land; and
 - (g) ensuring open and accessible budget processes including opportunities for public input.
- 6.(3) With respect to internal governance, the Town shall be responsible for ensuring accountability on the part of its employees through the following initiatives:
- (a) mission, vision and value statements;
 - (b) code of conduct for staff;
 - (c) performance management and evaluation;
 - (d) hiring policies;
 - (e) orientation and continuing education;
 - (f) compensation and benefits;
 - (g) health and safety programs; and
 - (h) administrative practices and procedures that recognize Council's commitment to accountability and transparency.
- 6.(4) With respect to Town meetings, the Town shall be responsible for providing accountability and transparency to its constituents in a manner that may include, but is not limited to, the following:
- (a) implementing a processes outlining how, when and under what rules Town meetings will take place;
 - (b) ensuring the Town meetings are open to the public where required by the *Municipal Act, 2001*, as amended;
 - (c) providing members of the public with an opportunity to make delegations or comments in writing on specific items at meetings that are open to the public; and

- (d) fostering meaningful and effective public participation at Town meetings, by disclosing information in a timely manner on various media, which may include print media and websites, where such information may include, but is not limited to, the following:
- (i) Procedural By-law;
 - (ii) Code of Ethics for Councillors;
 - (iii) Strategic Plan;
 - (iv) development of the Customer Service Strategy;
 - (v) employee satisfaction survey, action plan and report card;
 - (vi) membership with Excellence Canada and related action plans;
 - (vii) Delegation By-law and policy;
 - (viii) Records Retention By-law and policy;
 - (ix) corporate records and documents management plan;
 - (x) Public Notice By-law and policy;
 - (xi) provincial and municipal benchmarking;
 - (xii) financial information reporting;
 - (xiii) online availability of the Town's Operating and Capital Budget/Business Plans;
 - (xiv) the maintenance of an inventory of the Town's landholdings;
 - (xv) Annual Community Report, which includes the Town's performance results in the Municipal Performance Measurement Program;
 - (xvi) audited financial statements, which shall be compliant with the Public Sector Accounting Board requirements;
 - (xvii) salary information, released in accordance with the *Public Sector Salary Disclosure Act, 2006*;
 - (xviii) information required by the AODA;
 - (xix) by-laws, agendas, minutes and reports of General Committee and Council, provided on the Town's website;
 - (xx) the Town's Emergency Plan, provided on the Town's website; and
 - (xxi) live streaming of General Committee meetings, and local broadcast of Council meetings, where both recordings will be available online following the meeting on an on-demand basis.

6.(5) With respect to Closed Meetings, the Town shall be responsible for ensuring accountability and transparency to its constituents by:

- (a) ensuring the Town's procedural by-law and practices enable detailed compliance with the requirements of the *Municipal Act, 2001*, as amended, for holding a Closed Meeting;

- (b) informing the public, when possible, of the reason for the holding of the Closed Meeting by providing information which may include, but is not limited to:
 - (i) the general nature of the matter to be considered at the Closed Meeting; and
 - (ii) the resolutions made at the Closed Meeting.

7. EXCEPTIONS AND CONFLICT

- 7.(1) All political processes, decision-making and administrative management of the Town shall comply with this by-law and all other Town by-laws and policies, including the Town Corporate Policies and Procedures, the Employee Code of Conduct and the Council Code of Ethics By-law.
- 7.(2) In case of conflict between any Town policy and this by-law relating to matters of accountability and transparency, the provisions contained in this by-law shall prevail. In case of conflict between this by-law and any other Town by-law, the provisions of the by-law that is more specific in addressing the matter in conflict shall prevail.
- 7.(3) Notwithstanding the provisions of this by-law, all political processes, decision-making and administrative management of the Town shall comply with any provincial or federal Act, or a regulation made under any such Act, and any instrument of a legislative nature.

8. ACCESS TO INFORMATION

- 8.(1) The disclosure of information by the Town shall be made in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and the *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sched. A, as amended.

9. ACCESSIBILITY CONSIDERATIONS

- 9.(1) The Town is committed to giving people with disabilities the same opportunity to access and participate in the decision-making processes of the Town and allowing them to benefit from the same services and public participation opportunities as other constituents, pursuant to the provisions of the AODA. Programs, services, facilities, etc. should be accessible to persons with disabilities (visible and invisible), including (without limitation): hearing loss, vision loss, physical or mobility related impairments, temporary disabilities, learning, speech, language, cognitive, psychological, psychiatric, intellectual and developmental disabilities, allergies, and multiple chemical sensitivities.

PART 2: GENERAL ITEMS

10. BY-LAW REVIEW

- 10.(1) This by-law shall be monitored and evaluated for effectiveness continuously by the CAO and shall be comprehensively reviewed upon specific request by the Council.

11. SEVERABILITY

- 11.(1) If any provision of this by-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this by-law which can be given effect without the invalid provision or application, and to this end the provisions of this by-law are severable.

12. SHORT TITLE

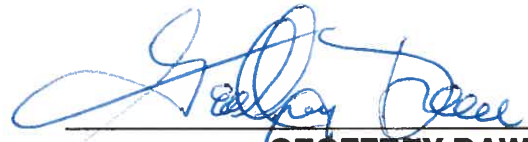
12.(1) This by-law may be referred to as the "Accountability and Transparency By-law".

13. IN FORCE

13.(1) This by-law shall come into full force and effect on the date of final passage hereof.

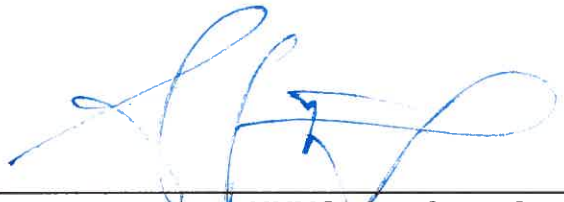
READ A FIRST AND SECOND TIME THIS 10th DAY OF MARCH, 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF MARCH, 2015.



GEOFFREY DAWE, MAYOR

*Approved as to Form
By Legal Services*
Signature Namen Man
Date: March 6, 2015



STEPHEN M.A. HUYCKE, TOWN CLERK



Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils

A guide for municipal councillors to help them understand their responsibilities under the Safe Drinking Water Act, 2002 and provide them with information on how Ontario's drinking water is safeguarded.

Introduction

A Message from the Chief Drinking Water Inspector of Ontario

Safeguarding drinking water, now and for our future generations, is a vitally important role. It requires leadership, vigilance and ongoing collaboration between the province and Ontario municipalities.

More than 80 percent of Ontario's population receives their drinking water from a municipal drinking water system. Drinking water quality and inspection results show that Ontario's municipalities are achieving strong and consistent performance levels. It is because of this dedication to excellence at the municipal level that Ontario's drinking water continues to be of the highest quality.

As good as current results are, constant attention is needed to keep our drinking water safe.

If you are a municipal councillor with decision-making responsibilities for a municipal drinking water system or have oversight of an accredited operating authority, you have a serious and unique role in protecting the people of your community. This guide will help you understand your responsibilities under the *Safe Drinking Water Act, 2002* and provide you with information on how Ontario's drinking water is protected. It will help answer questions about your statutory standard of care responsibilities, and it provides some basic reference material on drinking water.

I look forward to continue working with municipalities to further improve how we protect and manage our water resources for the benefit of Ontarians.

Susan Lo
Chief Drinking Water Inspector of Ontario

A Message from Ontario's Chief Medical Officer of Health

Safe drinking water is one of the key pillars of public health in Ontario. Protection of our drinking water is a vital responsibility shared by many partners.

The Ministry of Health and Long-Term Care shares a strong commitment to excellence with the Ministry of the Environment and Climate Change by supporting Boards of Health and communities to provide safe drinking water in the province. Ontario's Boards of Health work together with municipalities in many ways to protect the public, including when your community's drinking water may not be safe for consumption.

As municipal councillors with oversight responsibilities for municipal drinking water systems, you are a critical partner in providing safe drinking water to the people of Ontario. I encourage you to use this resource guide, in your paramount role, to help protect Ontario's drinking water and keep your community healthy.

Dr. David Williams
Chief Medical Officer of Health of Ontario

Since Dr. John Snow's 1854 discovery in London, England, that drinking water could kill people by transmitting disease, the developed world has come a long way towards eliminating the transmission of water-borne disease. The Walkerton experience warns that we may have become victims of our own success, taking for granted our drinking water's safety. The keynote in the future should be vigilance. We should never be complacent about drinking water safety.

Justice Dennis O'Connor, 2002, Report of the Walkerton Inquiry

What You Need To Know About Your Drinking Water Responsibilities

Ontarians expect safe, high quality drinking water. It is a matter vital to public health. As a member of a municipal council, you have an important role to play to ensure that your community has access to safe, high quality drinking water — and you are legally obliged to do so.

Here Are Three Things To Remember As A Municipal Councillor:

It's Your Duty. The *Safe Drinking Water Act, 2002* includes a statutory standard of care for individuals who have decision-making authority over municipal drinking water systems or who oversee the operating authority of the system. This can extend to municipal councillors. There are legal consequences for not acting as required by the standard of care, including possible fines or imprisonment.

Be Informed. Ask questions. Get answers. You don't have to be an expert in drinking water operations, but you do need to be informed about them. Your decisions can have an impact on public health. Seek advice from those with expertise and act prudently on that advice.

Be Vigilant. Complacency can pose one of the greatest risks to drinking water systems. It is critical that you never take drinking water safety for granted or assume all is well with the drinking water systems under your care and direction. The health of your community depends on your diligent and prudent oversight of its drinking water.

Water is unique as a local service. It is, of course, essential to human life and to the functioning of communities, (and) the consequences of a failure in the water system (are) most seriously felt by those who depend on it locally. Municipal ownership, and the ensuing responsibilities, should provide a high degree of public accountability in relation to the local water system.

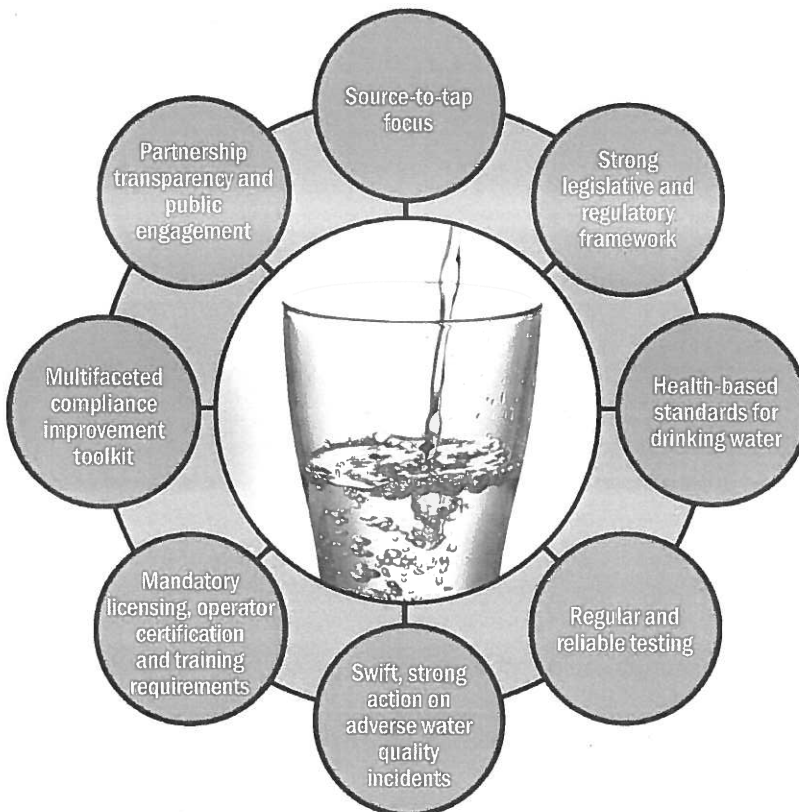
Justice Dennis O'Connor, 2002, Report of the Walkerton Inquiry

Understanding Your Responsibilities For Overseeing Drinking Water

Protecting Ontario's Drinking Water

Ontario has a comprehensive safety net to safeguard its drinking water from source to tap. It is a multi-faceted approach that helps prevent contamination, detects and solves water quality problems, enforces laws and regulations and increases people's awareness of the importance of safe, high quality drinking water.

Ontario's Drinking Water Protection Safety Net

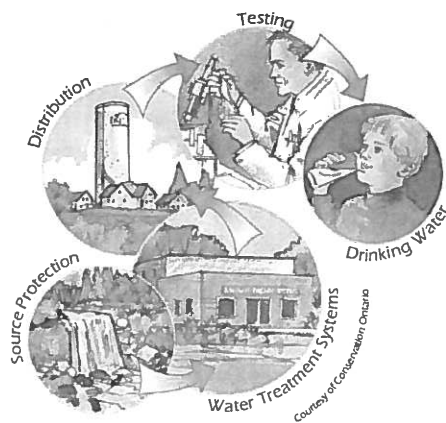


What is our Multi-Faceted Approach?

Our multi-faceted approach is an integrated system of procedures, processes and tools that collectively prevent or reduce the contamination of drinking water from source to consumer in order to reduce risks to public health.

The multiple barriers include:

- Source protection to keep the raw water as clean as possible in order to lower the risk that hazards are present.
- Treatment to remove and/or neutralize hazards.
- Maintenance of the integrity of the distribution system to prevent recontamination after treatment.
- Monitoring programs to detect and act on system problems that could impair drinking water safety and to verify the performance of the system components and finished drinking water quality.
- Effective management systems including automatic control systems, well-developed responses and operating practices that are the ultimate means for protecting the safety of drinking water systems.



(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

A Legislative and Regulatory Framework for Protecting Water

Strong legislative and regulatory measures are key components of Ontario's drinking water safety net. This guide focuses on the *Safe Drinking Water Act, 2002* (SDWA or the act), which provides a legislative framework for all municipal drinking water systems, as well as some non-municipal systems. The SDWA provides a consistent set of province-wide standards and rules to ensure access to safe, high quality, reliable drinking water.

The Safe Drinking Water Act, 2002 – An Overview

The SDWA recognizes that the people of Ontario are entitled to expect their drinking water to be safe. It provides for the protection of human health and prevents drinking water health hazards through the control and regulation of drinking water systems and drinking water testing. In a municipal context, a drinking water system includes all collection, treatment and storage facilities and distribution pipes usually up to customer property lines but does not include plumbing.

The SDWA and its associated regulations specify the requirements for drinking water systems, testing services, certification of system operators and drinking water quality analysts. It also sets quality standards and mechanisms for compliance and enforcement.

Peer to Peer

As a Councillor, ensuring the best quality of drinking water for our community may be the most important thing we do.

Councillor Jack Miller, City of Belleville

How Pieces Fit Together

To learn more about how various acts and regulations create multiple safeguards to protect drinking water, download Conservation Ontario's brochure entitled "[How Ontario's Drinking Water is Protected](http://www.ontario.ca/drinking-water-protected)" (<http://www.ontario.ca/drinking-water-protected>).

The Big Picture

There are approximately 660 municipal residential drinking water systems registered with the Ministry of the Environment and Climate Change (MOECC) that supply drinking water to more than 80 percent of the homes in Ontario. In recent testing, approximately 530,000 drinking water test results were submitted to MOECC by laboratories licensed to perform these tests for municipal drinking water systems. Over 99 percent of these drinking water tests met the province's rigorous, health-based drinking water quality standards.

Key Sections of the SDWA for Municipal Councillors

Section 11: Duties of Owners and Operating Authorities

Section 11 of the SDWA describes the legal responsibilities of owners and operating authorities of regulated drinking water systems. It is important for you to understand the scope of your municipality or operating authority's day-to-day responsibilities.

Owners and operators are responsible for ensuring their drinking water systems:

- provide water that meets all prescribed drinking water quality standards
- operate in accordance with the act and its regulations, and are kept in a fit state of repair
- are appropriately staffed and supervised by qualified persons
- comply with all sampling, testing and monitoring requirements
- meet all reporting requirements

Examples of actions required of owners and operators under Section 11:

- Sampling and testing of drinking water with a frequency appropriate to the type, size and users of the system in accordance with the act and corresponding regulations
- Using an accredited and licensed laboratory for drinking water testing services
- Reporting of adverse test results that exceed any of the standards in the *Ontario Drinking Water Quality Standards Regulation*, both verbally and in writing, to the local medical officer of health and MOECC
- Obtaining a drinking water licence for a municipal residential drinking water system from the MOECC, which includes a financial plan
- Ensuring the drinking water system is operated by an accredited operating authority
- Hiring certified operators or trained persons appropriate to the class of the system
- Preparing an annual report to inform the public on the state of the municipality's drinking water and the system providing it, and an annual summary report for the owners of the drinking water system

Who is the "owner" of a municipal drinking water system under the SDWA? Who is the "operator"?

The "owner" of a municipal drinking water system is often the municipality as a corporate entity. Members of municipal councils and municipal officials who provide oversight to this corporate entity also provide oversight or exercise decision-making authority in respect of the drinking water systems it owns. They are responsible for having policies, management tools and processes in place so that the municipality meets all its legislative and regulatory requirements under the SDWA.

The "operator" or operating authority of a municipal drinking water system is the person or entity that is given responsibility by the owner for the day-to-day operations of the drinking water system, its management, maintenance or alteration. A municipality may take on this operational role through its own staff or it may choose to contract it out to a third party. (e.g. by hiring an accredited operating authority). The statutory standard of care continues to apply to municipalities that contract out this role to a third party.

Section 19: Your Duty and Liability – Statutory Standard of Care

Given that the safety of drinking water is essential for public health, those who discharge the oversight responsibilities of the municipality should be held to a statutory standard of care.

Justice Dennis O'Connor, 2002, Report of the Walkerton Inquiry

This is one of the many important recommendations that came out of the Walkerton Inquiry reports in 2002. Section 19 of the SDWA responds directly to this recommendation.

Section 19 of the SDWA expressly extends legal responsibility to people with decision-making authority over municipal drinking water systems and those that oversee the accredited operating authority for the system. It requires that they exercise the level of care, diligence and skill with regard to a municipal drinking water system that a reasonably prudent person would be expected to exercise in a similar situation and that they exercise this due diligence honestly, competently and with integrity.

Meeting your statutory standard of care responsibilities

Meeting the statutory standard of care is the responsibility of:

- the owner of the municipal drinking water system
- if the system is owned by a municipality, every person who oversees the accredited operating authority or exercises decision-making authority over the system – potentially including but not limited to members of municipal councils
- if the municipal drinking water system is owned by a corporation other than a municipality, every officer and director of the corporation

It is important that members of municipal council and municipal officials with decision-making authority over the drinking water system and oversight responsibilities over the accredited operating authority understand that they are personally liable, even if the drinking water system is operated by a corporate entity other than the municipality.

Section 14 (3) of the SDWA specifically notes that an owner is not relieved of their duty to comply with Section 19, even if there is an agreement to delegate the operations of the drinking water system to someone else.

The owner is still obligated to:

- ensure the operating authority is carrying out its responsibilities according to the act
- in cases where it is not, to take reasonable steps to ensure they do

Examples of actions required of owners and operators under Section 14 (3):

- Being aware of the established procedure for communication with the operating authority, including how information is expected to be shared with municipal councillors, and assessing the effectiveness of this procedure
- Holding regular meetings with the operating authority, especially in cases where there may be reason to believe the operating authority is not carrying out its responsibilities

Since Ontario municipalities manage and govern municipal drinking water systems in a variety of ways, the people who are subject to the statutory standard of care within their corporation will also vary across the province, and would depend on specific facts related to individual situations.

Peer to Peer

This guide makes it clear what our fiduciary and legal responsibilities are and provides the necessary questions to ask which allows us to become thoroughly knowledgeable on this aspect of our responsibilities. I encourage all elected and appointed officials to take the time to digest the information in this guide and put it to good use.

Former Mayor Michael Power, Municipality of Greenstone and Past-President Association of Municipalities of Ontario

Complete wording of Section 19, *Safe Drinking Water Act, 2002*

19. (1) Each of the persons listed in subsection (2) shall,

- exercise the level of care, diligence and skill in respect of a municipal drinking-water system that a reasonably prudent person would be expected to exercise in a similar situation; and
- act honestly, competently and with integrity, with a view to ensuring the protection and safety of the users of the *municipal drinking water system, 2002, c. 32, s. 19 (1)*

Same

(2) The following are the persons listed for the purposes of subsection (1):

1. The owner of the municipal drinking water system.
2. If the municipal drinking-water system is owned by a corporation other than a municipality, every officer and director of the corporation.

3. If the system is owned by a municipality, every person who, on behalf of the municipality, oversees the accredited operating authority of the system or exercises decision-making authority over the system. 2002, c. 32, s. 19 (2).

Offence
(3) Every person under a duty described in subsection (1) who fails to carry out that duty is guilty of an offence. 2002, c. 32, s. 19 (3).

Same
(4) A person may be convicted of an offence under this section in respect of a municipal drinking-water system whether or not the owner of the system is prosecuted or convicted. 2002, c. 32, s. 19 (4)

Reliance on experts
(5) A person shall not be considered to have failed to carry out a duty described in subsection (1) in any circumstance in which the person relies in good faith on a report of an engineer, lawyer, accountant or other person whose professional qualifications lend credibility to the report. 2002, c. 32, s. 19 (5).

Note: For a copy of the *Safe Drinking Water Act, 2002* and its related regulations, go to the Ontario e-Laws website at the [e-Laws website \(https://www.ontario.ca/laws\)](https://www.ontario.ca/laws)

Maintaining an Appropriate Level of Care

Standard of care is a well-known concept within Ontario legislation.

For example, the *Business Corporations Act* requires that every director and officer of a corporation act honestly and in good faith with a view to the best interests of the corporation and exercise the care, diligence and skill that a reasonably prudent person would in comparable circumstances.

Statutory standards of care address the need to provide diligent oversight. What is considered to be an appropriate level of care will vary from one situation to another. As a municipal councillor, it is important to educate yourself on this statutory requirement and to gain an understanding of the operation of drinking water systems in your community to help you meet the standard of care requirements.

You are not expected to be an expert in the areas of drinking water treatment and distribution.

Section 19 allows for a person to rely in good faith on a report of an engineer, lawyer, accountant or other person whose professional qualifications lend credibility to the report.

North Battleford: Council Decisions with Serious Consequences

In Spring 2001, nearly 6,000 residents of this Saskatchewan city of 13,000 fell victim to an outbreak of cryptosporidiosis, an illness caused by a parasite in human and animal waste, which entered the local drinking water supply. Symptoms included diarrhea, abdominal cramps, fever, nausea and headaches.

In an article on the subsequent Commission of Inquiry, the Canadian Environmental Law Association noted:

...what became clear was that the people of North Battleford were let down. Their municipality, carrying a bulging contingency fund, refused to spend money on upgrading their decrepit water treatment plant. Their provincial government, although aware the plant was in poor condition, hadn't inspected it in the ten years prior to the outbreak ... plant employees, who had been working without a supervisor for over four months, were unable to heed the warning signs of a potential drinking water problem.

The City of North Battleford subsequently faced class-action lawsuits totaling millions of dollars. The first settlement was an out-of-court agreement awarding \$3.2 million to some 700 claimants.

(Source: [Canadian Environmental Law Association website \(http://www.cela.ca\)](http://www.cela.ca) and the [Canadian Broadcasting Corporation website \(http://www.cbc.ca\)](http://www.cbc.ca).)

Enforcing the Statutory Standard of Care

As a municipal councillor, you need to be aware that not meeting your statutory standard of care responsibilities comes with serious consequences. Section 19 provides the province with an enforcement option when needed.

A provincial officer has the authority to lay a provincial offence charge against a person to whom the standard applies. The range of penalties includes maximum fines of up to \$4 million for a first offence and provision for imprisonment for up to five years. No minimum penalties are established. Actual penalties would be decided by the courts depending on the severity and consequences of the offence.

It is important to note the difference between the provision of the *Municipal Act, 2001*, that limits the personal liability of members of municipal councils and officials, and the standard of care imposed under the SDWA. Under sections 448-450 of the *Municipal Act, 2001*, municipal council members and officials have relief from personal civil liability when they have acted in good faith. However, despite that protection, municipal councillors and officials that are subject to the duty imposed by Section 19 of the SDWA could be penalized if a prosecution is commenced and a court determines they have failed to carry out the duty imposed under that section.

Peer to Peer

There is no greater responsibility imposed upon an elected municipal official than the diligent, conscientious oversight of a municipal water treatment or distribution system.

Former Councillor Ken Graham, Town of Smiths Falls

Peer to Peer

As mayor, it is vitally important that the standard of care is put in place and that municipal elected officials are aware of their responsibilities in ensuring that the public has safe and secure drinking water.

Former Mayor Delbert Shevelf, Town of Goderich

Some Questions and Answers on the SDWA Statutory Standard of Care

If drinking water operations are contracted out, am I still responsible for the statutory standard of care?

If you oversee the accredited operating authority or exercise decision-making authority of the drinking water system, you remain responsible for meeting the standard of care even though your municipality has contracted out operations to an operating authority.

If something goes wrong, will I be held responsible?

The standard of care related to drinking water is to ensure that decision-makers are doing their due diligence to protect public health when making decisions about drinking water systems and providing oversight of the accredited operating authority. The circumstances and your actions - what you did or didn't do, what questions you asked, what steps were taken to address identified risks or problems with your drinking water system - will all be important in determining whether you met your standard of care and if you should be held responsible.

What can happen to someone who breaches the standard of care?

Justice O'Connor made it clear that the standard of care is all about ensuring responsible actions are taken to protect human health. Given the seriousness of this duty to your community, those whose actions fall below the standard of care, fail to protect the public and cause harm to human health could face significant penalties, including fines and imprisonment.

Who determines if the standard of care has been breached?

When an incident occurs that may constitute a breach of the standard of care, the MOECC will initiate a response that may include an investigation and gathering of evidence to determine if charges should be laid. In a case where charges are laid, it is up to the courts to determine if an offence has been committed and if penalties or fines will be imposed. This procedure is followed in any potentially serious breach of MOECC statutes.

Actions You Can Take

The following are some actions you can take to be better informed about your drinking water oversight responsibilities. Look for more of these suggested Actions You Can Take throughout this guide.

- Consider taking the Standard of Care training offered by the Walkerton Clean Water Centre. Get course details and session offerings at the [WCCWC website \(http://www.wccw.ca\)](http://www.wccw.ca) or by phoning toll free 1-866-515-0550.
- Learn about drinking water safety and its link to public health. Speak to water system and public health staff to learn more.
- Become familiar with your municipal drinking water system. Ask your water manager to give a presentation to council and/or arrange a tour of your drinking water facilities.
- Review the reports of the Walkerton Inquiry, specifically sections related to municipal government (Chapter 7 in Report I, Chapters 10 and 11 in Report II). The reports are available online at the [Agency General's website \(http://www.walkerton.gov.on.ca/crce/records/walkerton_inquiry.html\)](http://www.walkerton.gov.on.ca/crce/records/walkerton_inquiry.html).
- Become further acquainted with drinking water legislation and regulations, available on the Ontario Government e-Laws website at [e-laws website \(http://www.ontario.ca/laws\)](http://www.ontario.ca/laws). Search or browse current consolidated law to find what you are looking for. To search, enter the title, or any part of the title, of the law you wish to find (for example, "Safe Drinking Water Act", "Ontario Water Resources Act" or "Clean Water Act"). If you don't know any part of the title of the law, enter a word or phrase that you think might be in the text of the law.

What Should I Be Asking?

When decisions come before your council relating to drinking water, you want to understand the impacts on your community and public health. While every situation will be different, the following are some preliminary questions you might want to ask:

- What are the risks to public health?
- Are there any areas of risk that council needs to address?
- What checks and balances are in place to ensure the continued safety of our drinking water?
- Are we meeting our legislative and regulatory requirements?
- What is the public health impact or long-term cost of deferring this decision?
- Will this decision affect our drinking water sources or create new risks to drinking water sources?
- How will this decision impact our community's demand for water?
- How are we managing our drinking water infrastructure? Do we have an asset management plan for our water infrastructure?
- Are there any emerging issues related to our drinking water that council should be aware of?
- If there is a drinking water emergency, what is our emergency management plan? What is the role of council in a drinking water emergency?
- Have staff taken required training and upgrading?

Check Your Knowledge

Ask yourself these questions to check your current level of knowledge about your drinking water system and oversight responsibilities.

- Have I had a tour of our drinking water facility?
- Am I familiar with our municipal drinking water systems including:
 - the water source?
 - the physical condition of major infrastructure?
 - the background and experience of senior staff?, and
 - the approvals that have been granted for ownership and operation of the facilities?
- Am I acquainted with the drinking water legislation and regulations?
- Do I know basic information about drinking water safety and the operation of water works facilities?
- Do I understand the requirements to meet minimum standards for drinking water?
- Do I know how to set the overall policy direction for the municipal drinking water system?
- Do I understand the different roles and responsibilities of those who have decision-making authority – municipal councillors, senior management, other municipal officials?
- Am I assured that competent senior management has been hired? Do they conduct regular performance appraisals of staff?
- Is there adequate staff in place to operate and maintain the system? How are new operators trained?
- Was our last inspection rating from the Ministry of the Environment and Climate Change 100 percent? If no, why not?
- Am I aware of the risks currently facing our water sources, drinking water facilities and infrastructure? What are the plans to address these risks?
- If there is an emergency with the drinking water system, what procedures are followed? How will I be notified? How will the public be notified?
- Am I aware of my municipality's responsibilities in implementing our source protection plan?
- How and when do I ask for annual reports on the drinking water system from senior management?
- What should I look for in the annual report? What questions must it answer?
- What should I do if a report identifies declining water quality?
- Do I know that appropriate steps are being taken to resolve any issues? Do I know when outside expertise is needed?
- Are our drinking water systems periodically audited? How often? What should I do when I receive audit results for consideration?
- Do I know if our drinking water systems are financially sustainable for the future? Are there financial plans in place?
- Am I familiar with the requirements of keeping our municipal drinking water licence valid, such as renewal timelines?

If there are any questions you can't answer, review them with municipal staff. Training on the *Safe Drinking Water Act: Standard of Care* is available through the Walkerton Clean Water Centre. Visit the Centre's website at the [Walkerton Clean Water Centre website \(http://www.wccw.ca\)](http://www.wccw.ca) to view its course catalogue.

Overview of Drinking Water Management Topics

Organizational and Governance Models

Many different management and operating models are available for municipal consideration. Currently, most water services in Ontario are provided through municipal departments, with oversight provided directly by municipal councils.

Some municipalities hire external contractors to operate their drinking water system, whereas others own and operate their systems.

Regional municipalities have upper-tier and lower-tier governance structures, with the lower-tier municipality often owning and operating their own drinking water systems. There are also models for area water systems in Ontario in which systems cross municipal boundaries. These systems are governed by boards representing their municipal owners.

Municipalities may also create:

- Municipal Service Boards whose members are appointed by council and could include council members, private citizens or both
- Corporations for water utilities, similar to those for natural gas or electricity distribution

The purpose of the quality management approach in the context of drinking water is to protect public health by achieving consistent good practice in managing and operating a water system.

It is fundamental for municipalities to have a management and operating structure for their water system that enables them to provide safe water. I am making two important recommendations to assist in this regard. First, I recommend that municipalities be required to have an agency...to operate their systems. The agency should be accredited...The municipality must also submit an operational plan to the [Ministry of the Environment and Climate Change] for their water system(s). Second, I recommend that those responsible for exercising the municipality's oversight responsibilities be held to a statutory standard duty of care. I note that, for municipalities, the first recommendation will be a significant step in satisfying the second.

Justice Dennis O'Connor, 2002, Report of the Walkerton Inquiry

My municipality is considering either a Municipal Service Board or a Municipal Services Corporation model to govern our drinking water functions. Would s. 19 of the SDWA still apply to these alternative ownership models?

Yes. The standard of care provision in the Safe Drinking Water Act, 2002 would continue to apply in either the Municipal Service Board or the Municipal Services Corporation model since the standard applies to municipal drinking water systems owned by either a municipality or other corporation.

Municipal Licensing: Helping you protect your drinking water

In Ontario, all municipal drinking water systems that provide water to residences in a community must have a licence from MOECC. The ministry's Municipal Drinking Water Licensing Program requires owners and operators of drinking water systems to incorporate the concepts of quality management into system operation and management.

As of September 2012, all municipal residential drinking water systems have received their licenses as part of the Municipal Drinking Water Licensing Program.

For a drinking water system to receive or renew its licence, the owner and operator must have in place:

- a drinking water works permit
- an accepted operational plan (see next section for more details)
- an accredited operating authority
- a financial plan
- a permit to take water

The Operational Plan and You – Setting an Overall Policy

The operational plan sets out a framework to develop a Quality Management System (QMS) that is specific and relevant to your drinking water system.

Part of your drinking water system's operational plan will document a QMS policy. This policy is the backbone of the quality management system. The policy must include commitments to:

- the maintenance and continual improvement of the QMS
- provide safe drinking water to the consumer
- comply with applicable legislation and regulations

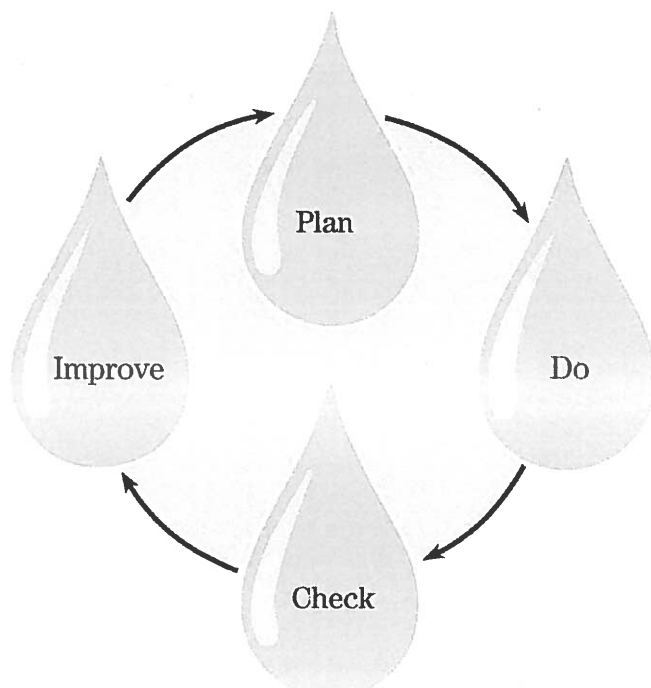
Your operating authority must get the owner's written endorsement of the drinking water system's operational plan, including this policy. As a municipal councillor, your council may be asked to endorse the policy and its commitments. If your municipality has already completed this policy endorsement step, obtain a copy from your municipal staff.

In addition to the QMS policy, the operational plan will also include:

- basic key information about every drinking water system your municipality owns
- a process for ongoing risk assessment
- a description of organizational structures (roles, responsibilities, authority)
- a procedure for an annual review of the adequacy of the infrastructure needed to operate and maintain the drinking water system, plus a commitment for the operating authority to communicate review findings to you
- a procedure for sharing sampling, testing and monitoring reports about the safety of your drinking water
- an outline of the system owner's responsibilities during emergency situations
- a commitment to continual improvement through corrective action
- a procedure for conducting a management review every 12 months which evaluates the suitability, adequacy and effectiveness of the QMS against the requirements of the Drinking Water Quality Management Standard (DWQMS) and how to report the results of this review, including identified deficiencies, and decision and action items

The DWQMS is the standard upon which drinking water system operational plans are developed and operating authorities are accredited. The requirements of the DWQMS, when implemented, will assist owners and operators of municipal drinking water systems to develop sound operational procedures and controls.

Drinking Water Quality Management Standard (DWQMS)



The DWQMS is based on a plan, do, check and improve methodology which is similar to that found in some international standards. Plan requirements of the standard typically specify policies and procedures that must be documented in the operational plans for the drinking water system, while do requirements specify that the policies and procedures must be implemented. Check and improve requirements of the standard are reflected in the requirements to conduct internal audits and management reviews.

Example of a QMS Policy

The following is an example of a QMS policy for the Westhill Water Supply and Distribution System:

The Municipality of the Town of Westhill owns, maintains and operates the Westhill Water Supply and Distribution System.

The Town of Westhill is committed to:

1. ensuring a consistent supply of safe, high quality drinking water
2. maintaining and continuously improving its quality management system, and
3. meeting or surpassing applicable regulations and legislation

(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

Definitions

Continual Improvement

is understanding what you already do well, and then finding ways to do it better

Corrective Action

is a method of improvement, and the solutions that are generated by those actions are also inputs to continual improvement.

(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

Actions You Can Take

- Ask your operating authority to speak to your municipal council about your operational plan.
- Consider and act on any advice (including deficiencies and action items) identified during the annual management review process.
- Review the QMS policy in your operational plan and its commitments.
- Ask your operating authority to show how it is meeting these commitments

Drinking Water System Reports and Inspections: What they tell you about your drinking water system

Municipal Reports

An owner of a drinking water system is required to ensure that an annual summary report is presented to the members of council or local services board. Summary reports must be produced by March 31 of each year to cover the preceding calendar year.

The summary report must include:

- information about any requirements of the SDWA, the regulations, the system's approval, drinking water works permit, municipal drinking water licence and any order that the system failed to meet during the time period, plus the duration of the failure
- a description of the measures taken to correct each failure
- a comparison of the system's capability with the quantities and flow rates of the water supplied the preceding year to help assess existing and planned uses

Municipalities are also required to provide details about each residential drinking water system in an annual report to consumers. This annual report must be completed by February 28 each year and include:

- a brief description of the drinking water system including chemicals used
- a summary of the results of required testing, plus the approval, licence or provincial officer order issued to the system
- a summary of any adverse test results required to be reported to the Ministry of the Environment and Climate Change
- a description of any corrective actions taken
- a description of any major expenses incurred to install, repair or replace required equipment

Actions You Can Take

- Obtain and thoroughly review copies of the most recent annual and summary reports.
- Ask for explanations of any information you don't understand.
- Consider, act on and correct any deficiencies noted in the reports.

Ministry of the Environment and Climate Change Inspections

Every municipal residential drinking water system is inspected at least once a year by the Ministry of the Environment and Climate Change. An inspection includes the review of a system's source, treatment and distribution components, as well as water quality monitoring results and procedures to evaluate system management and operations.

MOECC prepares an inspection report that highlights any areas of non-compliance and what actions are required to correct them. The report also includes an inspection rating out of 100 percent to help you compare your system's current and past performance, and identify areas for improvement. An inspection rating that is less than 100 percent does not necessarily mean your municipality's drinking water is unsafe. It does mean that there may be opportunity for improvement in operational or administrative areas.

What happens if the Ministry of the Environment and Climate Change identifies non-compliance issues as part of its annual inspection?

Inspection ratings for municipalities in Ontario have been excellent and have remained consistent for many years. The ministry continues to work with owners and operators of systems with inspection ratings below 100 percent to help them gain a better understanding of their obligations and responsibilities so they can improve the performance of their systems. In a small number of cases each year, inspectors may issue a Provincial Officer's Order that requires the system owner or operator to take corrective action by a specific deadline or refer an incident to the ministry's Investigation and Enforcement Branch.

Actions You Can Take

- Review your annual inspection results and ask questions if there is any indication of declining quality.
- Clarify any technical terms.
- Ask how deficiencies are being addressed.
- Review your system's standing in the ratings reported in the Chief Drinking Water Inspector's Annual Report. If your rating is less than 100 percent, ask why.
- Consider, act on and correct any deficiencies highlighted in the inspection.

Managing the Risks to Drinking Water

Conducting a risk assessment is a key component of your drinking water system's operational plan. By performing a risk assessment, your operating authority will assess:

- existing or potential hazardous events facing your drinking water system, e.g. rail car derailment, algal blooms, water main breaks, etc.
- the impacts on drinking water if a hazardous event occurs, e.g. biological/chemical contamination of source water, possible biological/chemical contamination due to loss of supply/low pressure, etc.
- the necessary measures or response measures for each hazardous event (these measures may already be in place through such barriers as source protection or treatment processes)
- ranking of each event according to its likelihood of occurring and the consequences or severity of the results

In addition to the risks assessed by your operating authority, your local source protection authorities have performed detailed, science-based risk assessments of municipal drinking water sources within source protection areas.

Definitions

Risk Assessment

is an orderly methodology of identifying hazards or hazardous events that may affect the safety of drinking water and evaluating their significance.

Risk

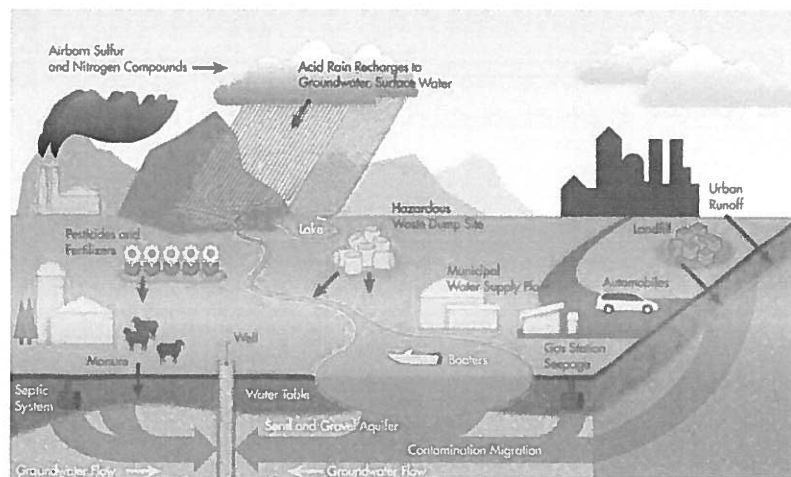
is the probability of identified hazards causing harm, including the magnitude of that harm or the consequences.

Hazard

is a source of danger or a property that may cause drinking water to be unsafe for human consumption.

(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

Human Activities Affecting Source Water



(Source: Pollution Probe, 2006, The Source Water Protection Primer)

In some cases, the operating authority may identify measures to address hazardous events which will call for improvements that require long-term planning. These types of decisions will often involve council approval. As a councillor, you should take time to understand the underlying risks associated with these decisions, their potential likelihood and impacts to public health.

In other cases, the operating authority may identify risks that are outside of their control. For these, it may be appropriate to develop contingency or emergency response procedures.

Peer to Peer

Never take the quality of our drinking water for granted. There are too many factors that can turn good water into bad.

Councillor Jack Miller, City of Belleville

Peer to Peer

Adequate municipal funding is a key component of risk management.

Former Councillor Ken Graham, Town of Smiths Falls

More on Hazardous Events and Hazards to Drinking Water

Hazardous events can be natural or technological in origin, or result from human activities. Natural events include floods, ice storms, drought and spring run-off. Technological events could include equipment failure or a power outage. Human activities that could lead to a drinking water risk include vandalism, terrorism, chemical spills and construction accidents.

The four different types of hazards that may affect drinking water are biological, chemical, physical and radiological:

Biological Hazards:

- include bacterial, viral and parasitic organisms, such as E.coli, Giardia and Cryptosporidium
- are considered the most significant drinking water health risk because effects are acute; can cause illness within hours
- are commonly associated with fecal wastes from humans or animals, or occur naturally in the environment

Chemical Hazards:

- include toxic spills, heavy metals, dissolved gases like radon, pesticides, nitrates, sodium, and lead
- can come from source water or occur in the treatment and distribution system

Physical Hazards:

- include suspended particles and sediments that can carry microbiological hazards and interfere with disinfection process
- can result from contamination and/or poor procedures at different points in the delivery of water to the consumer

Radiological Hazards:

- can be naturally occurring chemicals such as radon or uranium; most frequently occur in groundwater in low quantities
- may arise from man-made or natural sources

Infrastructure Planning

Having a sustainable drinking water infrastructure is necessary to meet the demand for safe drinking water. Machinery, equipment and structures used to produce and provide safe drinking water must be in place, maintained and improved when necessary.

Your operating authority is required to:

- document a procedure for conducting an annual review of your drinking water system's infrastructure
- provide a summary of the programs in place to maintain, rehabilitate and review that infrastructure
- report their findings after the review to the owner
- monitor the effectiveness of its maintenance program

Depending on the structure of — and relationship between — the owner and operating authority, the results of the annual review can be communicated through such means as council, budget, planning or other management meetings.

Maintenance activities can be either planned or unplanned:

- Planned maintenance includes scheduled or proactive activities needed to maintain or improve infrastructure elements, e.g. equipment maintenance, main replacements *etc.* They are done to reduce the risk of an unplanned failure.
- Unplanned maintenance includes reactive activities, e.g. to deal with main breaks, pump failures, *etc.* They can draw heavily on resources and adversely affect drinking water quality.

By establishing planned programs for maintenance, rehabilitation and renewal, the operating authority can save time and costs and increase public confidence in drinking water.

Some drinking water systems have five or 10-year rolling plans to address such considerations as main rehabilitation, upgrades and replacement, water treatment and storage due to increased projected demands. These types of system maintenance requirements are usually tied to the capital budgets of the operating authority and/or the owner of the drinking water system.

Peer to Peer

Aging infrastructure is the major challenge facing municipalities today, and a solid long-term plan to address this is a must.

Councillor Paul Hubert, City of London

Actions You Can Take

- Find out what maintenance, rehabilitation and renewal plans are in place for your drinking water system.
- Ask your operating authority to present the findings of its annual infrastructure review.

Definitions

Infrastructure
the set of interconnected structural elements that provide the framework for supporting the operation of the drinking water system, including buildings, workspaces, process equipment, hardware and software, and supporting services such as transport or communications.

Rehabilitation
the process of repairing or refurbishing an infrastructure element.

Renewal
the process of replacing the infrastructure element with new elements.

(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

Sustainable Financial Planning for Drinking Water Systems

Achieving financial sustainability in Ontario's municipal water and wastewater is a long-term goal. Financial sustainability is needed to ensure that Ontarians continue to enjoy clean and safe drinking water, water and wastewater services are reliable and environmental protection is maintained.

To receive or renew a municipal drinking water licence for your drinking water system, your municipality needs to prepare a financial plan.

You have an important role to play in ensuring that appropriate resources are made available to ensure that a financial plan can be prepared. Municipal councils have ultimate responsibility for approving financial plans that are prepared for a water utility.

The following are some key principles for developing a financial plan:

- Ongoing public engagement and transparency can build support for — and confidence in — the financial plan and the drinking water system.
- An integrated approach to planning among water, wastewater and storm water systems is desirable given the inherent relationship among these services.
- Revenues collected to provide water and wastewater services should ultimately be used to meet the needs of those services.
- Life-cycle planning with mid-course corrections is preferable to planning over the short-term or not planning at all.
- An asset management plan is a key input to the development of a financial plan.
- Financial plans benefit from the close collaboration of various groups including engineers, accountants, auditors, utility staff and municipal council.

Financial plans for drinking water systems are required to forecast costs over a minimum period of six years, although municipalities are encouraged to adopt a life-cycle approach to managing their drinking water assets as a long-term goal. Financial plans are living documents and should be updated and reviewed as new information becomes available. As a best practice, they should be updated annually to foster continuous improvement and rolled into the annual municipal budget process.

There are many different costs, both capital and operating, associated with planning, building and operating water systems. Some costs reflect outputs not attributable to the provision of water such as fire protection services, or the operation of storm and sanitary sewer systems.

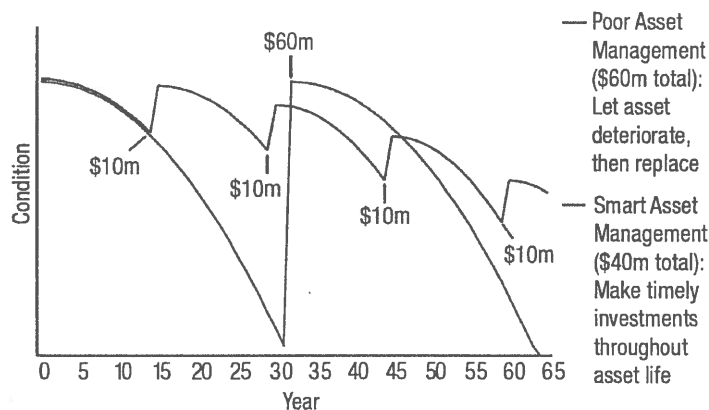
A sustainable system is one that can adequately cover current operating costs, maintain and repair its existing asset base, replace assets when appropriate, fund future growth and enhancements to services, and account for inflation and changes in technology.

A Building-block Approach to Determining Utility Needs

Building Block	Revenue Needs
• Funding for Historic Under-investment • Funding for Inflation in Asset Costs • Funding for System Growth • Funding for Service Enhancements • Funding for Debt Principal Repayment	A sustainable level of revenue accounts for the future investment needs of the utility in addition to current period expenses. Revenues in excess of current period expenses will be reflected as an accounting surplus in financial statements.
Amortization of Tangible Capital Assets	If revenues are at this point, the utility is just meeting current period expenses. It is not adequately planning for the future.
Interest Expense (If Any)	If revenues are at the point, the utility is just recovering cash costs. It is significantly underfunded.
Operating Expenses	

(Source: Ontario Ministry of the Environment, 2007, Toward Financially Sustainable Drinking Water and Wastewater Systems)

Timely Renewal Investments Save Money



(Source: Adapted from Ontario Ministry of Infrastructure, 2012, Building Together: Guide for Municipal Asset Management Planning)

Municipalities need to ensure that their water systems are adequately financed. Over the long term, safety depends on stable and adequate financing to maintain the water system's infrastructure and its operational capacity to supply high-quality water consistently.

Justice Dennis O'Connor, 2002, Report of the Walkerton Inquiry

Water Audits and Accounting for Water Losses

An important tool in understanding the condition of your drinking water system assets is a water audit. This is the process of estimating where all of the water entering the distribution system ends up. One of the things a water audit will reveal is how much water is being lost to leaks from water mains and service connections. Leaks are a concern as they can:

- signal deteriorating water main conditions and be a precursor to more breakages
- be a source of bacterial contamination
- result in additional costs for pumping and treating water that is not ultimately delivered to consumers
- damage other infrastructure such as roads and sewers

(Source: Ontario Ministry of the Environment, 2007, Towards Financially Sustainable Drinking-Water and Wastewater Systems)

The Big Picture

According to Environment Canada, 10.6 percent of water produced at municipal water treatment facilities in Ontario is lost, mainly due to leaks in the distribution system infrastructure. Others sources estimate this figure is as high as 30 to 40 percent.

(Sources: Environment Canada, 2011, 2011 Municipal Water Use Report: 2009 Statistics)

Communicating With Your Operating Authority

Within the operational plan, your operating authority is required to have a procedure for communicating with the owner of the drinking water system, its personnel, suppliers and the public. You should be familiar with how communication about drinking water takes place. The procedure for communicating with the owner may be as simple as indicating the status of the implementation of the QMS and its effectiveness during scheduled meetings, such as council meetings. Communication with the public may include posting information on a publicly accessible website or through billing inserts.

As noted previously, your council may be asked to provide a written endorsement of the system's operational plan. Depending on the nature of your system's management structure, the operating authority may also involve the owner in other areas of the QMS such as risk assessment, management review or infrastructure.

Actions You Can Take

- Determine when and how your operating authority will communicate to you as an owner.
- Find out what information is made available to the public and how.

Emergency Planning for Drinking Water

Under the *Emergency Management and Civil Protection Act*, your municipality will already have an Emergency Response Plan for a wide range of potential scenarios. Some of these scenarios may involve drinking water and may link to planning done as part of the QMS to document procedures to maintain a state of emergency preparedness.

Emergency preparedness means identifying what could happen in your system to cause an emergency and having processes and procedures in place to prepare for and respond to those emergencies. Some elements of an emergency response plan include communications, training, testing, responsibilities and contact information.

In a drinking water context, emergencies can happen as the result of a variety of natural and human-caused events such as severe weather, major power outages, spills, pandemics and deliberate acts of vandalism or terrorism. Potential emergencies can be identified through risk assessments, MOECC inspections, corporate audits, insurance company reviews, and records of past emergencies.

An element of the QMS emergency procedures is to clearly document the roles and responsibilities of the owner and operating authority during each emergency. For example, in an emergency, your Clerk-Treasurer may be assigned the responsibility of seeking resource authorization from council and act as chief liaison with council and the mayor.

The QMS also requires that clear direction for communicating to the owner and others during an emergency be established. Planning beforehand how those in charge will talk to each other and the media can avoid complications during an emergency.

Preparing also means training and testing. The best emergency response procedures are ineffective if personnel are not properly trained on what to do and the procedures not tested. All personnel working within the drinking water system need to know what to do in an emergency, especially those with special response roles. Common forms of testing and training include orientation and education sessions, table-top exercises, walk-through drills, functional drills or full-scale exercises.

Definitions

Drinking Water Emergency
is a potential situation or service interruption that may result in the loss of the ability to maintain a safe supply of drinking water to consumers.

(Source: Ontario Ministry of the Environment, 2007, Implementing Quality Management: A Guide for Ontario's Drinking Water Systems)

Utilities Helping Utilities

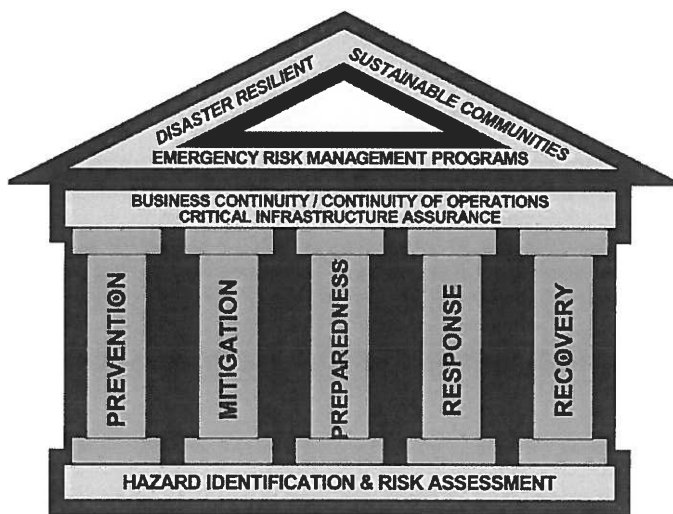
A number of Ontario municipalities and utility sector associations joined together to establish the Ontario Water/Wastewater Agency Response Network, or **OnWARN**.

A province-wide network of "utilities helping utilities," **OnWARN** supports and promotes province-wide emergency preparedness, disaster responses, and mutual aid and assistance for public and private water and wastewater utilities.

Learn how your municipality can become part of this growing network at the **OnWARN's** website (<http://www.onwarn.org/default.aspx>).

Five pillars of emergency management

Emergency management includes organized and comprehensive programs and activities taken to deal with actual or potential emergencies or disasters. It is based on a risk management approach and includes activities in five components: prevention, mitigation, preparedness, response, and recovery. These components are illustrated in the following figure:



(Source: Office of the Fire Marshall and Emergency Management, 2010, Emergency Management Doctrine for Ontario)

Actions You Can Take

- Ask your operating authority to review the drinking water emergency plan with council and to explain what responsibilities have been assigned to the owner.
- Know who will be the spokesperson during a drinking water emergency.
- Ensure critical staff have taken necessary training on emergency procedures and have participated in testing.

Adverse Drinking Water Incident, Boil Water Advisory and Drinking Water Advisory - How are they different?

An adverse water quality incident (AWQI) indicates that a drinking water standard has been exceeded or a problem has arisen within a drinking water system. AWQIs are an important component of the drinking water safety net. The report of an AWQI does not in itself indicate that drinking water is unsafe or that the statutory standard of care has not been met, but rather that an incident has occurred and corrective actions must be taken to protect the public. In some cases, these corrective actions may include a boil water advisory (BWA) or a drinking water advisory (DWA).

The local Medical Officer of Health in each of Ontario's 36 public health units is responsible for issuing BWAs and DWAs when necessary.

A BWA is issued when a condition exists with a drinking water supply that may result in a health risk and the condition can be corrected by boiling the water or by disinfection. An example is the presence of bacteria in the water supply such as *E. coli*.

A DWA is issued when a condition exists with a drinking water supply that cannot be corrected by boiling the water or by disinfection. An example is the presence of chemical contaminants.

In both cases, the local Medical Officer of Health will direct the system owner to inform users of the advisory, through means such as door-to-door notification, public posting of notices and local media outlets, to boil water and/or use an alternate water supply until further notice. An advisory will be lifted only after the local Medical Officer of Health is satisfied that corrective actions were taken and the situation is remedied.

Drinking Water System Operators: What do they do? What certification requirements must they meet? Why do you need to plan?

Ontario has established requirements for the training and certification of drinking water (and wastewater) system operators. Municipal residential drinking water systems are required to use certified operators to perform all operational work.

Drinking water system operators play a vital operational role in providing safe drinking water to your community. The responsibilities of an operator may include:

- Checking, adjusting and operating equipment such as pumps, meters, filters, analyzers, and electrical systems, and having replacement parts on-site for critical repairs
- Determining chemical dosages and keeping chemical feed equipment appropriately filled with chemicals, adjusted and operating properly
- Maintaining operating records and submitting operating reports to the system's operating authority/owner and the province
- Ordering and maintaining a stock of parts, chemicals and supplies
- Collecting and submitting water samples as required by regulation (This usually involves taking samples from a number of key locations and transporting them to a licensed and accredited laboratory)
- Explaining and recommending to the operating authority/owner any major repairs, replacements or improvements that should be made to the plant and/or distribution system

Drinking water operators in Ontario must be certified and trained according to the type and complexity (class) of the drinking water system they operate. Operators are required to go through rigorous training, write examinations, and meet mandatory continuing education requirements to renew and maintain their certification. A certificate is valid for three years. To renew their certificate, operators must complete 20 to 50 hours of mandatory training per year on subjects related to the duties of a water system operator. Continuing education helps operators steadily improve their knowledge and skills throughout their careers. Owners and operating authorities are responsible for ensuring drinking water systems are appropriately staffed and supervised by qualified persons.

Types of Drinking Water System Operators**Overall Responsible Operator (ORO)**

designated by the owner or operating authority, the ORO has overall operational responsibility for the system and must have an operator's certificate that is the same classification as (or higher than) the system.

Operator-in-Charge (OIC)

designated by the owner or operating authority, the OIC can direct other operators, set operational parameters in the system and has the authority to make operational decisions.

Operators

a person who conducts operational checks; who adjusts, tests, evaluates a process or directs the flow, pressure or quality of the water within the system. Operators must hold a valid operator's certificate. Non-certified persons may work under the direct onsite supervision of a certified operator, who physically oversees all operational work.

Operator-in-Training (OIT)

new operators who can operate a drinking water system. They cannot be designated as an ORO or OIC.

Water Quality Analyst

a person who is trained and certified to take operational tests, such as chlorine residual or turbidity tests, within a drinking water system.

Peer to Peer

Competent, certified operators are a key element to due diligence. Municipalities have an obligation to facilitate ongoing training for water treatment operators.

Former Councillor Ken Graham, Town of Smiths Falls

Actions You Can Take

- Ensure there are sufficient resources for required levels of training for municipal staff involved in operating a drinking water system.
- Confirm that an overall responsible operator (ORO) has been designated and that procedures are in place to ensure all required staff and contractors are certified.
- Check to see if drinking water operator succession planning is being done and that measures are taken to address any current or anticipated challenges to recruiting skilled employees.
- Ensure your operating authority has contingency plans in place for situations where your certified operators may not be available (e.g. labour disputes, illnesses, vacancies, etc.) and, if activated, confirm that these contingency plans have been, where required, approved by the Ministry of the Environment and Climate Change and are working.

Water Conservation

Creating and implementing water conservation measures help to reduce water and energy consumption, lower long-term infrastructure costs, increase water sustainability and protect the environment.

It is estimated that every additional litre of water capacity costs roughly four dollars for expanded water and wastewater infrastructure. Many municipalities in Ontario are realizing significant savings from water conservation measures.

The cost of energy to pump, distribute and treat water and wastewater is a significant expense for most Ontario municipalities. Saving water saves money, energy and reduces greenhouse gas emissions. Better water management has the potential to be one of the most cost-effective energy reduction strategies for Ontario's municipalities.

(Source: Ontario Ministry of the Environment and the Ontario Ministry of Natural Resources, 2009, Safeguarding and Sustaining Ontario's Water Resources for Future Generations)

Peer to Peer

Water is our most valuable natural resource. How we as councillors protect that resource will become more and more important as we continue to require safe drinking water in the future.

Councillor-at-Large Rebecca Johnson, City of Thunder Bay

Water Conservation Facts

- In Ontario, the average residential water use is about 225 litres of water per person per day, which is significantly more than countries with similar standards of living such as Germany, the United Kingdom and the Netherlands.
- Pumping and distributing water to homes and businesses, and treating water and wastewater makes up one-third to one-half of a municipal government's total electrical use, which is double that of other municipal costs such as street lighting.
- Canadian surveys have consistently shown that as the percentage of metered homes in a community increases, water use per capita decreases. In Canadian municipalities that use volume-based water charges (i.e. meters), the average daily consumption is 229 litres per person, while in municipalities that charge a flat or assessed rate, the corresponding figure is 65 percent higher, or 376 litres per person.

(Source: Environment Canada, 2011, 2011 Municipal Water Use Report: 2009 Statistics)

Learn More About Drinking Water

Source of Water

Ontario's drinking water comes from surface water or groundwater. It is important to know the source of your community's water as it will determine:

- the kind of treatment and disinfection your drinking water system must have
- the equipment needed to access and distribute your water
- the types of risks your drinking water may face, and
- planning for your water supplies for the future

Surface Water

Surface water for public use is taken from rivers, lakes or reservoirs which are replenished by rain and snow. Surface water is more susceptible to contamination for the following reasons:

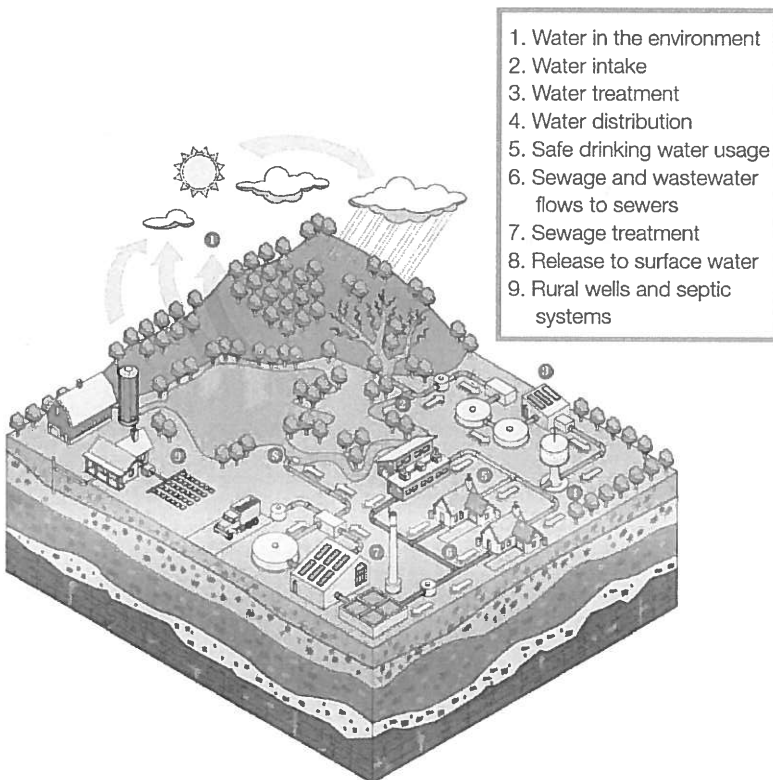
Rivers

may flow through farmland, industrial areas, sewage discharge zones and other areas which may cause harmful contamination and/or affect taste, odour, clarity and colour. River water quality will vary throughout the year.

Lakes and reservoirs

usually have better water quality than rivers. Suspended contaminants will 'settle out' in lakes. However, lakes and reservoirs are subject to plant and algae growth, which can give lake water unpleasant taste or odour. Human activities (power boats, feed-lots, etc.) are also a threat. In addition, lakes are often fed by rivers which carry contaminants.

Below: A graphical representation of the drinking water cycle demonstrating how water flows from the source through the water treatment process to your tap and back to the source.



(Source: Ontario Ministry of the Environment, 2009, Annual Report 2007-2008 Chief Drinking Water Inspector)

The Great Lakes and Drinking Water

Ontario borders on the Great Lakes, which store about 95 percent of North America's supply of fresh water and about one-fifth of the world's supply of fresh surface water. Only one percent of this water is renewed each year by rain and snowfall. More than 80 percent of Ontarians get their drinking water from the Great Lakes.

Groundwater

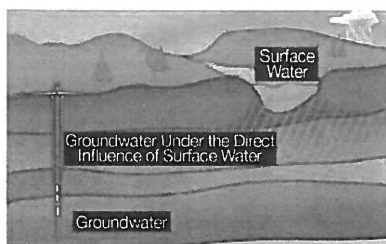
Groundwater (defined as 'water that occurs beneath the surface of the Earth') can be found in most parts of Ontario. It gathers in aquifers, the layers of sand, gravel and rock through which water seeps from the surface.

Sand and gravel aquifers are usually the most suitable for public water systems because water is more plentiful. Among rock aquifers, sandstone is often porous and can be a good source of groundwater. Limestone is not porous but may have cracks and cavities through which water can move and also provide a water supply.

Groundwater Under Direct Influence - (GUDI)

In addition to groundwater and surface water, there is a third source of water known as (GUDI) which stands for Groundwater Under Direct Influence of Surface Water.

An aquifer supplied by (GUDI) is viewed in the same category as surface water and has the same treatment and disinfection requirements.



(Source: Ontario Ministry of the Environment, 2007, "Drinking Water 101" course material)

Source Protection in Ontario

Protecting our sources of drinking water is the purpose of the *Clean Water Act, 2006* and the first component of Ontario's multi-faceted approach to providing safe, clean drinking water.

The source protection process in Ontario helps municipalities and others identify risks to sources of municipal drinking water so that better decisions can be made about addressing such risks through source protection plans. This science-based process has identified vulnerable areas to protect drinking water sources.

Municipalities have a significant role in implementing source protection plans: they are responsible for over half of the policies in the plans. Many of these policies are legally binding on municipalities. For example, municipalities may be required to appoint risk management officials and inspectors. These officials will negotiate risk management plans with landowners or businesses to address the risks their activities could pose to sources of municipal drinking water.

The *Clean Water Act, 2006* also requires municipal official plans to conform with source protection policies to protect vulnerable areas. Municipalities may need to include policies in the official plan, as well as zoning by-laws to prevent future risks to these sources. Plans may require municipalities to take other specific actions to protect sources of drinking water.

To learn more about source protection planning for municipalities, please visit the [Conservation Ontario website \(http://www.conservation-ontario.on.ca/what-we-do/source-water-protection\)](http://www.conservation-ontario.on.ca/what-we-do/source-water-protection).

- Actions You Can Take**
- Review the source protection plan for your area and find out what actions are being taken to protect vulnerable areas around your drinking water sources.
 - Find out if your municipality has appointed risk management officials and inspectors to support source protection planning and whether you are sharing these duties with other municipalities or delegating to a local source protection authority.

Drinking Water Treatment Processes

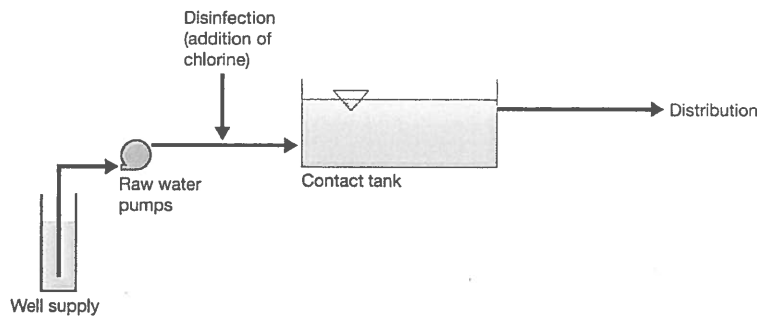
Treatment processes reduce or eliminate the potential for the presence of pathogens (organisms that can cause illness) in drinking water and are used to ensure your drinking water meets provincial standards. Different water sources necessitate different levels and methods of treatment to ensure safe, clean water is provided to consumers.

In Ontario, all municipal drinking water systems must have a disinfection process in place and all water must be disinfected before it is supplied to the public. The most widely used disinfectant is chlorine, which is a low-cost powerful disinfectant which continues disinfecting as water passes through the distribution system.

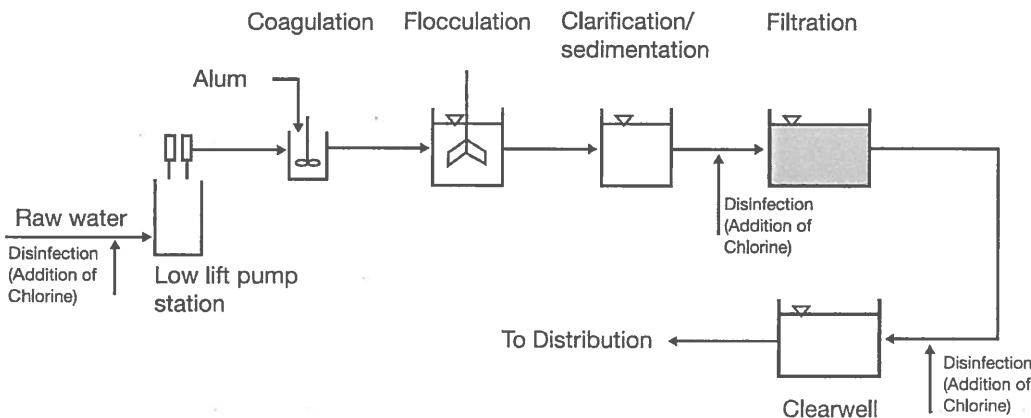
Drinking water systems using surface water or groundwater that is under the direct influence of surface water must also provide a filtration process ahead of the disinfection.

Some municipalities use certain treatment processes to address aesthetic problems with drinking water, such as taste and odour issues, that do not pose a risk to public health but which consumers find objectionable, or to address specific issues that are more local in nature, like zebra mussel control.

Typical groundwater treatment process



Typical surface water treatment process



Treatment Process Terms	
Coagulation	Coagulation is a chemical process that causes smaller particles to bind together and form larger particles. The process is used to improve the removal of particles through sedimentation and filtration in the drinking-water treatment process.
Flocculation	Flocculation is the gathering together of fine particles in water by gentle mixing after the addition of coagulant chemicals to form larger particles that can then be removed by sedimentation and filtration.
Clarification/ sedimentation	Clarification removes suspended solids prior to filtration. In Ontario, the most common method of clarification used is sedimentation – or allowing suspended material to settle using gravity.
Filtration	Filtration removes particles from the water that were not removed during clarification by passing the water through a granular or media filter that retains all or most of the solids on or within itself, and removes pathogens trapped in the solids prior to disinfection.
Disinfection	Disinfection is usually the addition of chlorine to raw or filtered water to remove or inactivate human pathogens such as viruses, bacteria and protozoa in water, or for the purpose of maintaining a consistent level of chlorine in a drinking- water distribution system.

Beyond Conventional Treatment

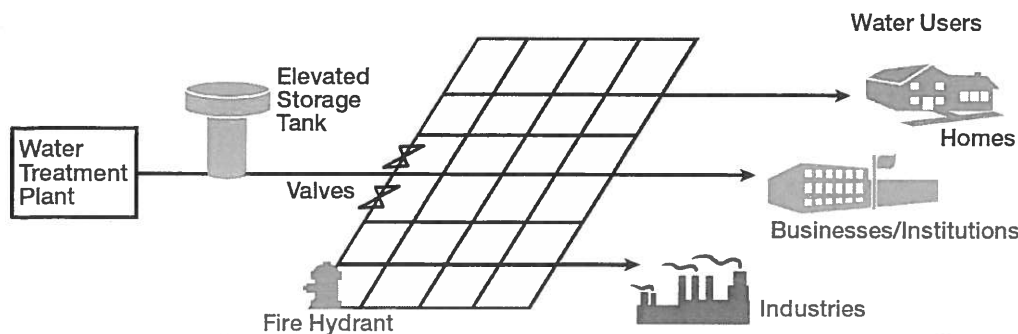
Communities can face unique water-treatment challenges from causes that include low-quality water sources, treated water being degraded as it moves through the distribution system or the need to meet increasing consumer demand.

As a result, your community may use other water treatment processes, some of which are described in the chart below, to meet your community's unique challenges.

Water Treatment Process	
Type of water treatment process	What it does
Membrane filtration	Helps remove micro-pollutants
Biofiltration	Improves taste and odour and reduces disinfection by-products and subsequent need for coagulants
Advanced oxidation process	Helps reduce disinfection by-products and micro-pollutants and improves taste and odour and disinfection
Sludge recirculation clarifiers	Improves system capacity
Magnetic ion exchange resins	Reduces disinfection by-products and subsequent need for coagulants and disinfectant
Dissolved air floatation	Reduces algae
Activated carbon	Improves taste and odour
Ultraviolet (UV) light	Disinfects water without using chemicals

Water Distribution

The water distribution system is the network of pipes, valves, fire hydrants, storage tanks, reservoirs and pumping stations that carry water to customers. Municipalities that get their treated water from a treatment facility in another municipality and only have a distribution system are still required to exercise due diligence and oversight. Clean, treated drinking water can become contaminated through a poorly maintained distribution system. System owners are required to maintain a consistent level of disinfectant throughout the distribution system to act as a barrier against contamination.



Types of Pipes

The most common types of material used for pipes include:

- Plastic polyvinyl chloride (PVC) or polyethylene pipes; are widely used today
- Cast-iron long-used, sturdy but capable of corroding in some cases
- Ductile-iron widely-used, newer version of cast-iron, more flexible and less likely to corrode
- Asbestos-cement no longer manufactured but still used in many distribution systems

Water Mains/Piping

Water mains are normally buried in the public street right-of-way. A trunk main is a larger size main used to move large quantities of water. The smaller diameter pipe which connects a water main to an individual building is called a water service. These smaller pipes contain a buried valve to allow service shut-off. Water service piping inside the property line is considered plumbing and is outside municipal jurisdiction.

The pipes of the distribution system must be large enough to meet domestic and industrial needs and provide adequate and ample flow for fire protection.

Valves

Valves are installed at intervals in the piping system so that segments of the system can be shut off for maintenance or repair.

Hydrants

Hydrants are distributed in residential, commercial and industrial areas, and are primarily used by fire departments in fighting fires. Fire hydrants and system valves should be operated and tested at regular intervals.

Water Storage Facilities

Water storage facilities exist in most municipalities to provide a reserve supply for times of emergency or heavy use (e.g. firefighting) and can include:

- elevated tanks (providing water pressure to a system)
- standpipes (also supply pressure from a high point of land)
- hydro-pneumatic systems (use air pressure to create water pressure in small systems)
- surface or in-ground reservoirs (where water can be stored and pumped out for use)

Pumping Stations

Pumping stations are facilities including pumps and equipment for pumping fluids from one place to another. Pumping facilities are required whenever gravity cannot be used to supply water to the distribution system under sufficient pressure to meet all service demands.

Water Meters

Water meters record the amount of water treated and delivered to the water system and measure the amount of water used by customers.

Water Distribution Atlas

Your municipality may maintain a water distribution system atlas which provides detailed mapping of the distribution system and information on infrastructure and maintenance records. Detailed mapping helps your municipality plan for future repairs and is essential for quick response to problems such as water main breaks.

For Further Information

To learn more about drinking water, visit these websites:

- [Drinking Water Ontario \(http://www.ontario.ca/drinkingwater/\)](http://www.ontario.ca/drinkingwater/)— The Government of Ontario's webpage offering a single point of access to information on drinking water and drinking water services in Ontario.
- [Walkerton Clean Water Centre website \(http://www.wccw.ca/\)](http://www.wccw.ca/)— The website of the Walkerton Clean Water Centre, an agency of the Ontario Government, which provides information on available training and education offered by the Centre, especially to those serving small and remote communities.
- [Ontario Clean Water Agency website \(http://www.ocwa.ca/\)](http://www.ocwa.ca/)— The website of the Ontario Clean Water Agency, an agency of the Ontario Government, which includes information on water and sewage works and related services provided by the Agency.
- [Ontario Government website \(http://www.ontario.ca/laws/\)](http://www.ontario.ca/laws/)— The Ontario Government website providing access to provincial laws and regulations.
- [Ontario Municipal Water Association website \(http://www.omwa.org/\)](http://www.omwa.org/)— The website of the Ontario Municipal Water Association.
- [Ontario Water Works Association website \(http://www.awwa.org/\)](http://www.awwa.org/)— The website of the Ontario Water Works Association, a section of the American Water Works Association (American Water Works Association website (http://www.awwa.org)).

Glossary

The following is a list of drinking water related terms and phrases you may come across when carrying out your oversight responsibilities.

A

- Accreditation body** a person designated or established as an accreditation body under Part IV of the *Safe Drinking Water Act, 2002*.
- Accredited operating authority** an operating authority accredited under Part IV of the *Safe Drinking Water Act, 2002*.
- Adverse Water Quality Incident (AWQI)** an event in which an adverse test result triggers a process of notification and corrective measures.
- Aquifer** a layer of soil, sand, gravel or rock that contains groundwater.
- Asset management planning** is the process of making the best possible decisions regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructure assets. The objective is to maximize benefits, manage risks, and provide satisfactory levels of service to the public in a sustainable manner.
- Audit** a systematic and documented verification process that involves objectively obtaining and evaluating documents and processes to determine whether a quality management system conforms to the requirements of the Drinking Water Quality Management Standard (DWQMS).

B

- Backflow preventer** a mechanical device for a water supply pipe to prevent the backflow of water into the water supply system from the service connections.
- Boil water advisory** notice issued by local Medical Officer of Health to advise the community to boil or disinfect water before consumption. It is designed to make water safe to drink when there is a health risk through contamination that can be corrected by boiling or disinfecting the water.

C

- Chemically assisted filtration** a water treatment process that uses chemicals, such as alum, as a coagulant to bind small particles together into larger particles that are then easily filtered out when the water passes through sand beds or other filters.
- Chlorine residual** the concentration of chlorine remaining in the chlorinated water at the end of a given contact time that is available to continue to disinfect. Measured as Free Chlorine, Combined Chlorine and Total Chlorine.
- Clarification/Sedimentation** removal of suspended solids prior to filtration. In Ontario, the most common method of clarification used is sedimentation - or allowing suspended material to settle using gravity.
- Coagulation** a chemical process that causes smaller particles to bind together and form larger particles. The process is used to improve the removal of particles through sedimentation and filtration in the drinking-water treatment process.
- Colony counts** a scientific measure that identifies the number of bacteria, yeast or moulds that are capable of forming colonies.
- Conservation Authorities** local watershed management agencies that deliver services and programs that protect and manage water and other natural resources in partnership with government, landowners and other organizations. [Conservation Ontario website \(http://conservation-ontario.on.ca/\)](http://conservation-ontario.on.ca/).
- Contaminant** any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse event.
- Cross-connection** the physical connection of a safe or potable water supply with another water supply of unknown or contaminated quality such that the potable water could be contaminated or polluted.
- Cryptosporidium** a single-celled protozoan parasite found in the intestinal tract of many animals. If the animal waste containing Cryptosporidium contaminates drinking water, it may cause gastrointestinal disease in humans.

D

- Designated facility** under the *Safe Drinking Water Act, 2002*, designated facilities are defined as facilities that serve people who are potentially more susceptible to illness if they drink water that is of poor quality. These facilities include schools, universities and colleges, children and youth care facilities.
- Disinfection** usually the addition of chlorine to raw or filtered water to remove or inactivate human pathogens such as viruses, bacteria or protozoa in water, or for the purpose of maintaining a consistent level of chlorine in a drinking-water distribution system.
- Drinking water** (a) water intended for human consumption, or (b) water that is required by act, regulation, order, municipal by-law or other document issued under the authority of an act to be "potable" or to "meet or exceed the requirements of the prescribed drinking water quality standards."
- Drinking water advisory** notice issued by local Medical Officer of Health when a drinking water problem cannot be corrected simply by boiling the water or through disinfection. Under a Drinking Water Advisory, consumers are advised to use another source of drinking water until further notice.

Drinking water system

A system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and that includes:

- a. anything used for the collection, production, treatment, storage, supply or distribution of water
- b. anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system, and
- c. a well or intake that serves as the source or entry point of raw water supply for the system.

Drinking Water Quality Management Standard (DWQMS)

The Drinking Water Quality Management Standard is a made-in-Ontario standard that sets out a framework for the operating authority and the owner of a drinking water system to develop a quality management system that is relevant and appropriate for their specific system. Operating authorities are accredited if they can demonstrate that they meet the requirements of the DWQMS through third-party verification.

Drinking water quality standards

standards prescribed by *Ontario Regulation 169/03* (Ontario Drinking Water Standards) for microbiological, chemical and radiological parameters which when above certain concentrations have known or suspected adverse health effects and require corrective action.

Drinking water works permit

a drinking water works permit is an MDECC-issued approval that sets specific requirements for when a new municipal residential drinking water system is installed or when an existing system is being modified.

E***E. coli* (Escherichia coli)**

a species of bacteria naturally present in the intestines of humans and animals. If animal or human waste containing *E. coli* contaminates drinking water, it may cause gastrointestinal disease in humans. Most types of *E. coli* are harmless, but some active strains, especially O157:H7, produce harmful toxins and can cause severe illness.

Exceedance

violation of a limit for a contaminant as prescribed in the *Ontario Drinking Water Standards Regulation (O.Reg. 169/03)*.

F**Filtration**

removes particles from the water that were not removed during clarification by passing the water through a granular or media filter that retains all or most of the solids on or within itself, and removes pathogens prior to disinfection.

Financial plan

Ontario Regulation 453/07 under the *Safe Drinking Water Act, 2002* sets out the requirements for a financial plan. Financial plans help municipalities build capacity to plan for drinking water systems' long-term financial sustainability. A financial plan must be in place before a licence can be issued or renewed, and must apply for a minimum of a six-year period that starts in the year the new (or renewed) licence will be issued. Financial plans must contain details of a system's financial position, financial operations and cash flow and are required to be approved by a resolution of municipal council.

Flocculation

the gathering together of fine particles in water by gentle mixing after the addition of coagulant chemicals to form larger particles that can then be removed by sedimentation and filtration.

G**Giardia**

protozoa, usually non-pathogenic, that may be parasitic in the intestines of vertebrates including humans and most domestic animals. If animal waste containing Giardia contaminates drinking water, it may cause gastrointestinal disease in humans.

H**Heterotrophic Plate Count (HPC)**

HPC is a microbiological test that gives an indication of general bacterial population. HPC results are not an indicator of water safety and should not be used as an indicator of potential adverse human health effects. This is a routine test to monitor water plant operations and assure treatment is working properly.

L**Laboratory**

a place where drinking water tests are or will be conducted. In Ontario, laboratories must be accredited and licensed for each type of drinking water test they perform. Laboratories may conduct other types of tests as well.

M**Medical Officer of Health**

with reference to a drinking water system, the medical officer of health for the health unit in which the system is located; if none exists, authority resides with the Chief Medical Officer of Health.

Microbiological organism

an organism so small that it cannot be seen without a microscope, including bacteria, protozoa, fungi, viruses and algae.

Municipal Drinking Water Licence (MDWL)

A municipal drinking water licence is an approval to operate a municipal residential drinking water system. The licence outlines specific operational parameters for the system including rated capacity, maximum flow rates and sampling, testing and monitoring requirements. The MDWL replaces the Certificate of Approval, which has been phased out for municipal drinking water systems.

Municipal drinking water system

a drinking water system (or part of a drinking water system):

- That is owned by a municipality or by a municipal service board established under *s. 195 of the Municipal Act, 2001*
- That is owned by a corporation established under *s. 203 of the Municipal Act, 2001*
- From which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system, or
- That is in a prescribed class

O**Operating authority**

with reference to a drinking water system, the person or entity that is given responsibility by the owner for the operation, management, maintenance or alteration of the system.

Operational plan

documents the Quality Management System (QMS) for a subject drinking water system.

Owner

with reference to a drinking water system, every person who is a legal or beneficial owner of all or part of the system (but does not include the Ontario Clean Water Agency [OCWA] or any of its predecessors where OCWA is registered on title as the owner of the system).

P**Pathogen**

an organism that causes disease in another organism.

Permit to Take Water

permit from the Ministry of the Environment and Climate Change under the *Ontario Water Resources Act, 1990*, required of any person who takes over 50,000 litres of water per day from any source.

Potable water

Water that, at a minimum, meets the requirements prescribed by *O.Reg. 169/03* (Drinking Water Quality Standards). Other definitions include: water of sufficiently high quality that it can be consumed or used without risk of immediate or long-term harm; water that satisfies the standards of the responsible health authorities as drinking water; water that is "fit to drink".

Protozoa

a very diverse group comprising some 50,000 organisms that consist of one cell. Most are able to move on their own. Some are a health concern in drinking water. (See Giardia and Cryptosporidium)

Provincial Officer Order

an order issued by a Ministry of the Environment and Climate Change Provincial Officer to any person who contravenes any act governed by the Ministry of the Environment and Climate Change.

R**Raw water**

surface or groundwater that is available as a source of drinking water but has not received any treatment

S**Source water**

untreated water in streams, rivers, lakes or underground aquifers which is used for the supply of raw water for drinking water systems.

Source water protection

action taken to prevent the pollution or depletion of drinking water sources, including groundwater, lakes, rivers and streams. Source water protection under Ontario's *Clean Water Act* helps ensure public health through developing and implementing local plans to manage land uses and potential contaminants.

T**Total coliform bacteria**

a group of waterborne bacteria consisting of three main sub-groups with common characteristics that is used as an indicator of water quality. The presence of total coliform bacteria in water leaving a treatment plant, or in any treated water immediately after treatment, could indicate inadequate treatment and possible water contamination.

Treatment system

any part of a drinking water system that is used in the treatment of water, including:

- anything that conveys or stores water and is part of a treatment process, including any treatment equipment installed in plumbing
- anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the system
- a well or intake that serves as the source or entry point of raw water supply for the system.

Turbidity

a visible haze or cloudiness in water caused by the presence of suspended matter, resulting in the scattering or absorption of light. The cloudier the water, the greater the turbidity.

W**Walkerton Inquiry**

the public commission of inquiry led by Justice Dennis O'Connor into the events that occurred in May 2000 when the water supply in the Ontario town of Walkerton became contaminated with a strain of *E. coli* bacteria.

Waterborne illness

a disease transmitted through the ingestion of contaminated water. Water acts as a passive carrier of the infectious agent, chemical or waterborne pathogen.

Water quality

a term used to describe the chemical, physical and biological characteristics of water, usually in respect to its suitability for a particular purpose, such as drinking.

Watershed

a region or area bounded peripherally by a divide and draining into a particular watercourse or body of water.

For more information, call the Ministry of the Environment and Climate Change at 1-800-565-4923

Email: drinking.water@ontario.ca (<mailto:drinking.water@ontario.ca>).

Drinking Water Ontario (<http://ontario.ca/drinkingwater>)

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- For answers to general questions, contact the Ministry of the Environment and Climate Change at 1-800-565-4923
- Legal Disclaimer – This guide should not be viewed as legal or other expert advice. For specific questions regarding the legal application of the *Safe Drinking Water Act* (SDWA) and its regulations, please consult a lawyer and/or review the text of the Act at the [e-Laws website \(https://www.ontario.ca/laws\)](https://www.ontario.ca/laws).

Sources

Much of the material in this guide has been adapted from the Ontario Municipal Water Association's 2004 handbook "Ontario Drinking Water Stewardship Responsibilities" with their permission. Information was also obtained from the following sources:

- American Water Works Association, 2009, *Water Basics for Decision Makers*
- Office of the Fire Marshal and Emergency Management, 2010, *Emergency Management Doctrine for Ontario*
- Environment Canada, 2011, 2011 *Municipal Water Use Report: 2009 Statistics*
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■ LEGAL



THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5359-11

BEING A BY-LAW to provide for the indemnification of members of Council and employees for legal expenses and liability incurred while acting on behalf of the Town of Aurora.

WHEREAS, pursuant to subsection 279(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), despite the *Insurance Act*, R.S.O. 1990, c. I.8, as amended (the "Insurance Act"), a municipality may be or act as an insurer with respect to the following matters:

- (a) the protection against risks that may involve pecuniary loss or liability on the part of the municipality or any local board of the municipality;
- (b) the protection of its employees or former employees or those of any local board of the municipality against risks that may involve pecuniary loss or liability on the part of those employees;
- (c) subject to section 14 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended (the "MCIA"),
 - (i) the protection of the members or former members of the council or of any local board of the municipality or any class of those members against risks that may involve pecuniary loss or liability on the part of the members;
 - (ii) the payment of any damages or costs awarded against any of its employees, members, former employees or former members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees or members, including while acting in the performance of any statutory duty; and
 - (iii) the payment of any sum required in connection with the settlement of an action or other proceeding referred to in paragraph (c)(ii) and for assuming the cost of defending the employees or members in the action or proceeding;

AND WHEREAS indemnification for the defense of MCIA applications and MCIA matters is not provided for in this By-law despite the fact that subsection 14(1) of the MCIA permits a municipality to pass by-laws to have the municipality act as an insurer to protect a member of Council, who has been found not to have contravened section 5 of the MCIA, against any costs or expenses incurred by the member as a result of a proceeding brought under the MCIA;

AND WHEREAS subsection 448(1) of the Act states that no proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under the Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS subsection 448(2) of the Act states that subsection 448(1) of the Act does not relieve a municipality of liability to which it would otherwise be subject in respect of a tort committed by a member of council or an officer, employee or agent

of the municipality or a person acting under the instructions of the officer, employee or agent;

AND WHEREAS subsection 283(2) of the Act states that, despite any other statute, a municipality may only pay the expenses of the members of its council or of a local board of the municipality and of the officers and employees of the municipality or local board if the expenses are of those persons in their capacity as members, officers or employees and if: (a) the expenses are actually incurred; or (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred;

AND WHEREAS The Corporation of the Town of Aurora (the "Town") considers it necessary and expedient to assume the cost of defending members of Council and employees of the Town in proceedings arising out of the acts or omissions done or made by them in their capacity as employees of the Town or members of Council, including while acting in the performance of any statutory duty;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. Definitions

In this By-law, the terms below shall have the following meanings:

- (a) "CAO" shall mean the Chief Administrative Officer of the Town;
- (b) "Council" shall mean the Council of The Corporation of the Town of Aurora;
- (c) "Director" shall mean those Town Employees occupying the position of Director of various Town departments from time to time, and who sit on the Executive Leadership Team of the Town;
- (d) "Employee" shall mean any salaried officer or any other person in the employ of the Town, and shall include any former employee or former officer of the Town that worked for the Town at the time the actions that form the cause of the Legal Proceeding arose, but shall exclude volunteers.
- (e) "Individual" shall mean an Employee or Member of Council;
- (f) "Legal Proceeding" shall mean any civil or administrative action, motion, hearing, trial, tribunal matter, or any appearance before one or more judges, masters, members, or any other such persons authorized by law to hear and/or rule upon a legal dispute, but shall exclude:
 - (i) any proceeding brought under the MCIA;
 - (ii) any proceeding brought under the *Criminal Code*, R.S.C. 1985, c. C-46, as amended;
 - (iii) any proceeding brought under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
 - (iv) any proceeding brought under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended;
 - (v) any proceeding brought under the *Provincial Offences Act*, R.S.O., 1990, c. P.33, as amended;
 - (vi) any proceeding brought under the *Libel and Slander Act*, R.S.O. 1990, c. L.12, as amended;
 - (vii) any proceeding commenced by the Town;

- (viii) any proceeding in which the Town is a party adverse in interest to the Individual; or
- (ix) any proceeding commenced by an Employee against another Employee, a Member of Council against another Member of Council, an Employee against a Member of Council, or a Member of Council against an Employee.
- (g) "Member of Council" shall mean a current member of Council or the Mayor, and shall also include a former Mayor or a former member of Council who made a decision while acting in his or her capacity as a member of Council or as the Mayor at the time the actions that form the cause of the Legal Proceeding arose.
- (h) "Town" shall mean The Corporation of the Town of Aurora;
- (i) "Town Solicitor" shall mean the Town Solicitor/Director of Legal Services or his/her designate;

2. Legal Representation

- (a) Subject to the provisions of this By-law, the Town Solicitor shall represent the Individual in a Legal Proceeding provided that the interest of the Town and the interest of the Individual may not conflict and there are sufficient internal resources to permit such representation.
- (b) In the event that the Town Solicitor is not able to provide representation, the Individual may retain external legal counsel and may be indemnified by the Town for such external legal counsel in accordance with the terms of this By-law.
- (c) Where legal representation is provided to an Individual by the Town Solicitor, then the Town Solicitor may conduct the necessary investigations and settle any Legal Proceeding in a manner that is in the sole discretion of the Town Solicitor, and in accordance with the Town's Administration Procedure No. 52: Litigation and Claims Policy.

3. Indemnification

- (a) Subject to the provisions of this By-law, the Town shall indemnify any Individual in the manner and to the extent provided for in this By-law where the CAO, in consultation with the Town Solicitor, determines that the act or omission done or made by the Individual which caused the Legal Proceeding:
 - (i) was done in his or her capacity as an Employee or Member of Council;
 - (ii) was done or made in good faith and in the best interests of the Town; and
 - (iii) was based on reasonable grounds for believing his or her conduct was lawful and made in accordance with the Town's policies.
- (b) If an Individual seeks indemnification pursuant to this By-law, he or she shall make a written request:
 - (i) to the CAO, with a copy to the Town Solicitor;
 - (ii) where the Individual requesting the indemnification is the CAO, then to the Town Solicitor, who shall perform the functions of the CAO that are provided for in this By-law; or

- (iii) where both the CAO and the Town Solicitor are requesting indemnification and are named as parties in the Legal Proceeding giving rise to the request, to Council who shall perform the functions of the CAO that are provided for in this By-law.
- (c) In accordance with this By-law, the CAO, in consultation with the Town Solicitor, shall determine whether or not the Town will indemnify the Individual for the Legal Proceeding and shall thereafter notify the Individual in writing of the CAO's determination within ten (10) business days from receipt of the request by the CAO.
- (d) Further to subsection 3(c) of this By-law, as part of the determination regarding qualification for indemnification, the Town Solicitor shall determine the factual background to the Legal Proceeding. In determining if the Individual is entitled to indemnification pursuant to the criteria set out in this By-law, the Town Solicitor may obtain the assistance of a qualified third party.
- (e) In the event that indemnification will not be provided to the Individual, the Individual shall be solely responsible for retaining and paying for his or her own legal counsel and the payment of any fines, damages, costs or interest awarded against him or her.

4. Town Approval of Individual's Lawyer

- (a) A written request for indemnification pursuant to subsection 3(b) of this By-law may include a request for approval of a lawyer chosen by an Individual, or may request that the Town Solicitor suggest three (3) lawyers in order to represent the individual in the Legal Proceeding.
- (b) Where a request for indemnification also seeks approval of a lawyer chosen by the Individual, the response referred to in subsection 3(c) of this By-law shall also, at the discretion of the CAO and the Town Solicitor:
 - (i) approve the request to retain the lawyer chosen by the Individual; or
 - (ii) deny the request and suggest three (3) lawyers of the Town Solicitor's choice who could represent the Individual in the Legal Proceeding.
- (c) Where the Town Solicitor has provided the names of three (3) lawyers, the Individual shall select from the list and shall notify the CAO of the selection within five (5) business days of receipt of the list.
- (d) Should the Individual not wish to accept any of the three (3) lawyers on the list provided by the Town Solicitor, then the Individual shall not be entitled to indemnification pursuant to this By-law.

5. Manner and Extent of Indemnification

- (a) Where an Individual qualifies for indemnification pursuant to this By-law, the Town shall:
 - (i) pay the reasonable legal expenses incurred by the Individual regarding the Legal Proceeding;
 - (ii) pay all damages, costs, interest, fines, and/or awards against the Individual as a result of the Legal Proceeding; and
 - (iii) pay any sum required in connection with the settlement of the Legal Proceeding, provided that as a condition precedent the Town Solicitor approves the terms of the settlement.

- (b) The amounts of indemnification to be paid pursuant to subsection 5(a) of this By-law shall only be paid to the extent that such legal expenses, damages, costs, interest, fines, awards, and/or settlement amounts are not otherwise assumed, paid, or reimbursed under any provision of the Individual's personal insurance or the Town's insurance for the benefit and protection of the Individual against any liability incurred by him or her.

6. Limits of Indemnification

- (a) The Individual shall reimburse the Town for any and all amounts paid by the Town pursuant to this By-law out of any damages, costs, awards, or fees ordered payable to the Individual in the Legal Proceeding.
- (b) In the event that the Town has paid for legal costs associated with the defense of an Individual in the belief that the Individual acted in accordance with the requirements of clauses 3(a)(i) to (iii), and it is later determined by a court or tribunal that the individual did not act in accordance with the requirements of clauses 3(a)(i) to (iii), then the Individual shall be responsible for the repayment of any legal fees incurred in the Legal Proceeding and shall be responsible for all damages or costs awarded against him or her.
- (c) The Individual shall arrange for the law firm representing him or her in the Legal Proceeding to submit the following to the Town, at the reasonable request of the Town Solicitor:
 - (i) detailed bills of account for all fees, costs and disbursements, together with all information requested by the Town Solicitor relating to the said bills;
 - (ii) complete details and copies of the evidence and testimony given by the Individual with regards to the Legal Proceeding, including, but not limited to, any and all affidavits, documentary evidence, or transcripts that are otherwise publicly available;
 - (iii) periodic budgets for anticipated legal costs, which may be revised; and/or
 - (iv) status updates in respect of the progress of the Legal Proceeding.
- (d) As a condition of indemnification, and prior to any payment being made, the Individual shall execute an indemnification agreement with the Town which sets out the terms contained in this By-law and any other such terms and conditions as required by the Town Solicitor in order to protect the interests of the Town. Should the Individual be unwilling to execute the said indemnification agreement, the Individual will not be entitled to receive any indemnification as set out in this By-law. The Town Solicitor is hereby authorized to execute the said indemnification agreement on behalf of the Town.
- (e) Once the indemnification is approved by the CAO, the amount of legal expenses paid by the Town shall be limited to the reasonable legal expenses incurred by the Individual for the purposes of providing him or her with legal advice and representation regarding the Legal Proceeding.
- (f) The Town Solicitor shall determine the reasonable amount of legal expenses that shall be paid by the Town pursuant to this By-law, and may obtain the advice and assistance of a qualified independent party in order to make that determination.

- (g) The Town has the right to require that any account for legal expenses for which reimbursement is sought be assessed by a Court Assessment Officer prior to payment by the Town.
- (h) The Town Solicitor shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements.
- (i) The CAO has the right, acting reasonably and in consultation with the Town Solicitor, to impose a limit on the amount of indemnification for legal expenses granted to the Individual for the Legal Proceeding.

7. Obligation to Notify

- (a) An Employee who becomes aware that a Legal Proceeding has been commenced or threatened against him or her shall forthwith advise his or her Director and the Town Solicitor. The Director shall thereafter advise the CAO. When an Employee receives any process issued by a court, administrative tribunal or other administrative, investigative or quasi-judicial body, the Employee shall deliver a copy to his or her Director who in turn shall deliver a copy to the CAO and the Town Solicitor.
- (b) Any Member of Council who becomes aware that a Legal Proceeding has been commenced or threatened against him or her shall forthwith advise the CAO. When a Member of Council receives any process issued by a court, administrative tribunal or other administrative, investigative or quasi-judicial body, the Member of Council shall deliver a copy to the CAO.

8. Co-operation and Assistance of the Individual

- (a) The Individual shall:
 - (i) provide all documents and information relevant to the matter to the lawyer appointed to represent the interests of the Town and the Individual;
 - (ii) attend at all parts of the Legal Proceeding when requested to do so by legal counsel; and
 - (iii) make available all information of documentation relevant to the Legal Proceeding and provide all the documentation requested by the Town.
- (b) At all times the Individual must co-operate with legal counsel for the Town and the Town's insurer (where applicable). A lawyer retained by the Town's insurers to defend the Town in any Legal Proceeding shall represent the Individual with respect to the Legal Proceeding unless the Town Solicitor determines otherwise.

9. Failure to Comply with the By-law

- (a) The Town shall not be liable to assume or pay any of the legal expenses, costs, damages, awards, fines, or settlement amounts that the Individual agrees to pay or is found liable to pay by a court or tribunal in the Legal Proceeding, if the Individual:
 - (i) fails or refuses to comply with any of the provisions of this By-law;
 - (ii) or the Individual's lawyer takes a step which is unnecessary or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the Town Solicitor;

- (iii) exceeds the limit for legal expenses referred to in subsection 6(i) of this By-law; or
 - (iv) commences an appeal, counterclaim, crossclaim, third party claim, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining the approval as specified in section 10 of this By-law.
- (b) The Individual shall reimburse the Town for all amounts received by the Individual, or paid by the Town on behalf of the Individual, should it be determined that the Individual has failed to comply with the By-law as specified in subsection 9(a) of this By-law.

10. Appeals, Counterclaims, Crossclaims, and Third Party Proceedings

The Individual will not commence an appeal, counterclaim, crossclaim, or third party claim unless approved by the Town in advance. In the event the Town does not provide its approval, then the Individual may proceed at his or her own risk and expense. If the individual is successful then the Town may decide, in its sole discretion, to reimburse the Individual's legal expenses in that matter.

11. Exclusions

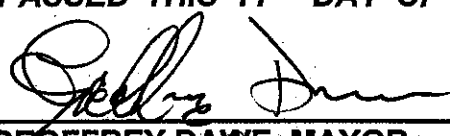
- (a) This By-law does not apply to Legal Proceedings related to a grievance filed under the provisions of a collective agreement or to a disciplinary action taken by the Town as the employer, unless the Individual is representing the Town in his or her role as management or in a management support function.
- (b) This By-law does not permit an Individual to obtain indemnification for any Legal Proceeding that has commenced prior to the effective date of this By-law.
- (c) This By-law does not permit an Individual to obtain indemnification for any future Legal Proceeding that is based on the acts or omissions done or made by an Individual, in his or her capacity as an Employee of the Town or as a Member of Council, which occurred prior to the effective date of this By-law.
- (d) This By-law does not affect any written indemnification agreement between an Individual and the Town that is in place on the effective date of this By-law.

12. Effective Date

The provisions of this By-law shall come into full force and effect on the date of final passage hereof.

READ A FIRST AND SECOND TIME THIS 11th DAY OF OCTOBER, 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF OCTOBER, 2011.



GEOFFREY DAWE, MAYOR



JOHN D. LEACH, TOWN CLERK

Approved as to Form
By Legal Services

Signature

Date: Oct 7/11

CLOSED MEETINGS OF COUNCIL

Meetings of Council and Committees are open to the public except for the meeting or part of a meeting that is permitted to be closed under the provisions of the *Municipal Act, 2001* (the “Act”) as set out below. In order to close a meeting, a resolution is required prior to holding the meeting that is closed to the public, and the resolution must state that a closed meeting will be held and the general nature of the matter to be considered at the closed meeting.

Subsection 239(2) of the Act provides that a meeting or part of a meeting **may** be closed to the public if the subject matter being considered is:

- (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.

Subsection 239(3) of the Act provides that a meeting **shall** be closed to the public if the subject matter relates to:

- (a) the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”) if Council is the head of the institution for the purposes of MFIPPA. (However, this section is not applicable to Aurora, since, as is the normal practice in most municipalities

- across the province, Council has delegated the authority to administer *MFIPPA* to the Town Clerk); and
- (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act or similar legislated persons.

Lastly, in addition to the above, a meeting of Council or a committee of Council **may** also be closed to the public for educational or training session under subsection 239(3.1) of the *Act* if the following conditions are both satisfied:

- (a) the meeting is held for the purpose of educating or training the Council or committee members; and
- (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.

Generally, a meeting shall not be closed to the public during the taking of a vote; however, subsection 239(6) of the *Act* permits a meeting to be closed to the public during a vote if:

- (a) the meeting is permitted to be closed under subsections 239(2) or (3) of the *Act*, as noted above; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board, or committee of either of them or persons retained by or under a contract with the municipality or local board.

Material received in or for a closed meeting and discussions that ensue at the closed meeting must not be referred to in a public meeting, as this is considered to be a violation of the Code of Conduct for Council Members. Public discussion or release of confidential materials could cause loss or damage to the Town, or violate *MFIPPA*. Ultimately, confidentiality rests with Council and only Council as a whole may waive its right to confidentiality, after consultation with the Town Clerk and Town Solicitor.

CLOSED SESSION CONFIDENTIALITY, PRIVILEGE, AND WAIVER

As is noted in the section entitled "Closed Meetings of Council," the *Municipal Act, 2001* allows Council and its Committees to meet in the absence of the public where certain matters are under consideration.

Confidential materials, including closed session reports stating legal opinions, will be provided to Council Members in an electronic format, which is password protected. This information is highly sensitive and, if released or shared with any individual other than those to which it has been provided, including other staff members, it could jeopardize the financial, security or legal interests of the Town.

Only Council as a whole can authorize the disclosure of confidential information.

Each Council Member holds a position of trust in the Town and has a fiduciary duty to act in the best interests of the Town at all times. This fiduciary duty extends beyond any Council Member's term of office with respect to the use or disclosure of confidential or sensitive information obtained while in office. Therefore, information provided to a Council Member in a confidential format must not be shared with anyone at any point in the future, **even if the Council Member is no longer sitting on Council**. In addition, a Council Member's use of confidential information is governed by the Code of Conduct for Council Members. Release or sharing of confidential information without the consent and authorization of Council as a whole is a serious matter. Where a breach of this duty occurs, the Town is entitled to commence legal action against a Council Member for breach of fiduciary duty, breach of trust, intentional interference with contractual relations and other such action. Significant monetary and other penalties may be imposed.

Waiver

Under the common law and the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), communications between a solicitor and his or her client are privileged and confidential. Accordingly, the disclosure of legal advice is not compellable under MFIPPA. However, there are circumstances where this privilege will or can be waived, thereby allowing third parties access to sensitive legal advice. A waiver of this privilege will occur where:

- (a) A document is disclosed and the party obtaining the document reads it or makes a copy. This is true also where legal advice is provided to staff within the Town generally. Strictly speaking, the client in the municipal context is Council, as a whole (and not individual Council Members) and, in some circumstances, senior officers of the Town. Communications between the Town and its solicitors, whether in-house or external, should never be provided to internal staff or third parties, including other government agencies, without seeking clarification first from the Legal Services Division; and

- (b) Possibly where the existence of, or reliance upon, a legal opinion is referred to in an open meeting of Council to support an action or position of Council. This includes any opinion given in a report, specifically under Legal Considerations. Unless it is the intention of Council **as a whole** to waive privilege over legal advice, Council Members should refrain from referring to any legal advice received in Closed Session or in a confidential format.

Where privilege has been lost, the document(s) may be used against the Town in litigation.

Records of confidential information discussed at a closed meeting of Council, which records do not fall under the category of legal advice, are compellable under *MFIPPA* only when the subject matter of the closed session deliberations has been considered in a meeting open to the public.

STATEMENTS MADE DURING COUNCIL MEETINGS

Section 5 of the *Municipal Act, 2001* provides that Council must act by by-law unless the municipality is specifically authorized to do otherwise. This requirement is in part to ensure that the intended actions of the municipality are clearly communicated.

However, the courts have determined that there is a difference between legislative and quasi-judicial acts of a municipality, and operational acts of a municipality for which a municipality may be held liable for negligent misrepresentation. This applies to statements made during Council meetings which others may rely upon as the position of the municipality. The Ontario Court of Appeal in the case of *Moin v. Blue Mountains (Town)*¹ found that a developer can rely upon statements made during a Council meeting even if a by-law or resolution is not passed. In that case, a developer requested of Council the date when a certain road would be reconstructed to allow access to his lands. In an open council meeting, the Reeve, who is the equivalent of the Mayor, advised that the road would be open at a certain time. The other Council Members did not contradict the Reeve but, unbeknown to the developer, not all were in agreement with the assertion. The developer relied on the Reeve's assurance and when the road was not reconstructed, the developer sued the municipality.

The court allowed the claim as the statement was made in an open Council Meeting, made by the head of Council, was not contradicted by the other Councillors present, and it was determined that the developer had a legitimate expectation that the municipality would reconstruct the road. The municipality was ordered by the court to reimburse the developer for his losses.

Although the facts are unique, the *Moin* case has raised the possibility that individual Members of Council can bind the municipality based on promises made, particularly during open meetings of Council. When Council is discussing a particular matter, and in the absence of a Council resolution or by-law providing proper direction, Council Members must be in agreement with the course of action determined to be taken surrounding the matter, or their disagreement should be noted such that a member of the public in attendance will realize that the Council has not endorsed a certain course of action.

Where individuals approach Council requesting certain actions, where one Council Member indicates that an action will occur, and where other Council Members are not in agreement, it is advisable that Council Members do not remain silent on the matter but express any reservations they may have. Unilateral commitments on the part of the Town should be avoided by a Member of Council.

¹ (2000), 13 M.P.L.R. (3d) 1 (Ont. C.A.)

DEFAMATION

From time to time, matters will come before Council concerning identifiable individuals, community groups or corporations. Comments made by Members of Council during Council Meetings and subsequently reported in the local media have been the subject of claims. What follows is a brief overview of the law in this area.

Defamation is the act of harming the reputation of another person by making a false statement, either verbally or in writing, to a third party. By its nature, the tort of defamation is directed toward protecting the private interest.

The typical form of a defamatory statement is an attack upon the moral character of a person, attributing to the person any form of disgraceful conduct. Examples include suggesting that someone has committed a crime or is untruthful. A defamatory statement is a publication, whether permanent or transitory, that tends to lower a person in the estimation of right-thinking members of society, or tends to cause others to shun or avoid the individual, or exposes the individual to hatred, contempt or ridicule.

Individual Members of Council and municipal employees are all capable of defaming an individual. A municipality may be vicariously liable for statements made by its employees.

In defending a claim, the Town must prove that the words complained of are true or that the comment made was a fair comment, without malicious intent, on a matter of public interest and was the product of an honestly held view.

While statements made in the provincial Legislature or federal House of Commons by MPPs or MPs are protected from libel actions under absolute or parliamentary privilege, there is no such absolute privilege for statements made by Council Members in Council Chambers during a meeting. However, municipal Council meetings are generally held to be forums where the defence of qualified privilege can be raised. If a statement is made in the discharge of a public duty, it may be protected by qualified privilege if it is considered important that the facts be known in the public interest. A defamatory statement may be made even if it is false, but, if the statement is made with malice, there will be no defence. Malice is not limited to personal spite, but may also arise when a Council Member speaks out of an improper motive, even if they believe what they have said. As well, if the remarks are not related to an issue before Council, they may also be defamatory. Councillors have a duty to act with respect. Proper decorum and respect are the safest avenues for a Council Member when making statements during a meeting, no matter how divisive the debate or strong the opinion.

The Town's insurance policy provides coverage to Council Members for statements made while performing their duties for, or in association with, the Town.

All comments made during a Council Meeting may not be afforded coverage and Council Members should exercise caution. Coverage may be denied where comments are intentional acts, or motivated by malice or are irrelevant to the business before Council.

How the law would interact with any given statement will vary from case to case. Accordingly, if a Council Member has concerns about any specific comments, that Council Member should seek legal advice from his or her own personal lawyer. The Town Solicitor or Associate Town Solicitor cannot and will not provide legal advice to an individual Council Member.

The comments above should not be relied upon in making a judgement regarding when a statement would be defamatory or when a defence would be available. These comments are made only for the purpose of providing you with sufficient information to identify those instances when seeking further advice may be warranted.

INSURANCE, RISK MANAGEMENT, LITIGATION AND CLAIMS MANAGEMENT

GENERAL OVERVIEW

The Town is a large municipal corporation that provides a vast array of services to the general public and owns a number of public spaces such as parks and recreational facilities. In addition, the Town has care and control over all municipal highways and sidewalks within the Town, save and except for those under regional jurisdiction. As a result, the Town faces a number of risks which the Town mitigates through various mechanisms, including the purchase of insurance, risk transfer, the development of policies and procedures and continued effective maintenance practices in accordance with the Minimum Maintenance Standards for Municipal Highways.

Given the nature of the Town's business, the Town also receives several claims. All claims are investigated thoroughly and processed by Legal Services as further explained below.

Insurance Coverage

The Town's standard municipal insurance coverage is broken down into the following areas:

- (a) Comprehensive General Liability: coverage for general bodily injury and property damage that may be caused by the Town's actions or inactions. This also covers liability attributable to public officials.
- (b) Excess Liability: additional insurance coverage for large losses/claims that are in excess of the Town's general liability coverage.
- (c) Environmental Impairment Liability: specific coverage for environmental damage or pollution caused by the Town or impacting the Town's property that is caused by a third party.
- (d) Automobile: automobile insurance coverage for the Town's vehicle fleet.
- (e) Property/Crime: property insurance for the Town's buildings and facilities, covering items such as fire damage, burglary/crime, and boiler and machinery.
- (f) Municipal Officials' Accident: accident, death, and dismemberment coverage for members of Council.
- (g) Cyber Liability Insurance: financial losses that result from data breaches and other cyber events. Various consulting services are included in the insurance premium.
- (h) Aviation: unmanned aircraft (i.e. drones)

The Town's insurance coverage includes, but is not limited to, general liability coverage in the amount of \$5,000,000 with excess liability of \$45,000,000. There is a limitation of \$5,000,000 per occurrence and a deductible of \$10,000 per claim on most matters and \$25,000 for property related claims. The deductible is paid by the Town for each claim. The Town's insurance coverage, including the deductible, should remain confidential and not be disclosed to anyone.

Key players involved

- The Town purchases insurance through an Insurance Brokerage whose function is to negotiate with various insurance markets to obtain the best possible insurance premium rates for the Town.
- The Town's insurance policies are underwritten by various insurers. The insurer underwrites the policies of insurance for which the Town has coverage against claims. Insurers provide administration of the insurance policy and is the financial backer who determines the Town's liability position, based upon the Claims Adjuster's recommendation, and determines how much should be paid for litigation and claim settlements or if a matter should proceed to trial.
- The Claims Adjuster is a third party retained by the Town who works with both the insurer and the Town to investigate insurance claims (for example, speaking with the claimant, inspecting/documenting damage, reviewing relevant documentation) in order to determine the validity of the claim and the extent of the Town's liability.
- Town staff assist the Claims Adjuster in their investigation, where applicable, and coordinates the processing of claims with the Claims Adjuster, the insurer, and external legal staff (where required based on the nature and extent of the claim). Where a claim is below the deductible amount, Town staff investigate and resolve the claim in-house.
- External Legal Counsel are retained by the Town's insurer to litigate significant claims that were not able to be resolved. These lawyers work with both Town staff and the insurer until the claim comes to a conclusion either through settlement or trial.

Insurance Premium

The Town's insurance premium is determined by numerous factors, including:

- (a) **Legislation Reform:** New or existing legislation, Ministry of Justice reforms, health and safety Reforms, court decisions impacting Ontario municipalities (i.e., joint and several liability)
- (b) **Claims Trends:** Changing behaviours, claims inflation, climate change
- (c) **Austerity and Recession:** effects of austerity (i.e. increased social unrest, fewer resources available for training, maintenance and repairs), recessionary losses (theft, fraud, malicious damage, unemployment rates), quality and management (reduced funding and inattention to risk management and the development of policies and procedures); market conditions (hard or soft market).
- (d) **Financial:** investment returns, solvency
- (e) **Motor:** Frequency of injury claims, fraudulent claims, changing landscapes (i.e. more cyclists), future care costs, repair costs
- (f) **Casualty:** fraudulent liability claims, lack of organizational risk management practices, increased care costs, emerging claims/risks, population.
- (g) **Property:** Frequency of claims, fraud, lack of risk improvement (i.e. postponing capital-funded projects), climate change, large catastrophic losses, flooding, social habits, health and safety, building regulations, modern methods of construction.

Claims Management

Most claims that occur in the Town are related to personal injury (slips/falls), sewer back-ups, construction activities, property damage and vehicle damage. As the Town can be viewed as an easy target with big pockets, it is frequently named in proceedings before the courts even when the Town may not be liable for a claim.

Internal Process for Handling Claims

- **Claims under \$10,000**
 - o Processed by Legal Services Division in-house
 - o Adjuster involved only where liability is questionable
 - o Not reported to insurer
- **Claims over \$10,000**
 - o Processed by Legal Services Division in-house
 - o Adjuster involved in resolving claim
 - o Reported to insurer and insurer assigns a Claims Examiner.
- **Litigation Claims (Insured & Non-Insured)**
 - o A claim becomes a litigation matter once a Statement of Claim is served
 - o Adjuster involved, where appropriate
 - o Handled by external legal counsel
 - For insured matters, legal counsel is appointed by the Insurer
 - For non-insured matters, the Town Solicitor recommends the retainer of legal counsel
 - o All litigation is overseen by the Legal Services Division
 - Ensuring timelines are met

- Gathering records and data, providing information, providing, and coordinating professional advice and technical guidance (with assistance of affected department(s))
 - Preparing Town staff to be witnesses at Examinations for Discovery.
- **Contractor claims**
 - o Contractors may be responsible for some claims as well. In those instances, the Town generally works with the Contractor to resolve the claim; however, in some instances, the Town resolves the claim and pursues cost recovery from the contractor by enforcing the indemnity set out in the contract or by subtracting the claim paid from monies owed to contractors for works performed.
- **Subrogation Claims**
 - o Legal Services pursues cost recovery from other parties and their insurers in relation to damage to Town infrastructure (i.e. drivers that damage streetlight poles, fire hydrants, etc).

Denial of Claims

The Town and the insurer deny claims where investigation determines that the Town is not liable. In regard to insured claims, the insurer solely determines whether the claim is denied.

DOS and DON'TS When Communicating With Residents

The do's and don'ts suggested below are intended to offer some guidelines to limit the Town's potential liability in the event of a future claim. These guidelines should be used by Council Members when communicating with residents who allege that they have been injured on Town property or may have some other claim against the Town:

- ✓ DO feel free to respond to residents - Members of Council should not feel unduly restricted in addressing resident concerns, provided that you remain aware of the issues mentioned in this overview. However, resident concerns should be directed to the relevant staff and Members of Council should be mindful in their responses back to residents to ensure statements are not made that could attribute liability on the Town.
- ✓ DO make the Town Solicitor aware of any potential claim against the Town in order to allow the Town's staff or Claims Adjuster to conduct an investigation in a timely manner in the event that a claim arising out of an incident or accident is made at some point in the future.

- ✓ DO direct residents to the relevant staff person or department that can deal with their concerns. A comment such as, "I understand your concerns - I'll have someone at the Town look into the matter as soon as possible and follow-up with you," is usually fine.
- ✓ DO provide direction and general assistance to residents but avoid becoming a part of the incident or immersed in the investigation.
- ✓ DO be aware that the Town cannot always address a resident's concern, despite the resident's initial reaction - sometimes incidents happen on Regional or private property and the Town is in fact not responsible.
- ✗ DON'T make any promises, commitments, or comments to any person with respect to compensation for loss, damages or reimbursement which may result from the incident.
- ✗ DON'T admit to any fault or liability on behalf of the Town.
- ✗ DON'T offer specific apologies or cast blame on the Town when responding to an alleged incident.
- ✗ While it is okay to see what the cause of the problem is, DON'T go out in person by yourself - always have someone you know with you. Ensure there is a witness present in case someone alleges you said certain statements that you didn't make. Verbal statements are always more difficult to corroborate than written statements.
- ✗ Once a claim is made against the Town, it is in the best interests of the Town that you DON'T become involved in the claim or comment on the claim or litigation. It's always best to acknowledge their correspondence and direct it to the Town Solicitor for follow up by the applicable claims staff.
- ✓ DO ask for help if needed. If you aren't sure how to respond or are worried about what to say, that's ok. Reach out to the Town Solicitor for guidance.

PROSECUTIONS

The Region of York entered into an agreement with the local municipalities to provide court administration, court support and the prosecution of offences under the *Provincial Offences Act* on behalf of the municipalities, including Aurora. While the Region collects the fines relating to prosecution matters, Aurora receives the fine revenue from prosecution matters relating to Aurora.

The agreement provides that the municipalities, including elected officials, are to comply with the attached Conflict of Interest guidelines in all matters relating to the administration of the Provincial Offences Court. Please familiarize yourself with these guidelines.

SCHEDULE "A"
CONFLICT OF INTEREST GUIDELINES
ADOPTED IN RELATION TO ADMINISTRATION
OF THE PROVINCIAL OFFENCES COURT

Preamble

Whereas administration of the Provincial Offences Court by the Municipal Partners pursuant to agreement with the Attorney General must be conducted in accordance with the fundamental principles of justice, which include prosecutorial independence, fairness, impartiality, competence and integrity;

Therefore, the Municipal Partners, on behalf of their elected representatives and staff, agree to implement and adhere to these Guidelines in all matters relating to the administration of the Provincial Offences Court (Central East Region).

General Principles

- 1.1 These Guidelines apply to elected representatives, officials and members of the staff of the Municipal Partners.
- 1.2 No person shall attempt to improperly influence or interfere, financially, politically or otherwise, with the administration or prosecution functions of the Provincial Offences Court or with persons performing duties in relation to the Provincial Offences Court.
- 1.3 Every person involved with the administration and prosecution functions of the Provincial Offences Court shall endeavour to carry out such duties in a manner which upholds the integrity of the administration of justice.

Obligation to Report

- 2.1 Every member of Region staff involved in administration of the Provincial Offences Court, including the prosecution function, shall immediately disclose to the Regional Solicitor any attempt at improper influence or interference in relation to matters before the Provincial Offences Court made by any elected representative, official or member of the staff of the Municipal Partners. If the matter is deemed to be improper influence or interference, the Regional Solicitor shall advise the Crown Attorney.
- 2.2 Every member of staff of a Municipal Partner, other than the Region, performing any duties with respect to the Provincial Offences Court, including prosecution, shall immediately disclose to the person designated by the Municipal Partner for such purposes any attempt at improper influence or interference in relation to matters before the Provincial Offences Court made by any elected representative, official or member of the staff of the Municipal Partner. If the matter is deemed to be improper influence or interference, the designated person shall advise the Crown Attorney. When the Municipal Partner employs a member or members of the Law Society of Upper Canada in positions relevant to the administration of justice, the Municipal Partner shall endeavor to so

designate one of such members.

- 2.3 No action may be taken against a person making such disclosure in good faith.

Administrative Structure

- 3.1 Members of staff of the Municipal Partners who are engaged in administration or prosecution functions shall not directly report to or be supervised by persons who are municipal finance officers or who are employed by police agencies.
- 3.2 Where a member of staff of a Municipal Partner who is engaged in administration or prosecution functions has been charged with an offence created under a federal or provincial statute or regulation and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Municipal Partner. Upon notification, the Municipal Partner shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict.
- 3.3 Members of staff of the Municipal Partners who are engaged in the prosecution function shall adhere to the following:
- (a) a prosecutor shall not place him or herself in a position where the integrity of the administration of justice could be compromised;
 - (b) a prosecutor shall disclose any actual or reasonably perceived conflict as soon as possible to the Municipal Partner. Upon notification, the Municipal Partner shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict;
 - (c) a prosecutor may not also be engaged in the enforcement function;
 - (d) each prosecutor must be a member in good standing of the Law Society of Upper Canada or report to or be supervised by a member in good standing of the Law Society of Upper Canada;
 - (e) a prosecutor must not hold or have held office within the period of twelve months prior to engaging in any prosecution function;
 - (f) each prosecutor shall take oath of office as may be required from time to time;
 - (g) a prosecutor shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his or her own case; and
 - (h) a prosecutor, who is charged with an offence under the Criminal Code of Canada or any other federal statute or regulation that is dealt with under the Criminal Code,

shall disclose such charge in the same manner as provided in paragraphs 2.1 and 2.2. Where a prosecutor is charged with an offence under other federal statutes or regulations thereunder or a provincial statute or regulation thereunder and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the appropriate Municipal Partner. Upon notification, the Municipal Partner shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict.

Implementation

- 4.1 Each elected representative of the Municipal Partners shall be provided with a copy of these Guidelines as part of the orientation process following each municipal election.
- 4.2 The Guidelines shall form part of the corporate policy of each Municipal Partner in relation to administrative reporting structures and in relation to the standards expected of municipal staff and, for this purpose, shall be drawn to the attention of municipal staff.
- 4.3 The attention of all persons affected by these Guidelines is drawn to the possibility of civil litigation by persons harmed by certain breaches of this Guideline and to the possibility of penal sanction under applicable federal and provincial legislation and regulations thereto, including applicable provisions of the Criminal Code.

STATEMENTS MADE DURING COUNCIL MEETINGS

Section 5 of the *Municipal Act, 2001* provides that Council must act by by-law unless the municipality is specifically authorized to do otherwise. This requirement is in part to ensure that the intended actions of the municipality are clearly communicated.

However, the courts have determined that there is a difference between legislative and quasi-judicial acts of a municipality, and operational acts of a municipality for which a municipality may be held liable for negligent misrepresentation. This applies to statements made during Council meetings which others may rely upon as the position of the municipality. The Ontario Court of Appeal in the case of *Moin v. Blue Mountains (Town)*¹ found that a developer can rely upon statements made during a Council meeting even if a by-law or resolution is not passed. In that case, a developer requested of Council the date when a certain road would be reconstructed to allow access to his lands. In an open council meeting, the Reeve, who is the equivalent of the Mayor, advised that the road would be open at a certain time. The other Council Members did not contradict the Reeve but, unbeknown to the developer, not all were in agreement with the assertion. The developer relied on the Reeve's assurance and when the road was not reconstructed, the developer sued the municipality.

The court allowed the claim as the statement was made in an open Council Meeting, made by the head of Council, was not contradicted by the other Councillors present, and it was determined that the developer had a legitimate expectation that the municipality would reconstruct the road. The municipality was ordered by the court to reimburse the developer for his losses.

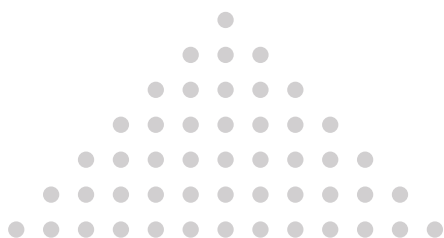
Although the facts are unique, the *Moin* case has raised the possibility that individual Members of Council can bind the municipality based on promises made, particularly during open meetings of Council. When Council is discussing a particular matter, and in the absence of a Council resolution or by-law providing proper direction, Council Members must be in agreement with the course of action determined to be taken surrounding the matter, or their disagreement should be noted such that a member of the public in attendance will realize that the Council has not endorsed a certain course of action.

Where individuals approach Council requesting certain actions, where one Council Member indicates that an action will occur, and where other Council Members are not in agreement, it is advisable that Council Members do not remain silent on the matter but express any reservations they may have. Unilateral commitments on the part of the Town should be avoided by a Member of Council.

¹ (2000), 13 M.P.L.R. (3d) 1 (Ont. C.A.)



■ HR





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Town of Aurora

Compensation and Support for Members of Council

Contact: Manager, Human Resources, Human Resources Division

Approval Authority: Council

Effective: April 9, 2013

1. Policy

The Corporation of the Town of Aurora provides appropriate and clear support for members of Council their activities to carry out the duties of their election position.

2. Purpose

The Town of Aurora is committed to providing clear expectations and guidance for existing and potential members of council with respect to compensation of members of Council, as well as the support and services provided to them as members of Council as they carry out the duties of their election position. This policy document is meant to set clear expectations to avoid conflicts between members of council and the administrative staff.

3. General

Direct Compensation and Benefits

Council sets its own compensation and benefits remuneration from time to time, and changes are enacted by by-law. Any Council may revisit the enacted by-law at any time, subject to the Procedural By-law. Such direct compensation and benefits remuneration will include salary, but may also include auto allowances, benefits, home office expenses, and other financial equivalent arrangements.

Provision of Office Space and Support

The Mayor is provided with the following:

- access to a private furnished office space at Town Hall, including a hard-line telephone;
- a Town owned laptop computer station which shall be connected to the Town's secure network, and have access to the Internet;

- the assistance of an Executive Assistant, who is an employee of the Town and who also supports where possible the administrative needs of other members of Council;
- a Town owned and subscribed PDA type device (currently Blackberry);
- necessary and appropriate office supplies, access to a fax ad copier/printer;
- meeting room space to meet with constituents or other Town guests;
- a reserved parking space at Town Hall;
- passes for fitness, pools, and ice for the duration of the term of office, and
- Town logo merchandise or clothing to a value of \$250 per year for personal use.

Members of Council are provided with the following:

- access to a furnished shared office space, including hard-line telephones;
- shared resource computers in the shared office space, which shall be connected to the Town's secure network, and have access to the Internet;
- Internet connection rights to the Town's secured network for Councillor access;
- The assistance of the Executive Assistant to the Mayor, who is an employee of the Town, and who supports where possible the administrative needs of other members of Council;
- at the request of members of Council, a Town owned and subscribed PDA type device (currently Blackberry);
- necessary and appropriate office supplies, access to a fax ad copier/printer;
- meeting room space to meet with constituents or other Town guests;
- passes for fitness, pools, and ice for the duration of the term of office, and
- Town logo merchandise or clothing to a value of \$150 per year for personal use.

All staff and members of council are subject to the Town's ITS policies when using Town computer or telecommunications equipment or facilities.

Reimbursement of Appropriate Expenses

The annual approved budget sets out the provisions of funding for the following groups of expenses.

- Conferences/seminars/training & development expenses;
- Constituency business and related expenses; and
- Other expenses of Members of Council, including those related to holding of committee or public meetings which they chair or host.

Where paid directly by a Member of Council, reimbursement of these expenses is subject to Policy No.28 and approval of the Mayor and the Treasure. Policy No.28 "Employment Expenses" sets out guidelines and restrictions applicable to staff, and should serve as guidance for members of Council. The Executive Assistant to the Mayor

may arrange direct Town payment of certain conference or training type of registration costs.

Authorized conferences, seminars, training, and development sessions are restricted to destinations within North America and include, but are not limited to the following:

<i>Conferences/Seminars</i>	<i>Training & Development</i>
• <i>FCM Sponsored events</i> • <i>AMO Sponsored events</i> • <i>Ontario Traffic Conference</i> • <i>Cdn. Public Works Assoc. events</i> • <i>Ontario Good Roads</i> • <i>Cdn. Parks & Rec. Association</i> • <i>Parks & Recreation Ontario</i> • <i>Cdn. Institute of Planners events</i> • <i>OMHRA Sponsored events</i>	• <i>Communication/Public Speaking Training</i> • <i>Health & Safety / W.H.I.M.I.S. (First Aid / C.P.R.)</i> • <i>Executive Management Workshops</i> • <i>Management / Supervisory Skills Workshops</i> • <i>Change Management / Business Process Improvements</i> • <i>Stress in the Workplace</i> • <i>Harassment & Discrimination</i> • <i>Information Technology Training & Development (i.e., Word, Excel, PowerPoint)</i> •

The frequency and/or number of sessions attended will be determined based on availability of financial resources relative to the above referenced spending limits. The Mayor shall pre-approve Council members' attendance to a conference or training event following confirmation of remaining available funding. Travel, accommodation, and ancillary expenses associated with attendance at such events are funded from the same budget account.

Eligibility criteria for spending annually approved constituency expenses associated with attendance at such events are funded from the same budget account.

<i>Other Expenses</i>
• <i>Attendance at Community event</i> • <i>York Regional Police Gala</i> • <i>United Way Charity events</i> • <i>Conservation Authority General Meeting</i> • <i>Lunch meetings, other business related hospitality</i> • <i>Meals provided to Council between/prior to scheduled meetings</i>

4. Disclosure of Compensation and Expenses

Prior to each March 31, the Treasurer must provide to Council a statement of all remuneration and expenses paid in the prior year to members of Council and members of appointed boards and committees. Such report is a statutory report required of the *Municipal Act, 2001*, S.O. 2001. c. 25 as amended (the "Act") and is a public record. Further. This policy document, any By-law of the Corporation, compensation of members of Council, and expense supporting documentation (subject to MFIPPA), is a public record.

In April 2013, Council directed that expenses of members of Council be reported publicly semi-annually by way of publication in a logical and readily located section of Town's website. The form of such report shall be that as used in reporting the 2012 expenses. The interim reports are not to be placed on the public agenda, rather produced, and published by staff on the website. The website published reports are to "be retained on the Town's website for the duration of the Council term". The annual statutory report will continue to appear in the public agenda as required by legislation, and will also be available at the new "Expenditures of Council" section of the website.

5. Updates

Minor administrative updates to this policy by the CAO are authorized, provided no material changes affecting members of Council or changes which may have a material financial impact on the corporation are made without Council approval.

6. Reference

Employment Expenses for Staff – Policy No. 28

Annual Budget

TOWN OF AURORA - EXPENSE REPORT

Date: _____

Name: _____

For the period from: _____ **to** _____

Complete each line in full, with account code for each line.

<u>DATE</u>	<u>VENDOR</u>	<u>REASON</u>	<u>AMOUNT</u>	<u>GL ACCOUNT</u>
	TOTAL		\$0.00	

Attach all receipts and documents, attain approval signature and send to A/P by Tuesday at 4:30 for same week's payment.

Approved by: _____



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aurora.ca

Town of Aurora

Employee Code of Conduct

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: September 26, 2006

Last Review Date: October 20, 2022

1. Policy Statement

The Town of Aurora's mission of *"Deliver exceptional services that make people proud to call Aurora home"* requires employees to demonstrate the highest standards of ethical, business, and personal behaviour. Town employees are accountable to the Town, Council and citizens of Aurora and are responsible for the assets entrusted to them.

Therefore, every Town employee is expected to comply with the Code of Conduct and other policies and procedures that govern employee behaviour.

2. Purpose

Employees of The Town of Aurora must be independent, impartial, and responsible to the public in carrying out their duties. The public must have confidence in the integrity of employees and in their dedication to the Town's best interests.

The Code of Conduct sets out broad principles and establishes expected standards of behaviour for Town employees. The purpose of this policy is to promote a high level of ethical conduct by employees and to ensure confidence in the public service.

The items included in this Code of Conduct do not address all possible standards of behaviour. Employees should consult with their Supervisor if uncertain about the application or breadth of this policy.

Employees are expected to use sound judgement and apply the Code in a proactive fashion in order to maintain the public's trust in the Town's objectivity and integrity.

The observance of the Code of Conduct constitutes a condition of employment for all employees and breaches of the Code may be grounds for disciplinary action up to and including termination of employment.

3. Definitions

Breach of Trust: an act or omission by a Town employee (in connection with the execution of his or her duties) which benefits him or her personally either directly or indirectly. This includes breach of trust as defined in the *Criminal Code*.

Confidential Information: information that is of a personal nature to Town employees or clients, or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the person to whom it is disclosed an advantage.

Employee: For the purposes of this policy, shall mean a person who performs work or provides services for monetary compensation from the Town. Town Councillors and independent contractors are not considered employees.

Fraud: any intentional or deliberate act to deprive another of property or money by guile, deception, or other unfair means. This includes fraud as defined in the *Criminal Code*.

Relative: includes a parent, spouse, same-sex partner, brother/sister, or child.

Town: Shall mean the Corporation of the Town of Aurora.

4. Employee Expectations

Abiding by The Law:

In acting on behalf of The Town of Aurora, no employee shall at any time take any action which he or she knows, or reasonably should know, violates any applicable law or regulation. The Town of Aurora requires that employees be honest in their dealings with Members of Council, Officers of the Corporation, other Town employees, clients, and the public. It is every employee's responsibility to ensure that all information they communicate is as accurate as possible. No employee shall withhold information or wilfully mislead Members of Council, officers, employees, clients, or the public about any issue of corporate concern.

The operations of Town are subject to many complex and changing provincial and federal laws. Employees are responsible for maintaining an up-to-date knowledge of the legislation within their area of responsibility.

The Town's standard operating procedures do not take precedence over legal obligations. Appropriate recommendations for change should be brought forward where a practice is in clear conflict with an overriding legal obligation.

If uncertain about the application or interpretation of a law or regulation, employees should consult with their supervisor, who in case of doubt will consult with their Director, Town Solicitor, or the Chief Administrative Officer.

Fraud and Breach of Trust:

All employees of the Town are responsible for immediately reporting suspected fraud, breach of trust or other wrongdoings to their Supervisor, Director, Town Solicitor, or the Chief Administrative Officer.

In addition to contravening the policy, acts of fraud and breach of trust may constitute a criminal offence as referenced in the *Criminal Code*. Examples of fraud and breach of trust include, but are not limited to the following:

Inappropriately obtaining a benefit or avoiding an obligation by actions such as, but not limited to:

- Illegally obtaining money, including acceptance of bribes;
- Using equipment or property for illegal purposes;
- Avoiding penalties, fees, or taxes;
- Obtaining approvals under false pretences;
- Avoiding contractual obligations; or
- The use of a public position for private gain, either directly or indirectly.

Using deceit to gain a benefit or advantage by actions such as, but not limited to:

- Providing false or incomplete information;
- Falsifying records;
- Avoiding proper procedures; or
- Non-compliance with statutory requirements.

All suspected fraud or breach of trust will be investigated fully and the rights of all persons accused or suspected will be respected. All employees are required to co-operate fully with the investigator(s) or the police.

Employees should not discuss cases of suspected fraud outside of the investigation. If evidence is given which is based on opinions formed as a result of gossip rather than on fact, then an investigation could be misdirected and employees could be treated inappropriately.

Employees suspected of fraud or breach of trust should only be informed when this action is authorized by the investigator.

Retaliation against informants or witnesses involved in investigations of wrongdoing is forbidden. Retaliation will be grounds for disciplinary action up to and including dismissal.

Confirmed act(s) of fraud or breach of trust will result in disciplinary action up to and including termination of employment and may result in criminal charges.

Conflict of Interest

An employee will be considered to have a conflict of interest when the decisions made and/or the actions taken by an employee in the course of exercising his or her corporate duties are affected by, may be affected by, or could be seen by another party to be affected by:

- The employee's personal, financial, or business interests; or
- The personal, financial, or business interests of relatives or business associates of the employee.

The employee is ultimately responsible and accountable for using good judgement in the course of exercising corporate duties and must:

- Disclose conflicts of interest to his or her Director or Chief Administrative Officer in writing; and

- Avoid situations which may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the Town.

The following are the Town's expectations of its employees in situations that could result in a conflict of interest:

Outside Employment/Activities

An employee must not engage in any outside employment or paid business undertaking that interferes with the performance of his or her duties as a Town employee, or from which an economic advantage may be derived solely as a result of confidential information gained from employment with the Town. Where this conflict exists, employees may be required to cease participation in the activity, transfer to other duties, or choose between continued employment at the Town and the outside activity.

Special Treatment

An employee shall not use their position to give any person or organization special treatment that would advance the employee's own interests or that of any of the employee's relatives or business associates.

Financial Interests

An employee must not participate in any decision, promotion or make any recommendation to their Supervisor or Council in which they, their relatives or business associates have any financial interest, direct or indirect.

Appointments

An employee may not seek or accept appointment, except in the capacity of an employee, to an Advisory Committee, Task Force, Board or Ad Hoc Committee of the Town. Staff who hold positions as board members on community agencies that deal with issues related to their work at the Town should inform their Director or Chief Administrative Officer of their appointment. When agency issues arise that place them in actual, potential, or perceived conflict with Town policies or procedures, they shall declare an interest and may be required to remove themselves from the issue.

Representing Others

An employee may not appear before Council or an Advisory Committee of the Town on behalf of a private citizen, or a relative.

Entertainment and Gifts

The frequency and scale of the hospitality accepted should not be greater than the employee's Director or Chief Administrative Officer would allow to be claimed on an expense account if it were charged to the Town.

An employee shall not seek or accept for personal benefit or gain, any gifts, donations, benefits or favours from any person or organization whose business or financial interests may be impacted in any fashion by the employee in the course of exercising the employee's corporate duties, in accordance with the following:

Acceptance of Invitations

Generally, employees of the Town shall not attend cultural, social, charitable, political, recreational, or sporting events at the expense of a person or corporation that conducts business with the Town. Exceptions to this policy may be made if, in the opinion of the Director and/or the Chief Administrative Officer determines that it would be beneficial for corporate purposes and provided that the employee is accompanied by the person extending the invitation. All such attendance shall be approved by the Director and the Chief Administrative Officer in advance.

Travel and/or Accommodation

Employees shall not accept travel costs and/or accommodation, or payment related to travel or accommodation, from any person or business organization involved with the Town. Notwithstanding this, an employee may accept travel costs and/or accommodation or payment if he or she is attending in the capacity as an authorized member of a Town approved association, board, or committee, subject to the approval of the Director and Chief Administrative Officer.

Meals

Generally, employees shall not accept complimentary meals from any person or business organization that is representing a business interest or potential business interest associated with the Town. Town business should normally be carried out in a business environment, such as the Town offices.

In certain circumstances, it may be appropriate for an employee, in the course of carrying out normal business activities, to attend a meeting that overlaps with a meal time, such as a working breakfast or lunch. In such circumstances the employee shall pay for their own meal and submit a receipt to the Town for reimbursement.

A meal may be offered at the expense of the Town if approved by the Director or the Chief Administrative Officer based on a determination that it would be beneficial for corporate purposes and/or would further the interests of the Town.

Receipt of Gifts by an Individual

Employees shall not seek or accept any gift, service, commission, reward, advantage, favour, benefit, or privilege that could be viewed as given in anticipation of or in recognition of special consideration or that may influence or be perceived to influence the employee in the course of their employment.

In compliance with this, occasional gifts of a nominal or promotional value may be accepted. Examples of gifts of a nominal or promotional value that may occasionally be accepted are: a cap, shirt, mug, pen, or calendar.

Gifts of more than a nominal or promotional value shall be returned to the sender with an acknowledgement of the return and reference to this policy. Alternatively, the gift shall be donated to a local charity with acknowledgement sent to the sender.

Gifts of real property, cash, the equivalent of cash such as negotiable securities, the use of vacation property, boats or vehicles, and airline tickets **shall not be accepted**.

If any employee has a question as to whether a gift may be accepted in compliance with this Code, the employee should consult with his/her Director. Directors may consult with the Chief Administrative Officer for clarification on this policy.

5. Corporate Information and Confidentiality

Confidential information about The Town of Aurora, its customers, clients, suppliers, or employees should not be released to anyone other than persons who are authorized to receive such information. (See *Municipal Freedom of Information and Protection of Privacy Act*.)

Employees cannot disclose confidential or privileged information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests. Employees cannot divulge confidential or privileged information about Town employees without those employees' written authorization and the authorization of the Manager of Human Resources.

Employees who allege wrongdoing on the part of Council, officers, employees, agents, or contractors should disclose this information to their Director, Chief Administrative Officer, or to the appropriate policing authority. Such disclosure is permitted as long as the disclosure is not frivolous, vexatious, or slanderous and making the disclosure serves the public interest.

Employees are responsible for proper storage, safeguarding and disposal of confidential information. This includes both hard copy and electronic documents.

This rule against disclosing confidential information does not apply to information requested under the Municipal Freedom of Information and Protection of Privacy Act. An employee who is subpoenaed to give evidence under oath in court or before a tribunal should consult with their Director and Town Solicitor prior to disclosing any confidential information.

The Town depends on the maturity and integrity of each employee to keep personal and confidential information private. If an employee is in doubt as to whether certain information is confidential, no disclosure should be made without consultation with their Supervisor. This basic policy of caution and discretion in handling confidential information extends to both disclosing information within the corporation and externally. Employees should also refer to and are bound by any confidentiality requirements established by their department.

Protection of Proprietary Information

Employees frequently have access to proprietary information of the Town, or of others which is confidential and must be protected from unauthorized or inadvertent disclosure.

This includes information contained in business strategies and plans; pending proposals or contracts; unannounced services; research results; financial projections; client and prospect lists; proposed acquisitions and divestitures; computer programs and software; engineering expertise and inventions.

Such information may be released only to employees who have a need for such information, or in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. All rights and title to any tangible or intellectual property produced by an employee during the course of employment shall remain with the Town.

Post-Employment/Service Restrictions

Former Town employees will not disclose or use any proprietary information or data of the Town or of any other person where such information was acquired during employment with the Town, unless the release or disclosure is properly authorized by the

Town, the individual, or firm owning the information. In addition, confidential information must not be used for personal gain or commercial advantage. This rule does not restrict former Town employees from using their knowledge and expertise gained through employment with the Town.

6. Standards of Conduct

Employees in exercising their authority in performing their duties shall at all times:

- Promote public safety including safety of buildings and municipal infrastructure with reference to public health, fire protection, structural efficiency, barrier free accessibility, energy conservation and environmental integrity.
- Apply all Codes, By-laws, and all applicable legislation uniformly and impartially without influence from anyone.
- Act only within the qualifications that they have achieved through technical accreditations, applicable legislation, and job authority.
- Commit to a continuous education program to maintain technical qualifications where required by legislation.

7. Media and Public Relations

The Corporate Communications Division of the Chief Administrator's Office is responsible for the co-ordination of communications with the media on behalf of the Town. Notwithstanding this, the Chief Administrative Officer, Town Solicitor and Directors are authorized to discuss and provide information to the media in accordance with the Town's media policy (Administration Procedure No. 54).

All opinions or information sought by outside groups or organizations including telephone interviews and site visits should be conducted in accordance with the Town's Media and Public Relations Administration Procedure.

8. Use of Town Property

Employees shall not use any Town property, facilities, equipment, supplies or other resources for activities not associated with their work, including the use of information technology. Any exceptions must be expressly approved in writing by either the Chief Administrative Officer, the appropriate Director or as permitted in other corporate policies.

Each department shall maintain a registry of all equipment that may be borrowed.

Upon termination of employment, employees shall deliver to the Corporation all real property, as well as correspondence, drawings, digital storage devices, documents and all other property belonging to the Corporation which may be in the employee's possession.

9. Disclosure

An employee shall, as soon as the employee is aware of a conflict of interest that they may have in any matter under consideration by the Town, shall notify their Director, or Chief Administrative Officer in writing of the interest, and the record of the disclosure shall be placed in the employee's human resources file and maintained for the duration of his or her employment with the Corporation. An employee's conflict of interest shall include business, financial or other material interest and those of their relative.

In addition, an employee shall immediately notify their Director or Chief Administrative Officer if they have been convicted of any criminal offence or have had their driver's license suspended or revoked if their duties require this in the job description.

10. Solicitation of the Town's Employees by Outside Parties

In the interest of the orderly and efficient operation of the Corporation's business, it is necessary to restrict soliciting and the distribution of material to Town employees.

Any broad solicitation of employees, or distribution of non-work-related materials, such as brochures, pamphlets etc. to employees on Town premises, or during working hours, will require prior approval by management. Such material will only be made available in the staff lunchroom.

11. Respecting Individual Employee Rights

Political Activities

Political involvement in Municipal, Provincial or Federal levels of government is permitted on the clear understanding that employees are acting personally and not as representatives of The Town.

Town employees are entitled to run for office for Council in the Town of Aurora, only if they take an unpaid leave of absence. See The Municipal Elections Act and other applicable statutes for further information.

Any political involvement must not interfere with the employee's ability to perform his or her corporate duties objectively. Employees should not engage in any political activity during working hours, or utilize Town's assets, resources, or property for political purposes.

An employee's decision to support a candidate or political party financially will remain a personal decision.

Freedom of Speech

Employees have the freedom to express an opinion on general interest matters, where the employee makes it clear that he or she is commenting as a private citizen and does not link their opinion in any way with their role as a Town employee. In such instances caution should be exercised so that the Town is not compromised in any way.

12. Other Responsibilities

The Office of the Chief Administrative:

- Overall administration of the Code to ensure implementation and compliance.
- Provide guidance in interpreting the Code.
- Investigation of suspected wrongdoing of any Senior Town employee.
- Provide guidance to Directors in dealing with confirmed violations of the Code.

Human Resources

- Distribute a copy of the Code of Conduct to all employees.
- Request a signature of employees, verifying that they have seen, read and understand their responsibility under the Code.
- Assist Managers with interpretation and application of the Code.

Finance

- Assist Management in the discharge of their responsibilities through investigations of reported frauds and breaches of trusts or non-compliance with the Code of Conduct.

Directors

- Administer the Code and ensure compliance.
- Issue instructions necessary for implementation of the Code.
- Provide guidance in interpreting the Code.
- Investigate fully any incident of suspected wrongdoing.
- Deal firmly and fairly with any confirmed violations of the Code.
- Inform the Chief Administrative Officer, Legal Services, and Human Resources if any violations of the Code occur that they should be aware.

Managers / Supervisors

- Ensure that employees are informed of and comply with the requirements of the Code.
- Highlight any areas that have particular relevance, given the nature of the employee's work.
- Determine whether a contravention of the Code has occurred and what actions, if any, are to be taken.
- Review content of the Code with employees on a regular basis (minimum requirement is annually).
- Consult with their Director or Chief Administrative Officer if interpretation of this Code is required.
- Establish procedures for employees to report a violation of the Code.
- Report any violations of the Code to their Director.

Employees

- Subscribe in writing, prior to their first day of employment, that he or she has read and agrees to abide by the Code of Conduct.
- Adhere to the standards of behaviour outlined in this policy.
- Seek clarification if unsure about any information included in the policy.
- Disclose breaches of the Code of Conduct to his or her immediate Supervisor, Director or designate, in writing.
- Avoid situations which may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the Town.
- Report verbally or in writing any violation of this Code of which they are aware.

Relevant References/Codes

- [Criminal Code \(R.S.C., 1985, c. C-46\)](#)
- [Human Rights Code, R.S.O. 1990, c. H.19](#)
- [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)
- Harassment Free Workplace Policy
- Violence Free Workplace Policy
- Violence and Harassment Workplace Free Program
- Health and Safety Policy

Review Timeline

This policy will be reviewed every year after the initial approval date.

Policy Last Reviewed on: October 15, 2022

Policy Modified on: October 15, 2022



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Town of Aurora

Harassment Free Workplace

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: March 30, 2011

Last Review Date: September 2022

1. Policy Statement

The Corporation of the Town of Aurora is committed to providing a work environment for its employees which is free from harassment and discrimination. All members of the Corporation are responsible for respecting the dignity and rights of their colleagues and the public they serve.

Harassment and discrimination are both prohibited under *the Ontario Human Rights Code* and the *Occupational Health and Safety Act*.

Workplace harassment and discrimination will not be tolerated from any person in the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment and discrimination. Elected officials, directors, managers, supervisor and employees are expected to uphold this policy and accompanying program, and will be held accountable by the Corporation.

2. Purpose

The Town of Aurora is committed to providing and maintaining a safe and harassment free working environment for our employees. In pursuit of this goal, the Town maintains a “zero tolerance” policy towards harassment and discrimination and will not tolerate, ignore, or condone such against or made by any Town employee or elected official. This Policy and the supporting Violence and Harassment Free Workplace Program reflects the commitment of the Town of Aurora as an Employer to meeting its obligations under the *Ontario Occupational Health and Safety Act* as well as the *Ontario Human Rights Code*.

Workplace harassment and discrimination are considered to be serious offenses which may result in disciplinary action up to and including dismissal.

The Corporation of the Town of Aurora will ensure that this policy and supporting program are implemented and maintained and that all employees, supervisors, managers and directors have the appropriate information and instruction to protect employees from workplace harassment.

All employees at all levels must work in compliance with this policy and supporting program. Everyone is expected to raise any concerns about workplace harassment and to report any incidents of harassment with the assurance there will be no negative consequences for reports made in good faith.

3. Scope / Application

This Policy applies to all Town employees, as defined by the Ontario *Employment Standards Act, 2000* (“ESA”). For clarity, “employee” under this Policy means only those employees of the Town which are considered employees under the ESA.

It also applies to all Town Elected Officials as defined by the *Municipal Act*.

4. Definitions

Workplace: For the purpose of this policy, the workplace includes any place the business of the Town is conducted or where social or other functions occur. Workplace includes off-site business related functions (e.g. conferences, trade shows), at social events related to work, in residents homes or away from work but results from work (e.g. harassment telephone call to your home from a client, resident etc.)

Workplace Harassment: is defined under the *Occupational Health and Safety Act* and the *Ontario Human Rights Code* as:

“Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonable to be known to be unwelcome”.

The definition of workplace harassment is broad enough to include harassment prohibited under the *Ontario Human Rights Code*, as well as what is often called “psychological harassment” or “personal harassment”. Workplace harassment can involve unwelcome words or actions that are known or should be known to be

offensive, embarrassing, humiliating or demeaning to an employee or a group of employees. It may be one serious incident or a series of incidents and may also exist systemically as part of the work environment and can include behaviour that intimidates isolates or even discriminates against the targeted employee(s).

Examples of workplace harassment include, but are not limited to:

- Verbally abusive behaviour such as yelling, insults and name calling
- Making remarks, jokes or innuendos that demean, ridicule, intimidate, humiliate or offend
- Workplace pranks, vandalism and hazing;
- Gossiping or spreading malicious rumours;
- Excluding or ignoring someone, including persistent exclusion of a particular persona from workplace related social gatherings;
- Sabotaging someone's work;
- Displaying or circulating offensive pictures or materials in print, electronic or any other form;
- Patronizing behaviour, language or terminology which undermines self respect or adversely affects work performance or work conditions;
- Bullying; and
- Offensive or intimidating phone calls or e-mails;

Harassment may be a single incident or a series of incidents that continues over a period of time.

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function and does not include:

- Measures to correct performance deficiencies;
- Imposing discipline for workplace infractions; or
- Requesting medical documents in support of an absence from work.

Workplace harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

Sexual Harassment: Includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. Both men and women can be victims of sexual harassment, and the harasser can be of the same or opposite sex.

Examples of sexual harassment include, but are not limited to:

- Sexual advances or demands that are unwelcome;

- Threats, punishment, or denial of a benefit for refusing a sexual advance;
- Offering a benefit in exchange for a sexual favour;
- Leering, suggestive staring or other gesture;
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other material;
- Distributing sexually explicit email messages or attachments such as pictures or video files;
- Sexually suggestive or obscene comments or gestures;
- Unwelcome remarks, jokes, innuendo, propositions or taunting about a persons body, clothing or sex;
- Persistent, unwanted attention after a consensual relationship ends;
- Physical contacts of a sexual nature, such as touching or caressing.

Discrimination: Harassment may relate to a form of discrimination as set out in the *Ontario Human Rights Code*. It includes any distinction, exclusion or preference based on the protected grounds under the *Human Rights Code*, which nullifies or impairs equality of opportunity in employment or equality in the terms and conditions of employment.

The Corporation of the Town of Aurora recognizes the protected grounds listed under section 5(2) of the *Human Rights Code* and all Town of Aurora employees have a right to equal treatment with respect to employment without discrimination because of race, colour, creed, marital status, ancestry, ethnic origin, age, family status, place of origin, citizenship, handicap, record of offenses, sex, and sexual orientation.

5. General

This policy is to be followed in conjunction with the Violence and Harassment Free Workplace Program and will be reviewed on an annual basis.

Relevant References/Codes

- [Ontario Human Rights Code R.S.O. 1990, c.H.19](#)
- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
- Health and Safety Policy
- Code of Conduct
- Progressive Disciplinary Action Policy
- Violence and Harassment Free Workplace Program

Review Timeline

This policy will be reviewed every year after the initial approval date.

Policy Last Reviewed on: September 15, 2022

Policy Modified on: N/A



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Town of Aurora

Violence Free Workplace Policy

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: March 30, 2011

Last Review Date: October 20, 2022

1. Policy

The Management of the Corporation of the Town of Aurora is committed to the prevention of workplace violence and is ultimately responsible for the Health and Safety of its employees ensuring that all employees and elected officials feel safe and secure at all times within the workplace. The corporation will treat any form of violence that occurs in the workplace seriously irrespective of the alleged perpetrator's position and will take whatever steps are reasonable to protect its employees and elected officials from workplace violence from all sources.

Violence in the workplace can have devastating effects on the quality of life for employees and on the productivity of the organization. Violent behaviour in the workplace is unacceptable from anyone. Maintaining a workplace that is free from violence is a responsibility of all elected officials, management, and employees. The corporation will not tolerate, ignore or condone workplace violence.

2. Scope

This policy applies to all Town of Aurora employees and Elected Officials.

3. Purpose

The Town of Aurora is committed to providing and maintaining a safe working environment for its employees. In pursuit of this goal, the Town maintains a **"zero"**

tolerance" policy towards violence and will not tolerate, ignore, or condone such acts against or made by any Town employee or elected official.

There is a workplace violence and harassment free program that implements this policy. It includes measures and procedures to protect employees and elected officials from workplace violence, a means for summoning immediate assistance and a procedure for impacted individuals to report incidents or raise concerns.

The Corporation of the Town of Aurora will ensure that this policy and supporting program are implemented and maintained and that all employees, supervisors, managers, directors and elected officials have the appropriate information and instruction to protect them from workplace violence.

All employees at all levels must work in compliance with this policy and supporting program. Everyone is expected to raise any concerns about workplace violence and to report any violent incidents or threats of violence with the assurance there will be no negative consequences for reports made in good faith.

The Corporation of the Town of Aurora pledges to investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner according to the Workplace Violence and Harassment Free Program, respecting the privacy of all concerned to the extent possible.

With respect to workplace violence exercised by members of the public against a Town employee or elected official, the Town will take appropriate action, considering all legal resources available.

4. Definitions

Workplace: For the purpose of this policy, workplace includes any place where the business of the Town is conducted or where social or other functions occur. Workplace includes off-site business related functions (conferences, trade shows, etc.). Employees are expected to assist the Town of Aurora in its attempts to prevent any instances of violence in the workplace.

Workplace Violence: The *Occupational Health and Safety Act* defines workplace violence as:

- 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.

Forms of workplace violence include:

- **Violence by Strangers** – Usually enters the place of work on the pretense of being a customer. Normally commits robbery or other violent acts;
- **Violence by Customers/Clients** – May be an expected or unexpected situation;
- **Violence by Co-workers** – Could include current employee and manager, former employee, a prospective employee, and may occur inside or outside the workplace;
- **Violence by Personal Relations** – This includes spouse, partner, relative, or friend and usually occurs when a personal dispute occurs with the worker and enter the workplace to harass, threaten, or injure the employee physically or psychologically.
- **Sexual Violence:** Any sexual act or act targeting a person's sex, sexuality, sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent and includes, but is not limited to, sexual assault, stalking, indecent exposure, voyeurism and sexual exploitation.

5. General

This policy is to be followed in conjunction with the Violence and Harassment Free Workplace Program.

Relevant References/Codes

- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
- [Criminal Code \(R.S.C., 1985, c. C-46\)](#)
- [Human Rights Code, R.S.O. 1990, c. H.19](#)
- [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)
- Health and Safety Policy
- Violence and Harassment Workplace Free Program
- Code of Conduct

Review Timeline

This policy will be reviewed every year after the initial approval date.

Policy Last Reviewed on: October 15, 2022

Policy Modified on: October 15, 2022



CONFIDENTIAL

APPENDIX A VIOLENCE/HARASSMENT REPORTING FORM

Employee Name: _____ Position: _____
Supervisor: _____ Date: _____

Name(s) of individual(s)
you are reporting: _____
Position: _____

A Town of Aurora employee(s) who believes they have been victimized by an act or acts of harassment, discrimination or violence should report the incident(s) immediately; following the steps outlined in the in the Violence and Harassment Free Workplace Policies and Program

Upon completing this form in its entirety, please submit it to your immediate supervisor and to Human Resources.

When completing the complaint form please include as much information as possible.

COMPLAINT

- ☐ Informal Complaint (Option B)
☐ Formal Complaint (Option C)
☐ Workplace Violence

DETAILS OF THE EVENT(S)

Date and Time of Incident: _____
Location: _____

Describe what happened - (i.e. Events leading up to the situation, behaviour which occurred and/or what words were said, please provide specific detail) Attach additional sheets if you require more space:

POTENTIAL WITNESSES - *List any individuals who may have information about the Workplace Violence or Complaint, or who have observed the conduct in question.*

ACTION STEPS TAKEN - *Outline what you have done in response to this problem to date, if anything, including speaking to the alleged person detailed above.*

**Complainant's
Signature:** _____

Date: _____

Upon receipt of this form, an informal or formal investigation will commence. To ensure that the complaint filed will be objectively assessed and based on the facts presented, the respondent will be informed of the claim filed against them and will be provided the opportunity to detail their side of the story. All reports of violence, harassment and discrimination will be kept confidential, to the extent possible, to be able to assess the facts presented by all parties.

Note: Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate workplace violence. It is important to recognize that each workplace is different, taking into consideration the workplace circumstances and type of work done.



CONFIDENTIAL

APPENDIX B
RIGHT TO REFUSE UNSAFE WORK FORM

Employee Name: _____ Position: _____

Employee Signature: _____ Date/Time
(Work Refusal): _____

Supervisor: _____ Reported To: _____

Location (of Incident): _____ Date (of Incident): _____

Employee Relocated To: _____

Reason(s) for Work Refusal *(Employee to complete)*

Attach additional sheets if you require more space:

Potential Witnesses

Conclusion

When completing the Right to Refuse Unsafe Work Form please include as much information as possible.

Original to HR - Copies to Supervisor/Manager, Director, Chief Administrative Officer



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Town of Aurora

Violence and Harassment Free Workplace Program

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: March 30, 2011

Last Review Date: October 20, 2022

objective of reducing risk of injury.

1. Purpose

The Corporation of the Town of Aurora is committed to maintaining a work environment free of violence, harassment, and discrimination in the firm belief that such workplace guarantees the dignity of every employee. This program supports the Violence and Harassment Free Workplace Policy. This set of procedures will outline how an employee can report an incident of workplace violence, harassment and/or discrimination and how the Town will address the incident. The successful resolution of concerns and complaints is often determined by the way in which they are handled. The existence of a process with detailed procedures is critical to ensure that complaints are dealt with in a consistent and fair manner while allowing some flexibility to accommodate different types of circumstances and needs.

2. Scope / Application

The Corporation of the Town of Aurora will investigate and address incidents, complaints or concerns of violence, harassment, and discrimination in the workplace.

This program applies to all employees engaged in work-related activities that occur in the workplace. It should be noted that workplace violence, harassment and discrimination can occur at off-site business-related functions (e.g., conferences, trade shows, etc.), at social events related to work, in residents' homes or away from work but resulting from work (e.g., a threatening telephone call to your home from a client, customer, resident, etc.).

Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate workplace violence. It is important to recognize that each workplace is different, taking into consideration the workplace circumstances and type of work done.

3. Roles and Responsibilities of Workplace Parties:

Elected Officials

- Support the implementation and management of the Violence Free Workplace and Harassment Free Workplace policies and this program in support of those policies.
- Assist the corporation in meeting its legal obligations by refraining from any behavior or statements which may be seen or interpreted as infringing directly or indirectly on employees' rights to a workplace free from violence and harassment.
- Assist the corporation in meeting its legal obligations by monitoring activities occurring within council, committee or other public meetings and calling to order any participant who breaches the employee rights to a workplace free from violence and harassment, regardless of source.

Employer (Executive Leadership)

- Ensure the measures and procedures in the Workplace Violence and Harassment Free Workplace Program are carried out and that management is held accountable for responding to and resolving complaints of workplace violence and harassment;
- Ensure that in consultation with the Joint Health and Safety Committee, regular risk assessments are conducted;
- Ensure that in consultation with the Joint Health and Safety Committee, appropriate control measures are established;
- Ensure that in consultation with the Joint Health and Safety Committee, establish and deliver training and education for all employees;
- Review all reports of violence, threats of violence and/or harassment in a prompt, objective, and sensitive manner. This includes a review of all investigations associated with violence and/or harassment;
- Ensure appropriate corrective action is taken;

Managers and Supervisors

- Provide employees with a safe work environment free from violence and/or harassment and take appropriate action to prevent violence and harassment in the workplace;
- Ensure that violence and/or harassment is not tolerated, ignored, or condoned;
- Take action in accordance with appropriate policies and programs if violence and/or harassment occurs or if management becomes aware of violence and/or harassment in the workplace;
- Ensure employees are aware of their rights and responsibilities under the Violence Free Workplace and Harassment Free Workplace policies and protect the confidentiality of all parties and witnesses of the complaint;
- Participate in and ensure employee attendance at Town education and training sessions on violence and harassment prevention in the workplace;
- Provide employees who have been subjected to workplace harassment and/or violence and their co-workers who witnessed the incident, with appropriate support (or resources as appropriate) in consultation with the Human Resources Division;
- Post this policy and related programs in a conspicuous place for all employees to view.
- Provide department specific instructions to employees relating to workplace violence and harassment prevention as applicable;
- Immediately report a workplace violence incident to Human Resources, who will ensure appropriate procedures contained in this program are executed;
- Take action in accordance with appropriate policies and this program, including initiating progressive discipline if violence and/or harassment occurs or if you become aware of violence, threat of violence or harassment occurs in the workplace;
- Consult with Human Resources for advice and guidance with respect to workplace violence and/or harassment prior to initiating any action with respect to this program or associated policies;

Employees

- Be familiar with workplace violence and harassment prevention policies and the related workplace violence and harassment program by participating in education and training programs regarding workplace Violence and Harassment

- Act in accordance with the Town of Aurora program and policies with respect to Workplace Violence and Harassment;
- Act in accordance with the Town's value of respecting other staff and the environment in which they work;
- Report any incidents of violence, threatened violence or harassment in the workplace to Supervisors, Managers or directly to Human Resources;
- Cooperate fully in investigations as required;
- Be aware of the consequences of unacceptable behaviour as it pertains to workplace violence and harassment;

Joint Health and Safety Committee

- Promote the principles of this policy to all staff;
- Recommend improvements to these policies and program as required;

4. Reporting and Investigation

Reporting – Violence or threats of Violence

An employee must report a situation that he/she believes is a threat of workplace violence exists or workplace violence has occurred to his/her Supervisor, Manager, Director, and Human Resources Manager or designate. The Human Resources Manager or designate will investigate without delay. (See Violence/Harassment Reporting Form – APPENDIX A).

A report may be made by any party including but not limited to the actual victim of alleged workplace violence, a co-worker who witnessed the incident(s) and/or a third-party reporting on behalf of the victim(s).

Employees involved with incidents of workplace violence should immediately summon assistance. Whenever a situation in the workplace becomes volatile or escalates into a situation where workplace violence is likely to occur, employees should contact police or emergency assistance.

Employees who are in a situation where workplace violence is likely to occur because of threats made by someone in person, over the phone, by e-mail or mail should contact police or emergency assistance.

An employee has a number of options including, but not limited to:

- Using a panic button depending on location, as appropriate;
- Using code words with co-workers to seek immediate assistance (identified within the department);
- Yelling for assistance from co-workers;
- Phoning someone within the Town for immediate assistance; or
- Phone police or emergency assistance (Dial 911).

Right to Refuse Unsafe Work

An employee has the right to refuse work, subject to applicable legislation, if he/she has reason to believe that workplace violence is likely to endanger him/her. In that instance the employee should immediately contact his/her Supervisor/Manager, at which point appropriate measures will be taken to protect the employee and investigate the situation (Right to Refuse Unsafe Work Form- APPENDIX B)

Domestic Violence

If an employee is experiencing domestic violence or an employee has reason to believe that a co-worker is experiencing domestic violence **that could expose that employee or another employee to physical injury in the workplace**, the employee should seek immediate assistance by contacting their Supervisor, Manager or Director and/or the Human Resources Manager. The Human Resources Manager, in consultation with the Director and Chief Administrative Officer will develop a safety plan on a case-by-case basis in consultation with the targeted employee to assist in preventing and responding to the situation. In developing the plan, the employer and employee may be able to work with the police, courts, or other organizations who may already be involved. Information about a Person with a History of Violent Behaviour:

The employer will provide information, including personal information, where known, to employees related to a risk of workplace violence from a person with a history of violent behaviour and all such information will be provided to the Chief Administrative Officer and the Human Resources Manager. This information will be provided when the employee can be expected to encounter the violent person in the course of employment with the Town and the risk of workplace violence is **likely to expose the employee to physical injury**. The employer must also not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

Reporting – Workplace Harassment and Discrimination

An employee who is experiencing workplace harassment as defined in the Workplace Harassment Policy is encouraged to make it known that the behaviour is offensive and contrary to the Ontario Human Rights Code and Town of Aurora Policy.

Silence can and is often interpreted as acceptance. In many circumstances the alleged harasser does not even know that their actions are unwelcome.

Should an employee feel, they cannot confront the harasser, or if the harassment continues after having done so, an employee can and is encouraged to follow the procedure as outlined in this program

Reporting an Incident - Procedure

The Human Resources Manager and/or designate will coordinate the investigation of incidents or complaints of workplace violence and harassment for internal purposes. The investigation will commence immediately.

(Violence/Harassment Reporting Form – APPENDIX A).

Generally, there are three levels of incident reporting that can facilitate internal resolution. They are discussed in more detail below. Whether an employee chooses the informal or formal complaint procedure, the complaint should be in writing using the appropriate incident reporting form attached to this program. For Violence or threats of Violence, the complaint should be submitted according to the formal complaint process below.

Informal Complaint

An employee who is experiencing harassment, or may not be sure if it is indeed harassment and requires clarification can contact any of the following people for assistance and/or advice:

- Supervisor
- Any other member of management
- Human Resources staff

Upon receipt of the informal complaint the person receiving the complaint is obligated to treat the conversation and written complaint as serious and attempt to resolve the matter in a confidential manner. This will involve clarifying the concern that is being raised and ensuring proper records are kept regarding the pertinent details surrounding the concern. A supervisor or other member of management may request the assistance of his/her Manager and/or the Human Resources Manager (or designate).

Proceeding informally may produce a quick and simple solution at an early stage without having to engage in a full investigation.

The respondent shall be informed of the complaint.

The supervisor will attempt to facilitate a mutually agreeable resolution.

The complainant and the respondent will acknowledge in writing the mutually acceptable resolution.

The supervisor will document the situation and ensure that the Department Head and the Human Resources Manager are notified. All documentation will be placed into a separate and confidential file in the Human Resources Office.

Formal Complaint

Where attempts to achieve a resolution at the informal stage prove unsuccessful or unsuitable, a formal written complaint may be filed.

Formal complaints will be investigated by the Human Resources Manager or designate or a third party depending on the circumstances.

Formal complaints shall be filed in writing to the Human Resources Manager (use the Violence/Harassment Reporting Form attached to this program). The written report must include the following:

- A detailed description of the incident;
- Date(s), times, etc.;
- Witnesses, if any;
- Steps, if any, already taken to date.

Where an employee is unable, or under the circumstances it is unreasonable to request a written complaint, assistance will be made available to ensure that the complaint is documented on their behalf. The complaint may be documented by the Human Resources Manager and verified in writing, by the complainant.

The respondent will be notified of the complaint where it is determined reasonable cause exists.

The Human Resources Manager will schedule a confidential meeting with the complainant to discuss and clarify the incident and identify steps taken to date. The complainant may request the support of another employee.

If an employee has specific concerns about filing a formal complaint, he/she is strongly encouraged to contact the Human Resources Manager or designate for advice and guidance.

Investigation of Complaint

Where a formal and informal complaint is received a file will be opened by the Human Resources Manager or designate.

Where it is determined that reasonable cause exists, the Human Resources Manager or designate will investigate the complaint or will arrange to have the investigation carried out by a neutral third party. The Human Resources Manager may request additional resources to assist with an investigation.

The investigative process involves three primary steps; fact finding, preliminary findings and further investigations as outlined below.

The Human Resources Manager or designate will conduct confidential interviews with relevant parties to obtain information and clarify the details of the reported incident.

The complainant and the respondent will have an opportunity to identify witnesses or others to be interviewed.

All interviews will be conducted confidentially and in a manner that respects the nature of the work environment.

Employees covered by a collective agreement may wish to request the presence of a union representative. Non-union employees may also request the presence of a support person.

Where the information revealed early in the investigation suggests a reasonable possibility of resolution, the Human Resources Manager may make resolution recommendations to the affected parties.

Where mutual agreement is reached to the satisfaction of all parties, the Human Resources Manager will prepare a summary report for the appropriate Director and Chief Administrative Officer.

Where, as a result of preliminary findings a more detailed investigation is warranted, a resolution cannot be reasonably proposed or achieved, or where the Human Resources Manager determines that file closure at this point would not be appropriate, further investigation will be conducted.

Upon completion of further investigation and where mutual agreement for resolution of the incident is reached to the satisfaction of all parties, the Human Resources Manager will prepare a summary of the complaint and results of the investigation and provide a copy to

the Director and/or union representative where appropriate, the parties affected by the outcome, and the Chief Administrative Officer.

Resolution

Upon completion of the investigation, one of the following should occur:

- a) Complaint is proven.
- b) Complaint is unfounded.
- c) Complaint has mitigating circumstances and a systemic investigation is required.

If the complaint is proven or mitigating circumstances are present, the recommended action may include but may not be limited to:

- Education and training.
- Review and modification of policies, procedures, programs, and practices.
- Disciplinary action up to and including dismissal.
- Documentation on employee's personnel file, as appropriate; and/or
- Continuous monitoring.

Where deemed reasonable and appropriate, the Human Resources Manager in consultation with the parties involved in the complaint, may propose, and develop a more comprehensive strategy for the elimination and/or prevention of workplace violence, harassment and/or discrimination to improve the culture of the overall workplace. Both the complainant and the respondent will be informed of the results of the investigation.

Monitoring

Where complaints have been supported, follow-up is a critical component of effective complaint resolution. The Human Resources Manager in conjunction with the relevant supervisor will ensure that an effective monitoring plan is developed, as appropriate.

Implementation and Execution of Resolutions

Where, as a result of the monitoring process, or through other means, it is determined that there are difficulties in implementing or executing the solutions recommended from the investigation, or where actions have been taken but are deemed ineffective, inappropriate or untimely; the Human Resources Manager or designate, in consultation with the Director, shall determine what further actions and/or support can be provided to ensure that the terms of resolution can be met more effectively and efficiently.

Malicious Complaints

Where it is determined that the complaint was made maliciously or in bad faith with reasonable knowledge of and intent to harm, disciplinary action may be taken against the complainant. Documentation regarding this disciplinary action will be placed in the complainant's personnel file.

File Retention and Disposal

Upon determination and notification of the results of a complaint investigation to both parties, the file will be closed and retained in Human Resources.

Anonymous Complaints

Complaints that have been made anonymously may not be investigated. An anonymous complaint is difficult if not impossible for the Town to adequately investigate and take appropriate action.

Complaints involving Elected Officials and Members of Boards and Committees

Where the complaint involves an elected official or members of boards and committees, the complaint will be referred by the Human Resources Manager, in consultation with the Chief Administrative Officer, to an outside third party to investigate the matter. The results of the investigation and recommendations of the investigator will be submitted to the Human Resources Manager who will review same with the Chief Administrative Officer and/or Mayor as appropriate. A copy of the report will be maintained in the file opened for that purpose.

Reporting a complaint using any of the options identified in this program does not preclude an employee from filing a complaint with the *Ontario Human Rights Commission* or pursuing any other available avenues.

Confidentiality of Complaints and Investigations

The Corporation recognizes the sensitive nature of violence, harassment and discrimination complaints and will keep all complaints confidential, to the extent that it can do so.

The Corporation will only release as much information as is necessary to investigate and respond to the complaint or incident or if required to do so by law.

Out of respect for the employees involved in a complaint, it is essential that the complainant, respondent, witnesses, and anyone else involved in the investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

5. Risk Assessment

On an annual basis Human Resources, in collaboration with Department Managers/Supervisors and the Joint Health and Safety Committee will conduct a risk assessment specific to workplace violence that is likely to arise from the nature of the workplace, type of work or conditions of work. The results of the risk assessment will be used to identify the measures and procedures to control risks of violence in the workplace. The Joint Health and Safety Committee will make appropriate recommendations to senior management.

The risk of workplace violence should/will also be re-assessed as often as is necessary to protect employees from workplace violence. For example, a reassessment will be completed if:

- The workplace moves or the existing workplace is renovated or reconfigured.
- There are significant changes in the type of work.
- There are significant changes in the conditions of work.
- There is new information on the risks of workplace violence.
- A violent incident indicates a risk related to the nature of the workplace, type of work or conditions of work that was not identified during an earlier assessment.

6. Education and Training

All employees and management will receive appropriate training and education regarding the Workplace Violence and Harassment Policies and Program. This will include an annual review of the program components.

General and workplace specific Violence and Harassment Policy and Program training and education will be a part of all new employee's orientation.

All training and education with respect to the Violence and Harassment Free workplace program and associated policies will be done in consideration of input and recommendation for the JHSC.

Relevant References/Codes

- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)

- [Criminal Code \(R.S.C., 1985, c. C-46\)](#)
- [Human Rights Code, R.S.O. 1990, c. H.19](#)
- [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)
- Health and Safety Policy
- Harassment Free Workplace Policy
- Violence Free Workplace Policy
- Code of Conduct

Appendices

- Violence/Harassment Reporting Form – APPENDIX A
- Right to Refuse Unsafe Work Form – APPENDIX B

Review Timeline

This policy will be reviewed every year after the initial approval date.

Policy Last Reviewed on: October 15, 2022

Policy Modified on: N/A



CONFIDENTIAL

APPENDIX A VIOLENCE/HARASSMENT REPORTING FORM

Employee Name: _____ Position: _____
Supervisor: _____ Date: _____

Name(s) of individual(s)
you are reporting: _____
Position: _____

A Town of Aurora employee(s) who believes they have been victimized by an act or acts of harassment, discrimination or violence should report the incident(s) immediately; following the steps outlined in the in the Violence and Harassment Free Workplace Policies and Program

Upon completing this form in its entirety, please submit it to your immediate supervisor and to Human Resources.

When completing the complaint form please include as much information as possible.

COMPLAINT

- ☐ Informal Complaint (Option B)
☐ Formal Complaint (Option C)
☐ Workplace Violence

DETAILS OF THE EVENT(S)

Date and Time of Incident: _____
Location: _____

Describe what happened - (i.e. Events leading up to the situation, behaviour which occurred and/or what words were said, please provide specific detail) Attach additional sheets if you require more space:

POTENTIAL WITNESSES - *List any individuals who may have information about the Workplace Violence or Complaint, or who have observed the conduct in question.*

ACTION STEPS TAKEN - *Outline what you have done in response to this problem to date, if anything, including speaking to the alleged person detailed above.*

**Complainant's
Signature:** _____

Date: _____

Upon receipt of this form, an informal or formal investigation will commence. To ensure that the complaint filed will be objectively assessed and based on the facts presented, the respondent will be informed of the claim filed against them and will be provided the opportunity to detail their side of the story. All reports of violence, harassment and discrimination will be kept confidential, to the extent possible, to be able to assess the facts presented by all parties.

Note: Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate workplace violence. It is important to recognize that each workplace is different, taking into consideration the workplace circumstances and type of work done.



CONFIDENTIAL

APPENDIX B RIGHT TO REFUSE UNSAFE WORK FORM

Employee Name: _____ Position: _____

Employee Signature: _____ Date/Time
(Work Refusal): _____

Supervisor: _____ Reported To: _____

Location (of Incident): _____ Date (of Incident): _____

Employee Relocated To: _____

Reason(s) for Work Refusal *(Employee to complete)*

Attach additional sheets if you require more space:

Potential Witnesses

Conclusion

When completing the Right to Refuse Unsafe Work Form please include as much information as possible.

Original to HR - Copies to Supervisor/Manager, Director, Chief Administrative Officer



Health and Safety Policy Statement

The senior management team at The Corporation of the Town of Aurora ("The Town of Aurora") are vitally interested in the health and safety of its workers. Protection of workers from injury or occupational disease is a major continuing priority for the Town.

The Town of Aurora will make every effort to provide a safe, healthy work environment for all our employees. In addition, Supervisors and employees must also be dedicated to the continuing objective of reducing risk of injury in the workplace.

The Town of Aurora, as an employer, is ultimately responsible for our employee's health and safety. As Chief Administrative Officer, I give you my personal commitment that I will comply with my duties under the *Occupational Health and Safety Act* ("The Act"), such as taking every reasonable precaution for the protection of workers in the workplace.

Under the *Occupational Health and Safety Act* a supervisor is defined as "a person who instructs, directs and controls workers in the performance of their duties." Any person regardless of title who meets this definition even temporarily has the responsibilities of a supervisor for the workers under their control.

Management and supervisors are responsible for knowing and complying with the applicable occupational health and safety requirements and will demonstrate their commitment to health and safety by leading by example, and will ensure that the personnel that they are responsible for have the necessary knowledge to perform their work safely. Supervisors will be held accountable for the health and safety of employees under their supervision and will give health and safety the same priority as productivity.

Every employee is also responsible for protecting his or her own health and safety by working in compliance with the law and with the safe work practices and procedures established by the Town. Employees will receive the required information, training, and competent supervision in their specific work tasks to protect their health and safety.

Employees from every area of the corporation, regardless of position, will be encouraged to contribute to the Town's health and safety program. The Town encourages the involvement of all workers in the development of the program. We will provide support and promote the program to ensure that safety has the overriding priority.

It is in the best interest of all parties to consider health and safety in every activity. Commitment to health and safety must form an integral part of this organization, from the Chief Administrative Officer to the employees.


Doug Nadorozny

Chief Administrative Officer

January 3, 2022

Date



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aurora.ca

Town of Aurora

Health and Safety Policy

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: March 30, 2011

Last Review Date: September 2022

1. Policy Statement

The health and safety of Town staff is a top priority. As such, the Town of Aurora will make every effort to provide a safe and healthy working environment. All staff must work together and be dedicated to the continuing objective of reducing risk of injury.

2. Purpose

This policy supports the organization's commitment to health and safety and outlines the responsibilities within the organization to ensure employees are working safely. No job is so important and no service so urgent that time cannot be taken to perform the work safely. While working, it is important to keep in mind at all times that safety comes first. A safe working environment is a top priority for everyone involved in a work activity and employees' own personal commitment to safety will ensure that injury to persons and damage to property are minimized.

3. Scope / Application

This policy applies to all employees regardless of status.

Outside contractors also have a responsibility for the health and safety of their employees. Town employees who have the responsibility of supervising outside contractors shall ensure that contractors follow the requirements of the Occupational Health and Safety Act and applicable Town safety regulations.

4. Definitions

Accident: An undesired event that results in injury, and includes a critical injury, to people, damage to property or loss.

Critical Injury: an injury of a serious nature that puts life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of an arm or leg (but not a finger or a toe), involves the amputation of an arm, leg, hand or foot (but not a finger or a toe), consists of burns to a major part of the body or causes the loss of sight in an eye.

Employee: Any Town of Aurora staff member, management and non-management.

Incident: An undesired event, which, under slightly different circumstances, could have resulted in harm (injury or illness, regardless of severity) to people, damage to property or loss. Also referred to as a 'near miss'.

Multi-Site Joint Health and Safety Committee (MJHSC): a multi-workplace committee comprised of worker and management representatives that are mutually committed to improving health and safety conditions in the corporation.

Occupational Health and Safety Act, R.S.O. 1990, c. O.1: provincial legislation that sets out the rights and duties of all parties in the workplace as well as the procedures for dealing with workplace hazards and for enforcement as needed.

Personal Protective Equipment (PPE): clothing or device(s) utilized by an employee that are designed to protect against safety and/or health hazards. PPE generally reduces the risk of injury but does not eliminate the hazard.

Worker: is an employee who does not have managerial or supervisory responsibilities.

Workplace Hazardous Materials Information System (WHMIS): Canada's national standard for communicating information about hazardous workplace products.

5. Responsibilities

Employees are responsible for:

- Be aware of, understand, follow, and work in compliance with related legislation, Occupational Health and Safety procedures and Town policies.
- Be aware of the health hazards in their workplace(s) and of the preventative measures to be taken to protect themselves, fellow employees, and Town

property.

- Be aware of the Workplace Hazardous Materials Information System (WHMIS).
- Report any hazardous conditions or any unsafe work procedures to their supervisor and, when necessary, to a member of the MJHSC.
- Report all accidents or injuries to their supervisor immediately
- Complete the Injury/Incident Reporting Form and submit it to their supervisor within 24 hours
- Work safe and do not work or operate any equipment in a manner that may endanger themselves or fellow employees.
- Properly use and care for protective clothing and safety equipment.
- Have the obligation to use safety provisions correctly, including PPE and safety devices

Supervisors/Managers are responsible for:

- Ensure understanding and compliance of the Occupational Health and Safety Act, the Town Health and Safety Policy/Program and all applicable legislation/regulations pertaining to the health and safety of their employees.
- Foster and encourage a culture of health and safety with their staff.
- Give prompt and serious consideration to all recommendations for a safer and healthier work environment.
- Ensure employees are provided with the appropriate personal protective equipment and provided with training on how to use it.
- Ensure that all accidents are investigated promptly, that Injury/Incident reports are completed, signed and submitted to Human Resources within 24 hours and that corrective action is taken when required to prevent further incidents.
- In the event of an accident or incident that may have had immediate potential to result in a critical injury or involved a vehicle or machinery, the Human Resources Manager and Communications Manager should be notified immediately.
- In the event of an accident or incident that resulted in emergency services (Police, Fire, Ambulance) or the Ministry of Labour, the Human Resources

Manager and Communications Manager should be notified immediately.

- Ensure appropriate training is provided to all staff depending on their role including the mandatory introductory training provided within a new employee's first week as outlined below in section 6.0.

Multi-Site Joint Health and Safety Committee is responsible for:

- Ensure that periodic inspections of the workplace(s) and equipment are completed.
- Identify conditions that may be a source of danger or hazard to employees.
- To review accident statistics and health and safety training records to make recommendations for the establishment, maintenance and monitoring of programs, standards and procedures for the health and safety of employees.
- Assist in developing communications, enhancing the awareness of safety issues and promoting health and safety in the workplace.
- Advise and assist in the development, implementation and operation of the Health and Safety policies and procedures for the Town.
- Make recommendations to the Corporation through Human Resources members on the MJHSC on health and safety initiatives and programs of benefit to its employees.
- Encourage an atmosphere of co-operation between management and staff to achieve a safe work environment and safe work practices.
- Depending on the nature and severity of the incident, a certified member of the MJHSC may participate in the accident investigation.

Management is responsible for:

- Provide the administration and direction of the Health and Safety policies and procedures within their own departments/divisions.
- Provide leadership in all safety activities including the development of safe working attitudes and encouraging a culture of health and safety.
- Ensure that departmental standards and procedures are developed and maintained to administer health and safety policies and regulations.
- Ensure that their employees are trained in the procedures and requirements of

the Occupational Health and Safety Act, Highway Traffic Act and other applicable legislation/regulations and Corporate and/or Departmental policies pertaining to their safety in their workplace(s).

- Ensure that a comprehensive departmental health and safety training program is developed and implemented, specific to departmental roles and responsibilities.
- Review accident reports, safety audit reports, accident statistics and other related material to evaluate the effectiveness of the Health and Safety procedures in their respective departments.
- Review and ensure follow-up on recommendations from the MJHSC.
- Ensure all staff receive, and take health and safety training within their first week as described in Section 6.0.

Human Resources is responsible for:

- Coordinate the overall Health & Safety function for the Corporation including corporate policy and procedure development and communication.
- Act as a Health & Safety resource to Departments and Committees.
- Ensure, in part, the Corporation is meeting its obligations as an employer under the Occupational Health and Safety Act through monitoring Committee work, ensuring appropriate/required Committee composition, maintaining required records, ensuring the required workplace circulation and/or posting of legislation/regulations, and facilitating employer response to formal complaints/recommendations made by the MJHSC and/or employees.
- Administer the Workplace Safety and Insurance portfolio.
- Provide legislated health and safety training to all staff within their first week as outlined below in section 6.0.
- If an employee is required to be off work as a result of their injury, the Supervisor and Human Resources will work together to ensure medical authorization and clearance is obtained prior to commencing work.
- Will respond immediately to an accident or incident that may have had immediate potential to result in a critical injury or involved a vehicle or machinery.

- Will respond immediately to an accident or incident that resulted in emergency services (Police, Fire, Ambulance) or the Ministry of Labour.
- Will notify the Ministry of Labour in the event of a critical injury.
- Will notify the MJHSC Chair and Co-Chair (and the Union Health and Safety representative in the event of a unionized employee injury) in the event that an employee is injured critically, or had the immediate potential to be injured critically.
- Document and track health and safety information, including training and health and safety metrics.

6. Procedures

6.1 Personal Protective Equipment (PPE)

- PPE is to be used in conjunction with other hazard protection strategies such as administrative controls, engineering controls etc. to ensure employee protection.
- Supervisors are responsible for ensuring the applicable PPE is available as prescribed according to the work being performed. The PPE must be properly fitted and in good repair to ensure its effectiveness.
- Employees must be provided with instruction on how to use PPE properly as required.

6.2 Training

- Employees of the Town of Aurora will receive adequate and regular Occupational Health and Safety training including refresher courses as required according to relevant legislation.
- All employees will receive instruction on the following subjects during their first week of employment from Human Resources. This training may be administered face to face through their orientation, online or a combination.
 - o *Occupational Health and Safety Act* and/or any other applicable safety legislation
 - o Town of Aurora Occupational Health and Safety Policy and Program
 - o Generic training on Workplace Hazardous Materials Information System (WHMIS)
- All employees will receive instruction on the following subjects during their first

week of employment from their Supervisor.

- o Departmental Health and Safety standards and procedures
- o Applicable Occupational Health and Safety (or other) Regulations for their position
- o Specific training related to WHMIS for materials they may interact with in their roles
- o Emergency evacuation procedures
- o Accident reporting procedures

6.3 Composition of MJHSC

- In accordance with current applicable legislation, the MJHSC shall be created and be comprised of:
 - o a minimum of four (4) employees, at least half of whom are workers employed at the workplace who do not exercise managerial functions
 - o "worker" representatives who shall be selected by the employees they represent; or, if unionized, such employees who shall be selected by their Union and the Union shall notify Human Resources in writing
 - o "management" representatives who shall be selected by the employer
 - o One worker representative and one management representative shall Co-Chair their Committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions
- A list of current members may be obtained from Human Resources.

6.4 Injury/Accident/Incident Reporting

- Any injury or illness that occurs, that is the result of the workplace, no matter how minor, must be reported by employee(s) to their Supervisor and recorded by the Corporation via the Injury/Incident Reporting Form (HS-07)
- Refer to Procedure No. HS-01-04 – Accident/Incident Response, Investigation & Reporting for detailed reporting instructions.
- In the case of an injury, Employees must seek medical aid immediately if required.
- Accidents which cause personal injury will be investigated and a report

completed within 24 hours.

- In the event of an accident or incident that may have had immediate potential to result in a critical injury or involved a vehicle or machinery, the Human Resources Manager and Communications Manager should be notified immediately.
- In the event of an accident or incident that resulted in emergency services (Police, Fire, Ambulance) or the Ministry of Labour, the Human Resources Manager and Communications Manager should be notified immediately.

Relevant References/Codes

- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
- [Highway Traffic Act, R.S.O. 1990, c. H.8](#)
- HS-07 Injury/Incident Reporting Form
- HS-01-04 – Accident/Incident Response, Investigation & Reporting

Review Timeline

This policy will be reviewed every (2) two years after the initial approval date.

Policy Last Reviewed on: September 15, 2022

Policy Modified on: N/A



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Town of Aurora

Community Code of Conduct

Community Services

Contact: Recreation Supervisor, Aquatics and Fitness, Community Services

Approval Authority: Council

Effective: November 3, 2022

Purpose

The purpose of this policy is to clearly define a Community Code of Conduct that promotes safety and respect through quality customer service; and outlines options available to Town staff to curtail or prevent inappropriate conduct from occurring in all Town facilities and properties, and the possible action and consequences that will result. As a corporation, the Town strives to provide quality service to all of the Aurora residents and visitors to Aurora, supporting inclusivity, diversity, and respect in all of its Town facilities and properties.

Scope

This policy applies to all Town facilities and properties owned by the Town of Aurora, including but not limited to Town Hall, recreation centres, sports fields and parks; and/or any person participating in an activity or event at those facilities. This policy also applies to all Town staff in a working capacity outside of Town facilities (e.g. Bylaw staff, Parks staff, Operations staff).

Definitions

Ban: means the prohibition of an individual (or group of individuals) from entering specific Town properties or facilities for a specific duration.

Inappropriate behaviour: may be demonstrated in person, while the individual is in or around Town facilities, but may also occur over the telephone, through email or other messaging directed towards staff or patrons. The following behaviour is considered to be inappropriate: violent behaviour (or threats of violent behaviour) that may affect an individual or group; harassment, abusive or disrespectful language; disrespect for public property and the damage of property of others; bullying (including cyber-bullying); deliberate misuse of cellular phones, personal digital assistants or recording devices in the change rooms, washrooms and dressing rooms; smoking in non-designated areas; display non-inclusionary behaviour towards others; display of "hate behaviour"; contravention of any Town policies, bylaws, and/or regulations.

Incident: means any occurrence involving inappropriate conduct on behalf of an individual, which includes, but is not limited to any of the following: damage to property; harm to individual(s) (workplace violence, workplace harassment, inappropriate behaviour); disturbance to peace; contravention of Town by-laws related to property, facility and/or posted rules; any illegal activity that warrants a formal report to or request for assistance from York Regional Police, by a Town staff, patron or visitor.

Staff: means all full time and part time employees with the Town of Aurora; and volunteers, students, and co-op placement staff with the Town.

Town property: means all Town-owned assets, including real property, buildings, structures, facilities and equipment.

Trespass Notice: as authorized under the Trespass to Property Act, R.S.O. 1990, c.T.21, is a written notice prohibiting an individual from entering specific Town properties or facilities for a specific duration and is issued to an individual by the Town with a copy to York Regional Police for the purpose of imposing a Ban.

Workplace Violence: as defined under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1; the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker (e.g. physical attacks – hitting, shoving, pushing, or kicking). An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker (e.g. threatening behavior – such as shaking fists, destroying property or throwing objects). A statement or behavior that is reasonable for worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker (e.g. verbal or written threats – any expression of intent to inflict harm).

Workplace Harassment: as defined under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1; 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.

Policy

The Town of Aurora (“The Town”) strives to engage members of the community to work, live, and play together in a positive manner. The Town recognizes that the majority of patrons use Town programs, facilities and properties in a responsible manner and conduct themselves appropriately when visiting Town facilities and properties, and that all deserve an environment free of harassment and violence. Occasionally, however, there may be instances where individuals engage in activities while using Town facilities and properties or interacting with staff in person, online or on the phone that the Town may deem to be inappropriate. In cases of inappropriate behaviour that jeopardize the peaceful enjoyment of Town programs, facilities and properties, and in such instances

where intervention strategies and de-escalating tactics are not effective, the Town will take steps to maintain/restore order, and to ensure the safety of the public and staff.

Responsibilities

All Staff

- Uphold the purpose and intent of the policy
- Ensure that the safety of the public and staff is of paramount priority, including calling the police (e.g. dial 911) where appropriate
- Report and document all incidents to their immediate Supervisor
- Report any inappropriate behaviours on social media to the Manager of Corporate Communications
- Notify the police depending on the severity of the situation (e.g. involving a weapon)

Management and Department Heads

- Uphold the purpose and intent of the policy
- Work with members of the public in identifying inappropriate behaviour in Town programs, facilities, or properties
- Work with the Communications Department to communicate key information to Town staff (where applicable)
- Enforce the policy with public education and awareness
- Provide training, guidance, and mentorship to staff regarding the policy
- Follow-up on complaints and issues raised in accordance to the policy

Members of the Public

- Conduct themselves in a manner consistent with the policy
- Contact and/or report inappropriate behaviour to Town staff

Monitoring and Compliance

In accordance with the Town of Aurora policies, collective agreement and applicable legislation and policies any non-compliance with this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Harassment Free Workplace
- Violence Free Workplace
- Accident Incident Reporting Form
- Detailed Statement

- Quick Reference Sheet

Review Timeline

This policy will be reviewed 2 years after the initial approval date.

Procedure for Community Code of Conduct

Updated November 3, 2022

Steps

1. When staff will act:
 - Upon observation or being informed of any behaviours that contravene the Community Code of Conduct
 - Upon observation of verbal abuse or threat
 - At the request of a Town staff member, who acting reasonably, is unable to get cooperation from program participants, parents, or spectators
 - At the request of a patron and/or participant who formally complains about experiencing behaviours listed above
2. Response to inappropriate behaviour:
 - Upon witnessing the inappropriate behaviour, staff will attempt to use intervention strategies (e.g. ask the individual to leave the facility) and de-escalating tactics to resolve the situation. For staff who work outside of a facility, they are asked to disengage with the individual and leave the scene.
 - Upon the individual's persistence to not comply with the Community Code of Conduct or upon staff observing physical violence or threat of violence; contact York Regional Police (dial 9-1-1 or push the panic button where available) immediately, respond accordingly to ensure the safety of the patrons and/or participants, advise your supervisor immediately, and utilize or mobilize your peers and other staff to provide support.
 - Where a staff has received inappropriate email, phone calls, or voicemail messages; they are to notify their Supervisor immediately. The messages will be documented, and there will be a discussion about an appropriate response. In some circumstances, it may be appropriate for the Town to have said messages blocked from the sender.
3. Consequences to inappropriate behaviour:
 - For Level 1 offences (e.g. minor acts or first offences), contravention may result in but is not limited to the following: verbal warning by staff; written warning for social media offences; staff may ask the individual to leave where the incident is taking place on Town property; a letter of reprimand may be issued at the discretion of the Manager, and ban from facilities and/or denial of non-essential services for a period of time through a Trespass Notice.
 - For Level 2 offences (e.g. serious offences and/or repeated offences), contravention is at the discretion of the Manager and may result in but is not limited to the following: a letter of reprimand will be issued; invoice for full cost of repairs will be issued where property damage has incurred; ban from facilities and/or denial of non-essential services for a period of time through a

Trespass Notice, and/or other actions as may be deemed appropriate (e.g. notify the authorities).

- For Level 3 offences (e.g. serious offences and/or repeated offences), contravention is at the discretion of the Manager and may result in but is not limited to the following: invoice for full cost of repairs will be issued where property damage has incurred; ban from facilities and/or denial of non-essential services for an extended period of time through a Trespass Notice, and/or other actions as may be deemed appropriate (e.g. notify the authorities).

4. Incident report and decision making:

- An Accident/Incident Report will be filled out when there is an incident of inappropriate behaviour. The Accident/Incident Report is to be completed immediately following the incident and provided to the staff person's immediate full time supervisor, who will provide the report to Human Resources promptly and Legal when necessary.
- The Incident is to be reported through to the respective Supervisor who will consult with the respective Manager regarding the level of offence and the degree of discipline.
- In situations when a Manager is considering a comprehensive ban (i.e. ban for an extended period of time, or ban from multiple services), they are asked to consult with their respective Director for further direction.
- Incidents related to social media will be reported to the Manager, Corporate Communications.

5. Communication between Departments:

- When an individual or a group is banned from facilities, a memorandum must be sent to community centre staff and Bylaw staff.
- When an individual or a group is banned from Town Hall, the Communications department will send a memorandum to all Town of Aurora full time staff (including Access Aurora staff, Bylaw staff, and Department Managers).
- When an individual or a group is denied of non-essential services from community centres, a memorandum must be sent to community centre staff and Access Aurora staff.
- When an individual or a group is denied interaction with Town staff, the Communications department will send a memorandum to all Town of Aurora full time staff (including Access Aurora staff, Bylaw staff, and Department Managers) and community centre staff.
- When an individual or a group is denied communication (e.g. email) with Town staff, the Communications department will send a memorandum to all Town of Aurora full time staff (including Access Aurora staff, Bylaw staff, and Department Managers) and community centre staff.

6. Appeal process:

- For facility ban/ denial of non-essential services, a banned individual may request reconsideration when new factual information is available. Such requests must be addressed to the respective Manager responsible, who will consider the new information and make his or her decision. Bans will remain in effect pending the outcome of the appeal.
- For social media and other mode of communication ban, a banned individual may request reconsideration when new factual information is available. Such request must be address to the respective Manager responsible, who will consider the new information and make his or her decision. Bans will remain in effect pending the outcome of the appeal.
- In the event where the individual is not satisfied with the response from the appeal process, they may escalate and appeal to the Director level.



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Town of Aurora

Frivolous and Vexatious Complaints

Legislative Services

Contact: Legislative Services

Approval Authority: CAO

Effective: November 2, 2022

Purpose

The purpose of this policy is to address frivolous, vexatious or unreasonably persistent requests or complaints that consume a disproportionate amount of Town time and resources and impede staff from attending to other essential issues. This policy establishes the process to be used by all staff when handling such requests or complaints. Actions taken pursuant to this policy will ensure that municipal resources are used effectively and efficiently, while maintaining a high level of service excellence and responsiveness.

This policy will guide staff to identify situations that meet the criteria of frivolous, vexatious or unreasonably persistent, and the associated actions that may be taken in such circumstances. The aim of this policy is to contribute to the Town's commitment to service excellence and good governance by addressing all requests and complaints equitably and efficiently, while acknowledging that there may be a need to protect staff from unreasonable behavior.

For immediate threats to persons or property, 911 should be contacted.

Scope

This policy is not intended to deal with generally difficult requests or complaints. This policy applies to frivolous, vexatious or unreasonably persistent requests or complaints. Deciding whether a request or complaint is frivolous, vexatious or unreasonably persistent, is a flexible balancing exercise, taking into account all the circumstances of the situation. There is no rigid test or criteria in deciding whether a request or complaint is frivolous, vexatious or unreasonably persistent. The key question is whether there is a pattern of conduct likely to cause distress, disruption or irritation, without proper or justified cause.

The decision to classify a subject person's behaviour as unreasonable, or to classify a request or complaint as frivolous or vexatious, could have serious consequences for the subject person, including restricting their access to municipal services.

The decision may be made as a result of a repeated pattern of conduct when, on multiple occasions, the subject person engages in one or more behaviours or actions identified as unreasonable, frivolous or vexatious. This does not preclude a single significant incident from being considered under this policy.

Definitions

Frivolous: means a Complaint that is reasonably perceived by Town staff to be (a) without reasonable or probable cause, (b) without merit or substance, or (c) trivial;

Vexatious: means a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by Town staff to be (a) malicious, (b) intended to embarrass or harass the recipient, or (c) intended to be a nuisance

Policy

The Corporation of the Town of Aurora (the "Town") is committed to providing exemplary service to all members of the public. The Town aims to address service requests and complaints equitably, comprehensively, and in a timely manner.

Examples of Frivolous, Vexatious or Unreasonably Persistent Requests or Complaints

Examples of what might be considered frivolous, vexatious or unreasonably persistent requests or complaints are provided below. The list is not exhaustive, nor does a singular action set out below necessitate the application of this policy.

- Complaints concerning an issue which staff have already investigated and determined to be groundless.
- Complaints concerning an issue which is substantially similar to an issue which staff have already investigated and determined to be groundless (e.g. with respect to the same neighbour or same property).
- Unreasonable conduct which is abusive of the complaints process, including, but not limited to:
 - o harassing, verbally abusing or otherwise seeking to intimidate staff dealing with a complaint;
 - o excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with staff in multiple Town departments and/or an elected official simultaneously) while a complaint is in the process of being investigated;
 - o repeatedly challenging the findings of a complaint investigation, complaining about the outcome and/or denying that an adequate response has been given;
 - o refusing to accept that an issue falls outside the scope of the Town's jurisdiction;

- o making unreasonable demands on staff by, for example, insisting on responses to complaints and enquiries within an unreasonable time-frame;
- o making statements or providing representations that the subject person knows or ought to know are incorrect, or persuading others to do so;
- o demanding special treatment from staff by, for example, not following the normal chain of command and immediately demanding to speak to a manager or supervisor;
- o using new complaints to resurrect issues which were investigated and completed in previous complaints;
- o changing the basis of the complaint as the investigation progresses and/or denying statements made at an earlier stage;
- o refusing to co-operate with the investigation process while still wanting the complaint to be resolved;
- o failing to clearly identify the precise issues of the complaint, despite reasonable efforts of staff to obtain clarification of the concerns; or
- o providing false or misleading information.

Application of Restrictions

Actions available under this policy may include, but are not limited to:

- limiting the subject person's correspondence with staff to a particular format (e.g. email only with a particular email address), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may last no longer than ten minutes);
- limiting the subject person to a particular point of contact at the Town (where possible, other staff members should be advised not to respond to the subject person, but to refer them to the point of contact);
- limiting their interactions through social media with the Town;
- requiring any face-to-face interactions between the subject person and staff to take place in the presence of an appropriate witness;
- requiring that the subject person produce full disclosure of documentation or information before staff will further investigate a complaint;
- instructing staff not to respond to further correspondence from the subject person regarding the complaint or a substantially similar issue;
- instructing staff not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;
- instructing staff to severely reduce or completely cease responding to further complaints and correspondence from the subject person;
- instructing staff to close the matter;

- limiting or regulating the subject person's use of municipal services e.g. community centres, access to technology systems, etc.;
- refusing the subject person access to any municipal buildings except by appointment;
- informing the subject person that further contact on the matter of the complaint/request will not be acknowledged or replied to;
- pursuing legal action; and/or
- blocking emails being received by Town staff;
- other actions as deemed appropriate.

Review of Restrictions

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer depending on the severity of the situation. The status of the subject person will be reviewed by the relevant Manager (or designate) on or before the review date. The subject person (where possible) will be informed of the outcome of the review.

The Director may extend the restrictions beyond the review date where appropriate. The subject person shall be notified of the extension and be given another date for review.

Responsibilities

Staff must establish, through documented words and/or actions of the subject person (e.g. emails, letters, posts on social media, photographs, voicemails, and staff notes reporting a conversation or incident), that the complaint or request is frivolous, vexatious or unreasonably persistent, before applying the processes and restrictions outlined in this policy.

Each case will be considered on an individual basis. The decision to classify the subject person's behavior as unreasonable or to classify the request as frivolous or vexatious will be made by the Manager or designate of the relevant service area in consultation with the relevant Director.

Employees

If an employee believes that a request or complaint is unreasonable, frivolous or vexatious, the employee should consult with their Manager (or designate), provide any supporting materials and advise the Manager (or designate) of the steps that have been taken to resolve the issue, including as appropriate:

- the length of time that staff have been in contact with the subject person, the history of the interactions (where appropriate), and the amount of correspondence that has been exchanged with the subject person;

- the number of requests and complaints made by the subject person and the status of each; and
- the nature of the subject person's behaviour.

Maintaining Records

Staff are responsible for maintaining detailed records of their interactions in order to justify any action being taken to restrict the subject person's access to Town staff. Records must be retained in accordance with the Records Retention By-law, as amended.

Management

The Manager (or designate) is responsible for reviewing the information provided by staff in a timely manner. The Manager (or designate) may want to contact other municipal departments to determine if the subject person is contacting multiple municipal staff/departments.

The Manager (or designate) will;

- meet with their Director and outline the situation, including proposed restrictions, how to inform the subject person of the restrictions and determine a review date for removing, modifying or continuing restrictions.

Executive Leadership Team (ELT)

Before making a determination to classify the subject person's request or complaint as frivolous, vexatious or unreasonably persistent, the Executive Leadership Team (ELT) must be satisfied that;

- the request has been properly investigated;
- communication with the subject person has been adequate; and
- the subject person is not attempting to provide any significant new information when contacting staff.

Monitoring and Compliance

In accordance with the Town of Aurora policies, collective agreement and applicable legislation and policies any non-compliance with this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

Not applicable

Review Timeline

This policy will be reviewed 2 years after the initial approval date.

Procedure for Frivolous and Vexatious Complaints

Updated November 2, 2022

Notification to the Subject Person

When the decision, in consultation with the relevant Director, has been made to classify the subject person's request or complaint as frivolous, vexatious or unreasonably persistent, the subject person (where possible and appropriate) will receive written notification that:

- detail what action staff have taken and why;
- explain what it means for the subject person's contact with the Town; and,
- advise how long the restrictions will last and when the decision will be reviewed.



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Town of Aurora

Complaints and Compliments Policy

Legislative Services

Contact: Town Clerk

Approval Authority: CAO

Effective: November 2, 2022

Purpose

The purpose of this policy is to outline the underlying principles and processes for the disposition of complaints related to services delivered by the Town of Aurora, ensuring and supporting transparency and accountability. This policy provides for a local dispute resolution process before complaints are escalated to the Ontario Ombudsman. This policy attempts to ensure that any response and review of complaints is fair, impartial and respectful to all parties involved.

This policy also provides a mechanism for the public to express their approval for the efforts of a staff member while completing the duties associated with their position. This policy should be used when residents of the Town of Aurora are not satisfied with the results of informal discussions that have been had with Town of Aurora staff.

Scope

This policy does not apply to complaints made by employees, contractors, or volunteers working on behalf of the Town, complaints about Members of Council or issues already addressed by legislation or an existing municipal by-law or policy. Examples of complaints that could be made under this policy are as follows;

- A failure to do something agreed to do;
- A failure to observe policy or procedures;
- An error made by an employee, contractor, or volunteer of the Town;
- Unfair or discourteous actions or statements made by an employee, contractor, or volunteer of the Town;
- Access, or lack thereof, to services;
- Timeliness of service; and,
- Quality of service.

Definitions

Complainant: means a member of the public making a complaint under this policy.

Complaint: means a written expression of dissatisfaction about services, actions, or lack of actions by an employee, contractor or volunteer of the Town of Aurora by a member of the public. Examples include but are not limited to perceptions of:

- A failure to do something agreed to do;
- A failure to observe policy or procedures;
- An error made by an employee, contractor, or volunteer of the Town;
- Unfair or discourteous actions or statements made by an employee, contractor, or volunteer of the Town;
- Access, or lack thereof, to services;
- Timeliness of service; and,
- Quality of service.

Compliment: an expression of approval for a Town of Aurora program, service, facility or staff member;

Frivolous: means a Complaint that is reasonably perceived by Town staff to be (a) without reasonable or probable cause, (b) without merit or substance, or (c) trivial;

Harassment or Harass: involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a member of the public that is directed at or is offensive to another person:

- a) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- b) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

Ombudsman: means the Ombudsman of Ontario or the Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act, 2001, as amended where applicable;

Town: means The Corporation of The Town of Aurora;

Vexatious: means a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by Town staff to be (a) malicious, (b) intended to embarrass or harass the recipient, or (c) intended to be a nuisance.

Policy

The Town is committed to promptly and effectively addressing systematic program and service delivery concerns raised by members of the public. This policy will assist the municipality in providing excellent service to the public and contribute to the continuous improvement of the Town's operations.

Anonymous, frivolous or vexatious complaints, or if the complaint is initiated with the intent to embarrass or harass an employee, will not be considered. This determination can be made by the Town Clerk and/or the CAO.

Responsibilities

Not applicable.

Monitoring and Compliance

In accordance with the Town of Aurora policies, collective agreement and applicable legislation and policies any non-compliance with this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- [Complaint or Compliment Submission Form](#)

Review Timeline

This policy will be reviewed 2 years after the initial approval date.

Procedure for Compliments and Complaints

Updated November 2 ,2022

Steps

Wherever possible, The Town will attempt to address concerns from members of the public through discussions in an informal manner. If the member of the public is not satisfied, the following process allows the member to file a formal complaint that will be addressed by the Director of the relevant service delivery area.

1. When informal discussions do not lead to a satisfactory resolution, a member of the public may file a formal complaint on the form linked in the "References" section of this policy.
2. A member of the public may use the same form attached to this policy to compliment the Town of Aurora. In this case, the Town Clerk will forward the compliment to the appropriate Director who will pass it along to the employee(s) associated with compliment.
3. When a complaint is received by the Town Clerk, the Clerk's Office will log the complaint for record keeping purposes and immediately forward the complaint to the Director responsible for the service area in which the complaint is being made, with a copy to the Chief Administrative Officer (CAO). Complaints being made about a Director will be forwarded to the CAO. Complaints about the CAO will be forwarded to the Manager of Human Resources.
4. Upon receiving a complaint from the Town Clerk, the CAO, Director or Manager has three (3) business days to contact the complainant to advise of receipt of the complaint and to set up a meeting, if the complainant has selected that option.
5. Within ten (10) days of receiving the complaint, the CAO, Director or Manager must notify the complainant of the expected duration of the investigation, if deemed necessary, including an approximate timeline for when the complaint will be formally responded to. The timeline may not be longer than thirty (30) days, except for extraordinary circumstances.
6. When the CAO, Director, or Manager has completed their investigation, they must provide a written response to the complainant, copying both the Town Clerk and the CAO. The written response must include, but not be limited to, a summary of the actions taken to correct the issue in the complaint or reasons why no action is being taken. All responses must be on Town letterhead and emailed to the complainant whenever possible.
7. After the complaint has been responded to by the CAO, Director or Manager and logged by the Town Clerk, it will then be considered closed. The Town Clerk will

provide Council with an annual information report regarding the number of complaints and compliments received and their outcomes.

8. Should the complainant not be satisfied with the outcome of his/her complaint, he/she may choose to file a complaint with the Ombudsman.



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Town of Aurora

Right to Disconnect Policy & Procedure

Corporate Services

Contact: Manager, Human Resources

Approval Authority: Chief Administrative Officer

Effective: June 2, 2022

Last Review Date: New Issue

Background

The Town of Aurora understands that due to work-related pressures, the current landscape of work, or the working environment, employees may feel obligated to perform their job duties outside their normal working hours. Work-related pressure and feeling an inability to disconnect from the job can lead to stress and deterioration of mental and physical health. This policy has been established to support employee wellness, minimize excessive sources of stress, and ensure that employees feel they can disconnect from their work outside their regular working hours and to comply with all relevant legislative requirements.

Objective

The intent of this policy and its procedures is to ensure the Town has clear definitions, roles, and responsibilities as well as meeting obligations under Ontario's *Working for Workers Act, 2021* (Bill 27).

Scope

This Policy applies to all Town of Aurora employees, although it is primarily intended for employees who can remain connected to the workplace outside their hours of work because of their use and/or access to their personal and/or Town-issued technology, including through remote work/hybrid work arrangements.

Definitions

Disconnecting from work

Not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, to be free from the performance of work.

Includes scheduled on-call and standby hours, as outlined in collective agreements.

And includes alternative hours of work as agreed to by an employee and their manager/supervisor due to accommodation.

Emergency

A situation or impending situation that requires timely or immediate attention and/or action, failing which the situation may reasonably result in an adverse impact on human health, animal health, property, or the environment.

Hours of Work

Includes core hours of work for a department/division as set based on operational requirements. For example, core hours for Town hall are generally 8:30 am – 4:30 pm while core hours for operational sites often begin and end earlier and may include evening and night shifts as well as weekends and holidays.

Unforeseen Circumstance(s)

An unforeseeable incident or occurrence that unless addressed can reasonably lead to an adverse impact on: (a) the delivery (including, for greater certainty, the failure to deliver) of the Town's services and/or programs, and/or (b) the Town's reputation, legal position or strategy or financial interests; and/or (c) impacts the health and safety of employees or the community.

Work

Executing employment duties and/or responsibilities including but not limited to engaging in work-related communications, including telephone calls, text messages, e-mails, and video calls.

Policy

The Town of Aurora prioritizes the health and wellbeing of its employees and recognizes that disconnecting from work is an important part of a healthy work-life balance. An increased connection and work activity can lead to overwork and/or other unintended adverse health consequences such as increased anxiety, stress and/or burnout.

In keeping with The Town's Diversity, Equity and Inclusion vision of *"Our workforce is talented, diverse, and committed to fostering a safe, fair, and inclusive workplace and community"* this policy aims to outline key definitions and responsibilities related to disconnecting from work outside of regular hours of work.

Responsibilities

To foster a culture where employees feel supported to disconnect from work, it is important to recognize that everyone has responsibilities and accountabilities, and we must work together to achieve the desired work culture.

Directors

The CAO and Directors are responsible for:

- Oversight of core hours of work within the department
- Role modelling appropriate disconnect behaviours after their own regular work hours finish for the workday and ensure managers and supervisors model appropriate behaviours.

Manager / Supervisor

Managers and Supervisors are responsible for:

- Ensuring team members take meal breaks and rest periods from work in accordance with the *Employment Standards Act, 2000* and applicable collective agreements.
- Respecting team members' ability to disconnect from work outside of Hours of Work by not routinely emailing, messaging or calling outside Hours of Work, except in the event of an emergency, unforeseen circumstances and/or when operational requirements require contact through communication methods established with the employee directly or through the appropriate collective agreement.
- Following on-call and standby processes, where applicable, for emergencies and unforeseen circumstances. Where on-call and/or standby employees are not available, establishing appropriate communication methods with employees for

emergencies and unforeseen circumstances (examples – emails with the subject line “Please respond ASAP” or a direct telephone call).

- Reminding team members of their ability to disconnect outside of Hours of Work and discussing with team members best practices to uphold this ability.
- Not penalizing an employee for acting in compliance with this policy.
- Role modelling appropriate disconnect behaviours after their own regular hours of work finish for the workday.

Employees

Employees are responsible for:

- Performing the required daily and weekly hours of work as specified for their job to complete work and requesting additional time to complete work, when necessary, through the appropriate process. This includes any on-call or standby requirements of their role.
- Taking meal breaks and rest periods from work in accordance with the *Employment Standards Act, 2000* or their collective agreement.
- Fully cooperating with any time recording methods used to record working time including when working remotely.
- Respecting other employees’ ability to disconnect by not routinely expecting work-related contact outside of Hours of Work.
- Discussing with their manager/supervisor when being excessively contacted while exercising their ability to disconnect from work to review options plans, and balance the requirement to implement Council’s policies/decisions with the ability to disconnect from work.

Human Resources

Human Resources is responsible for:

- Ensuring that managers/supervisors and employees are aware of, and comply with, related legislation in all jurisdictions such as the *Employment Standards Act, 2000* and applicable collective agreements.
- Supporting problem solving where challenges are experienced in disconnecting from work and, when required, investigating claims of retaliation under this policy.
- Reviewing, updating, and communicating any changes to the policy as outlined in the legislation.

- Role modelling appropriate disconnect behaviours after their own Hours of Work hours finish for the workday.

Procedure

1. Disconnecting from Work

Employees have an ability to disconnect from work outside of their Hours of Work. This ability applies to employees working core hours or alternative hours. Should an employee have concerns surrounding their working time or an inability to disconnect from work, it is important to bring this to the attention of their manager/supervisor to resolve any concerns.

CAO/Directors will monitor and support Managers to ensure that their right to disconnect is not impacted by work demands and that that responsibilities for outside core business hours are equitably distributed. In addition, CAO/Directors will ensure that Managers are compensated in accordance with the Town's lieu time / overtime policies.

Managers/supervisors will first contact employees who are on-call and/or on standby for emergencies, unforeseen circumstances and/or operational requirements, wherever possible, as outlined in the applicable collective agreement.

Employees may need to be occasionally contacted outside of their Hours of Work if an emergency or an unforeseeable circumstance arises, and/or when operational requirements require contact. This contact will be made through communication methods established between the CAO/Director/manager/supervisor and the employee.

Where a CAO/Director/manager/supervisor sends communications outside an employee's Hours of Work and no immediate response is required, employees should not feel they need to respond until their next scheduled Hours of Work. However, CAO/Director/managers/supervisors are encouraged to role model disconnection from work outside of their own Hours of Work, recognizing that their behaviour sends an important message to employees.

All employees should be mindful of times emails and work-related texts or messages are sent and work-related telephone calls are made. Should a Director/CAO/manager/supervisor notice that a member of their team is sending/responding to work communications at odd hours or are logging in excessively, they should speak to the employee as soon as possible, as this may indicate they are finding it difficult to manage their workload during their Hours of Work.

Employees should use communication methods such as out-of-office alerts, voice messages and calendar settings to indicate their Hours of Work. Employees are encouraged to use other technologies, such as 'delayed send' emails, where their Hours of Work may not coincide with a colleague's Hours of Work.

Employees who are excessively contacted while exercising their ability to disconnect from work are encouraged to discuss the difficulty with their manager/supervisor. The employee is permitted to file a complaint with Human Resources. Human Resources will conduct the investigation, following up with parties as necessary, supporting problem solving.

Compliance

In accordance with the Town of Aurora policies, collective agreement and applicable legislation and policies any non-compliance with this policy will result in an investigation.

Any employee found to be disrespecting another employee's ability to disconnect from work outside of Hours of Work other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination.

CAO/Director/Managers/supervisors and employees should work collaboratively to resolve issues related to disconnection. Employees can escalate disconnection issues to Human Resources where difficulties continue.

Reprisals

It is a violation of this Policy for anyone to take any reprisal against any person for the reason that they invoked this policy or participated in an investigation of a complaint.

Relevant References/Codes

- Bill 27, *Working for Workers Act, 2021*, S.O. 2021, [c. 35](#)
- *Employment Standards Act, 2000*, [S.O. 2000, c. 41](#)
- *Human Rights Code*, [R.S.O. 1990, c. H.19](#)
- [CUPE 905.01 Collective Agreement](#) (Intranet)

Review Timeline

This policy will be reviewed 2 years after the initial approval date.



■ FISCAL OVERVIEW



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Introduction

The Finance department provides governance and leadership in finance, budgets, technology, and procurement for the Town of Aurora. The department works with both internal and external clients to support the Town's financial and technological goals. Internally, Finance provides strategic financial advice to help the achieve both short and long-term goals and implements new technology to support modernization. Finance also has a governance role to ensure regulatory requirements are met under the Municipal Act, Public Sector Accounting Board standards and the Procurement Bylaw.

Finance divisions

The department has four main divisions, each headed by a manager which report to the Director/Treasurer. These divisions are:

Financial Management

Financial Management leads the strategic long-term planning, multi-year operating and capital budget and in-year forecast reporting. The team performs analysis and makes recommendations that support the Fiscal Strategy. They also manage Aurora's cash flow and investments to align with reserve and investment strategies. Other responsibilities include grant management and playing a key role in capital asset management.

Financial Reporting and Revenue

Financial Reporting and Revenue is responsible for financial accounting and external reporting, expenditure management, protecting the Town's assets through development of financial policies, procedures and controls and billing and collections relating to water, taxes, development charges etc.

Information Technology Services

Information Technology Services (IT) provides services and support to all departments including project services for all technology initiatives and information technology infrastructure management. The IT division leads the Town's effective and innovative use of technology to become a progressive municipality that delivers exceptional and modern digital services.

Procurement Services

Procurement Services manages the process for effective procurement of goods and services, promotes the principle of fair and open competition in the acquisition process, and adherence to Procurement Bylaw and Trade Treaties. The division develops Procurement strategies and analyzes business requirements and spending patterns to identify opportunities for more strategic sourcing.

Budget

The budget includes an operating and a capital budget. Operating includes ongoing programs and services and sets the tax levy and user rates for water, wastewater and stormwater, while capital includes asset management, growth investments and studies and is funded from reserve.

Operating Budget

The Town of Aurora develops the budget on a modified-accrual basis of accounting, where the audited financial statements are prepared under a full-accrual basis of accounting following the Public Sector Accounting Standards. The modified-accrual basis balances the budget based on the timing of when the expense or revenue occurs, but expenses such as amortization are not included. This method is used for municipal budgeting as it enables the municipality to track all inflows and outflows of cash and reserves making it easier to calculate the annual tax levy to support current operations and reserve contributions.

Aurora follows a multi-year operating budget approval process

Multi-year budgets are more strategic and provide the following benefits to the Town:

- Better coordination of budgeting and strategic priorities
- Greater certainty for departments in managing expenditures and service levels
- Improved fiscal discipline of the organization
- Streamlined budget reviews that focus on key changes in assumptions and the reasons driving such changes
- Allowing staff to develop budgets with fixed targets in place, allowing early response to circumstances and budget constraints of such targets
- Reduced uncertainty about future year tax levies.

Multi-year budget process

Council Term Year 1 - 2023

- Approve single year budget for 2023

Council Term Year 2 - 2024

- Approve three-year budget for 2024-6

Council Term Year 3 - 2025

- Reaffirm/approve budget changes for 2025 and 2026

Council Term Year 4 - 2026

- Reaffirm/approve budget changes for 2026

Aurora's multi-year budget process aligns with the four-year term of Council. In the first year Council is provided with a proposed operating budget for one year and an outlook for the next three addressing upcoming pressures and risks. In the second year, Council is presented with a three-year proposed operating budget for consideration and

approval. In the last two years of the Council term, the budget focuses on the changes to the approved budget from the previous year, for the remaining years in the term. Council then has the option to re-affirm the previously approved budget or approve changes to the budget. This meets the requirement in the Municipal Act for Council to approve or re-affirm the budget on an annual basis.

Capital Budget

The capital budget is a project budget that includes capital asset management, developing new assets and other projects including studies.

The capital budget includes a complex set of approvals that ensure the total commitment for a project is accounted for while at the same time the planned cash outflows are managed.

Capital Budget Authority (CBA) is used to manage commitments to capital projects. CBA reflects the total spent on a project to date, plus the forecast for the current year, the budget commitment needed for future years. The amount of future commitment is needed to award multi-year procurement contracts.

Budget engagement and approval

In June, Aurora holds a public session to gather input from the public on the budget. In addition, engagement is sought out online through surveys. Each year staff strive to increase engagement over the previous year.

Finance supports the implementation of the Strategic Plan and other key plans

The Finance department has a governance role that supports the Strategic Plan and other plans that support fiscal and technology objectives.

Strategic Plan

The Finance department supports many of the guiding principles of the strategic plan.

Finance supports an exceptional quality of life for all objectives:

- **Invest in sustainable infrastructure** by investing in technology infrastructure and developed the Fiscal Strategy which ensures growth and capital planning are aligned.
- **Strengthening the fabric of our community** through the implementation of online tools that support residents access to town services.
- **Promoting service accountability, excellence and innovation** by expanding e-services, following multi-year budgeting practices, developing longer-term plans and the Fiscal Strategy

Finance is also committed to leadership in corporate and financial management and progressive corporate excellence, innovation and continuous improvement.

Fiscal Strategy

The fiscal strategy provides a long-term view to financial stewardship and financial management of Town's resources. It ensures that the Town maintains a desired service levels and adapts to the growth while managing the fiscal impacts year-over-year. It will enable the town to adapt to changing economic circumstances and ensure the ability to effectively maintain and replace assets.

The fiscal strategy is built upon the four strategic pillars of capital planning, reserve management debt management and revenue management. The four pillars of fiscal strategy must work together to achieve financial sustainability.

Fiscal Strategy: <https://www.aurora.ca/en/your-government/resources/budget-and-finance/Fiscal-Strategy---Approved-June-22-2021.pdf>

Capital Planning

A long-term capital plan ensures the town's current and future capital asset goals and objectives are met. The capital planning pillar ensures that:

- The Town's 10-Year capital plan is aligned with:
 - the second-generation Asset Management Plan for all the rehabilitation and replacement needs of Town's assets and;
 - the Official plan and Development charge study for the growth projects

A detailed capital budget policy and a second-generation asset management plan has been developed for the Town to ensure that the fiscal strategy principles are applied in the capital budget development annually.

Asset Management Plan

The asset management plan (AMP) presents the outcomes of the municipality's asset management program and identifies the resource requirements needed to achieve a defined level of service. The Town's AMP includes state of infrastructure of core assets and the recommended asset management strategies to mitigate poor infrastructure health. The AMP is a living document that is updated regularly as additional asset and financial data becomes available. This will allow the Town to re-evaluate the state of infrastructure and identify how the Town's asset management and financial strategies are progressing.

Currently, Town is working on developing the desired level of service for core assets. Once complete this analysis will be presented to this Council, so they can make a financially informed decision on selecting the service levels for asset.

Asset Management Plan: <https://www.aurora.ca/en/your-government/resources/budget-and-finances/Town-of-Aurora-2nd-Generation-AMP---Final.pdf>

Reserve Management

The Reserve management pillar of the fiscal strategy ensures that the Town's reserves are maintained to meet the needs of the long-term capital plan (capital budget) and manage the risk for unexpected economic impacts (operating budget). Currently, staff is working on developing a reserve management policy for the Town which should capture the following:

- The types of reserve and their intended purpose
- The adequate level of balance for reserves
- The rules of engagement for each reserve
- The rules regarding the funding of each reserve
- The policy will ensure the integration of reserve management with the requirements of asset management plan and debt management strategies

Presently, the Town maintains a set of Obligatory and Discretionary reserves to meet their short-term and long-term financial requirements.

Capital projects in the 10-year plan are funded from reserves. There are a number of reserves that are used to fund capital projects and the funds are applied to the project based on the purpose for which each reserve can be used. The table below shows the balance of these reserves over the next 10 years.

10 Year Reserve forecast

(\$M)	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Tax Levy Funded											
Rehab & Replacement											
Roads	7.6	3.0	(4.2)	(2.2)	(1.1)	(3.4)	(0.2)	(2.9)	(5.9)	(4.6)	3.2
Facilities	4.6	2.8	3.4	3.4	1.8	2.8	3.0	3.5	4.3	4.9	6.2
Information Technology	0.6	(1.1)	(1.0)	(0.7)	(0.4)	0.4	1.2	2.1	3.0	4.1	5.3
Fleet	3.0	2.9	3.0	3.1	1.9	1.2	2.2	2.9	3.0	3.6	3.9
Parks & Recreation	2.4	1.8	1.4	1.4	0.4	0.9	1.6	1.7	2.2	2.5	4.0
	18.2	9.4	2.6	5.1	2.6	1.8	7.7	7.2	6.6	10.5	22.6
Growth & New	2.7	1.2	0.5	1.0	0.1	0.1	2.6	1.7	4.7	4.1	4.0
Studies & Other	0.8	(0.2)	(0.3)	(0.1)	(0.1)	0.0	(0.1)	0.2	0.2	0.1	0.5
	21.6	10.4	2.9	5.9	2.6	1.9	10.1	9.1	11.5	14.8	27.1
Rate Funded											
Water	11.6	7.7	7.1	8.8	11.0	13.5	16.2	19.1	22.5	26.0	29.8
Wastewater	4.4	3.4	4.2	5.3	6.5	7.9	9.4	11.1	12.9	14.8	16.8
Stormwater	8.7	(2.3)	(6.7)	(5.4)	(8.4)	(6.3)	(11.5)	(16.2)	(15.3)	(13.3)	(7.7)
	24.7	8.8	4.5	8.6	9.2	15.1	14.1	14.0	20.0	27.5	38.9
Development Charges											
Fire Services	(2.4)	(2.2)	(3.0)	(4.7)	(5.1)	(5.0)	(4.8)	(4.7)	(5.4)	(5.2)	(5.1)
Roads & Related	13.6	13.3	13.8	14.0	12.9	12.7	10.4	11.2	9.2	7.9	(4.3)
Parks & Recreation	6.2	2.4	1.9	(0.7)	(3.1)	(4.4)	(5.8)	(7.5)	(10.3)	(11.0)	(11.8)
Library Services	1.7	2.0	1.7	1.4	1.1	0.8	0.5	0.6	0.8	1.0	1.2
Water Supply & Distribution	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2
Sewer	1.4	1.6	1.8	1.8	2.0	0.7	0.8	1.0	1.2	1.3	1.5
General Government	0.3	(0.0)	0.1	0.2	0.4	0.6	0.7	0.5	0.6	0.8	0.9
Municipal Parking Spots	0.4	0.4	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4
	22.3	18.8	18.0	13.9	10.1	7.4	3.9	3.4	(1.6)	(2.8)	(15.0)
Cash-In-Lieu Park Land											
Cash-In-Lieu Park Land	19.8	15.2	14.5	14.3	13.8	14.1	14.3	14.3	14.1	14.1	14.1
Hydro Reserve											
Hydro Reserve	32.9	32.9	32.9	32.9	32.9	32.9	10.1	10.1	10.1	10.1	10.1
Total	121.3	86.0	72.9	75.7	68.6	71.5	52.6	50.9	54.2	63.6	75.2

Debt Management

The debt management pillar of fiscal strategy ensures debt financing is used to manage the long-term financial flexibility of the town. Debt is a financing tool which enables Aurora to manage the timing difference between when a growth capital project is constructed and when the funds are collected through development charges. Debt financing has been used to fund capital projects at the Town historically. In order to use

debt wisely, the Town had established best practices that have guided historical debt management. These best practices include:

- Debt will only be considered as an interim financing source for capital projects when a funding source can be confidently assured for the repayment of the debt being considered.
- Debt could be considered when the asset is built in advance of growth.
- Debt can only be considered when the annual carrying costs remain under the provincially prescribed Annual Repayment Limit.

The Town has responsibly used both external and internal debt financing for several years as an interim financing source for necessary Town capital asset creation which has included indoor and outdoor recreation spaces, as well as library and cultural infrastructure. In all instances, all debt obligations were repaid on time. The development of the debt management policy is a recommended strategic action in the fiscal strategy to ensure longer term prudent financial and debt management. The Town staff has developed Debt management policy which will be presented Council approval in Q1 2023.

Revenue Management

Revenue management optimizes revenues from all sources to ensure reserves are adequately funded. Currently, most of the funding for capital reserves comes from tax levy or the user rates for water, wastewater and storm water services as contributions in the operating budget. Over the next 10 years strategic steps will be undertaken to reduce reliance on tax and rate payers such as

- Improve the ability to seek our grant opportunities
- Improve investment income on reserves by becoming a prudent investor – report due for Council approval
- Alignment of upcoming 2024 DC study with projected growth and funding strategies
- Update Town's existing investment policy to become more prudent investor centric

Through the enforcement of fiscal strategy pillars Town ensures that the sustainable capital and operating budget is developed and delivered for the Town.

2021 Updated Development Charge Study: <https://www.aurora.ca/en/business-and-development/resources/Development-charges/Town-of-Aurora-Updated-DC-Study-Bylaw-2021.pdf>

Corporate Technology Plan (IT Strategic Plan)

The Technology Strategic Plan was published in the fall of 2019. The Plan provides a five-year recommended direction for the Town. To align well with the Technology Strategic Plan five strategic action areas have been identified as follows:

Resident Digital Services

The goal is to digitize current manual processes and make them available to residents through the Town's website. This would allow them to access these services 24 hours a day using their own computers or mobile devices. To ensure ease of use, we will be building a single landing page on the aurora.ca website that will provide access to all digital services.

In 2022, Electronic Plans Review (EPR) was introduced which enabled the CityView Plans Drop portal to make submission of drawings available electronically. In 2023, occupancy permits and purchase of blue boxes and green bins will be developed.

IT infrastructure Improvements

The IT infrastructure improvements are essential to keep hardware current and good working condition. In 2022, Town's end-of-life hardware-based phone system was replaced with a new cloud-based software phone switch. This system provides enhanced functionality and greater flexibility compared to old system. Hardware based telephones were replaced with a soft phone (Microsoft Teams) as part of the upgrade. In 2023, wide area network infrastructure (WAN) will be replaced with new higher performance switches to speed up communication between Town's facilities while offering greater resiliency.

Software

A careful analysis is underway for all Town's software's to determine which ones should be updated and which can be retired. The Town is also implementing new software to improve processes and digital services.

Cybersecurity

Last year, the Town engaged a cybersecurity consultant to perform a full review of Town's cybersecurity posture. This was a fulsome review and compared the Town's current state to industry standard benchmarks such as National Institute of Standards and Technology (NIST) and the Centre for Internet Security Critical Security Controls. A roadmap was put in place to fill any gaps and stay current on cybersecurity. Several new capital projects for 2023 are proposed to further strengthen our cybersecurity footprint.

Town of Aurora Initiatives

These are projects that the Town has embarked upon that have a large technology component to them but are not being driven by the IT division. The IT team always strives to help enable the Town with technology and work with any other team to achieve these goals. As a result, we are key participants in major projects like the new Oracle Fusion ERP implementation, Measure What Matters, and the Business Continuity Management System.

Corporate Technology Plan: <https://www.aurora.ca/en/your-government/resources/Legislative-Services/Agendas-and-Minutes-Archives/2019-Archive-Agendas-and-Minutes/General-Committee/Agendas/2019-11-19-General-Committee-Agenda-bookmarks.pdf>

New Financial System

Oracle Fusion has been selected as the new financial system for the Town which is able to meet both current and future needs. Oracle Fusion is a cloud-based subscription service and is accessed through a web browser with no other technology infrastructure required by the town. The service is scalable and can grow based on the future needs of the town.

The system meets the requirements identified by the town including transactions, water billing, tax billing, budget, reporting and dashboards. Since the system exists within a single ecosystem, all data contained within it, is fully integrated by design. Oracle has a proactive approach to cybersecurity and meets the security standards required by the town's IT division.

The system includes the functionality required for tax and water billing. In addition, the system will enable property owners and water customers to access their billing information online and support the electronic delivery of water and tax bills reducing the need to issue paper bills for those that wish to receive them electronically.

In addition to the billing, the system supports the issuance of tax and water certificates which are ordered by lawyers to support real estate transactions. The system will automate this process to accept payment and issue the certificate. The system will improve financial reporting and provide the ability to complete all reporting under the Public Sector Accounting Standards (PSAS) in one system.

Internal reporting will significantly improve, each system user may have a personalized dashboard on their landing page. This dashboard will be tailored to their role and can easily be edited to fit their needs or clicked on to dig deeper into the details.

The system provides comprehensive project management functionality including an ability to manage all aspects of a project from planning in the budget, managing the

active project and closing the project with tangible capital assets being recognized for addition/disposal at the appropriate time during the project plan.

The new system includes workflow which will automate a number of paper-based processes while also improving reporting and internal controls at the same time. This system's implementation also supports actions which are recommended as part of the water billing and procurement internal audits which would not be possible using the town's existing financial systems.

Implementation of the new financial system has been divided into five milestones as follows:

- Phase 1 – Initiation (June 2022 – August 2022)
- Phase 2 – Validation (August 2022 – October 2022)
- Phase 3 – Configuration (September 2022 – February 2022)
- Phase 4 – Implementation (January 2022 – May 2022)
- Phase 5 – Stabilization (May 2022 – June 2022)

The implementation of the new software is underway and staff has successfully completed the initiation and validation milestones.

Procurement Policy and Bylaw

The Town's new Procurement By-law enacted a Procurement Policy that was approved by Council on February 22, 2022.

The Bylaw provides details to the role and responsibilities for various staff and Council. The role of Council is to establish policy and approve expenditures through the Town's budget-approval process. Through this policy, Council delegates to the Town's officers and employees the authority to incur expenditures in accordance with approved budgets through the Procurement of Deliverables in accordance with the rules and processes set out in the policy and applicable protocols and procedures. Council is not generally involved in the day-to-day Procurement operations or individual Procurement processes, except to the extent that the approval of Council is required under the policy or in the event that an exception to the policy is required.

Procurement Bylaw: <https://www.aurora.ca/en/your-government/resources/by-laws/Consolidated-Procurement-Bylaw-6404-22.pdf>



■ PLANNING 101





PLANNING 101

Town of Aurora

Overview of Planning and
Development Application
Approval Process

Provincial Policies

- The Planning Act together with other legislations sets out the ground rules for land use planning in Ontario.
- How land uses may be controlled and who may control them?
- Other Legislation Including:
 - o Provincial Policy Statement
 - o Places to Growth Act
 - o Oak Ridges Moraine Conservation Act
 - o Greenbelt Act
 - o Ontario Heritage Act



York Region

Upper-Tier Municipality

- Establishes Regional structure and Community Building Policies
- Allocates growth projections to local municipalities
- Environmental – Regional Greenlands System
- Infrastructure Planning
- Regional and local Official Plans must conform to Provincial plans

Town of Aurora

Lower Tier Municipality

- Makes local planning decisions that determine the future of communities
- Prepare planning documents, such as:
 - an Official Plan, which sets out the municipality's general planning goals and policies that will guide future land use
 - Zoning By-laws, which set the rules and regulations that control development as it occurs
- Ensures planning decision and planning documents are consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans, such as Oak Ridges Moraine Plan, Greenbelt Plan and Growth Plan and the York Region Official Plan

What is an Official Plan?

- The Official Plan is approved by Council that describes policies and objectives on how the future land uses in your community should be used.
- It contains policies to ensure future development will meet the specific needs while conforming to the Regional and Provincial Plans such as:
 - Where new housing, industry, parks, offices, retail areas, community services and other land uses will be located?
 - Policies for improvements to the municipal hard services like roads and sewers
 - Protection of Natural Environment and Heritage features
 - When, and in what order, parts of your community will grow
- With changes in provincial policy the Region has adopted a new Plan June 2022 and updates to the Town's Official Plan is anticipated to be completed by June 2023.

Aurora Official Plan

- Aurora has a parent Official Plan and a number of Secondary Plans (Community Plans)
- The new draft Official Plan (June 2022) establishes the vision, principles and supporting policies to guide the Town's evolution and development to the year 2051



What is a Zoning By-law?

- Zoning By-law implements the objectives and policies of the municipality's Official Plan and controls the use of land by setting rules/standards for development:
 - how land may be used;
 - where buildings and other structures can be located;
 - the types of buildings that are permitted and how they may be used;
 - lot sizes and dimensions, parking requirements, building heights and setbacks from streets and other lots.

Other Land Use Controls

Holding By-laws

- Holding Provision may be applied to a Zoning By-law to prevent development until local municipal services such as roads and sewers are in place or schools/support facilities
- When development is ready to occur, the holding symbol “H” can be removed by an Amending By-law
- Not Appealable

Interim Control By-laws

- Must be used in the context of a land use study
- Temporarily freezes development of land
- Can be in effect for a one-year period with provisions for an extended period
- Appealable

What is an Official Plan Amendment (OPA)?

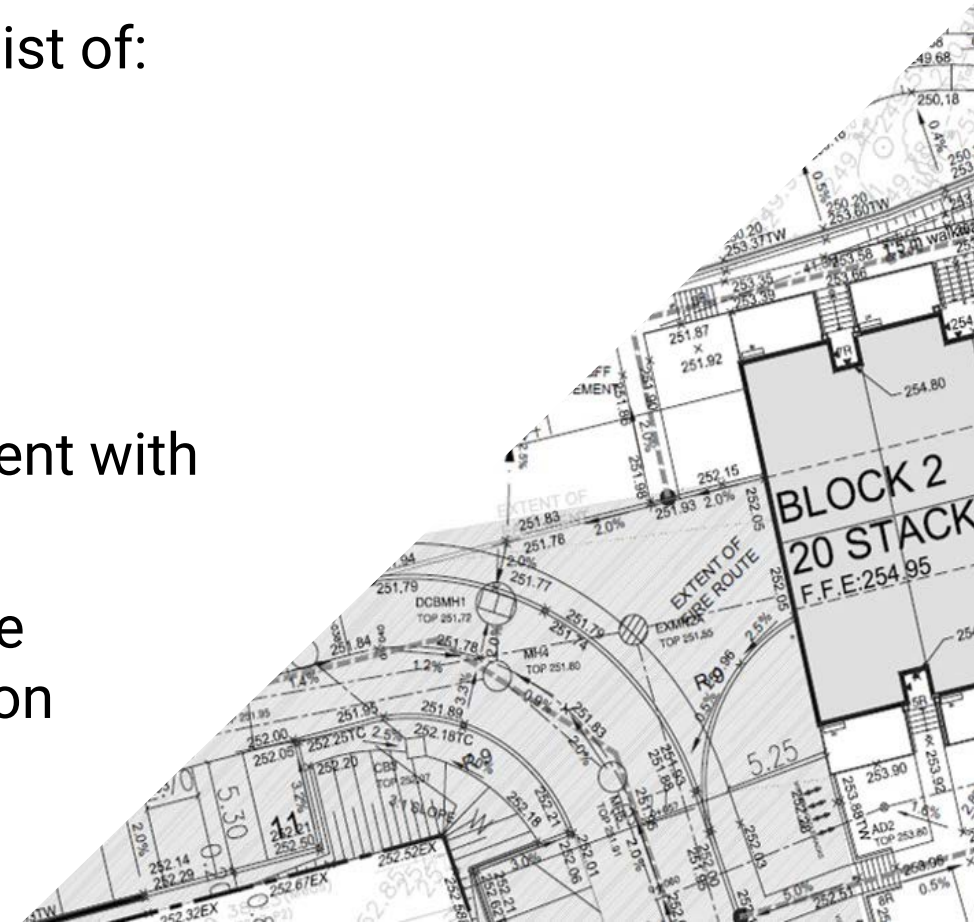
- OPA is authorized by the Planning Act and sets out a process to allow applicants to make changes to the Town's Official Plan policies
- Considerations must be given:
 - o General intent of the Official Plan must be maintained;
 - o Consultation with Town departments and other government and agencies; and
 - o Public input through Public Process

What is a Zoning Bylaw Amendment (ZBA)?

- If a proposed development/use does not comply with the current zoning of the subject property, an application for a ZBA is required;
- The amendment must be consistent with the policies of the Official Plan;
- Public Process is required; and
- Zoning does not regulate who lives in the building or if the owner occupied or rented.

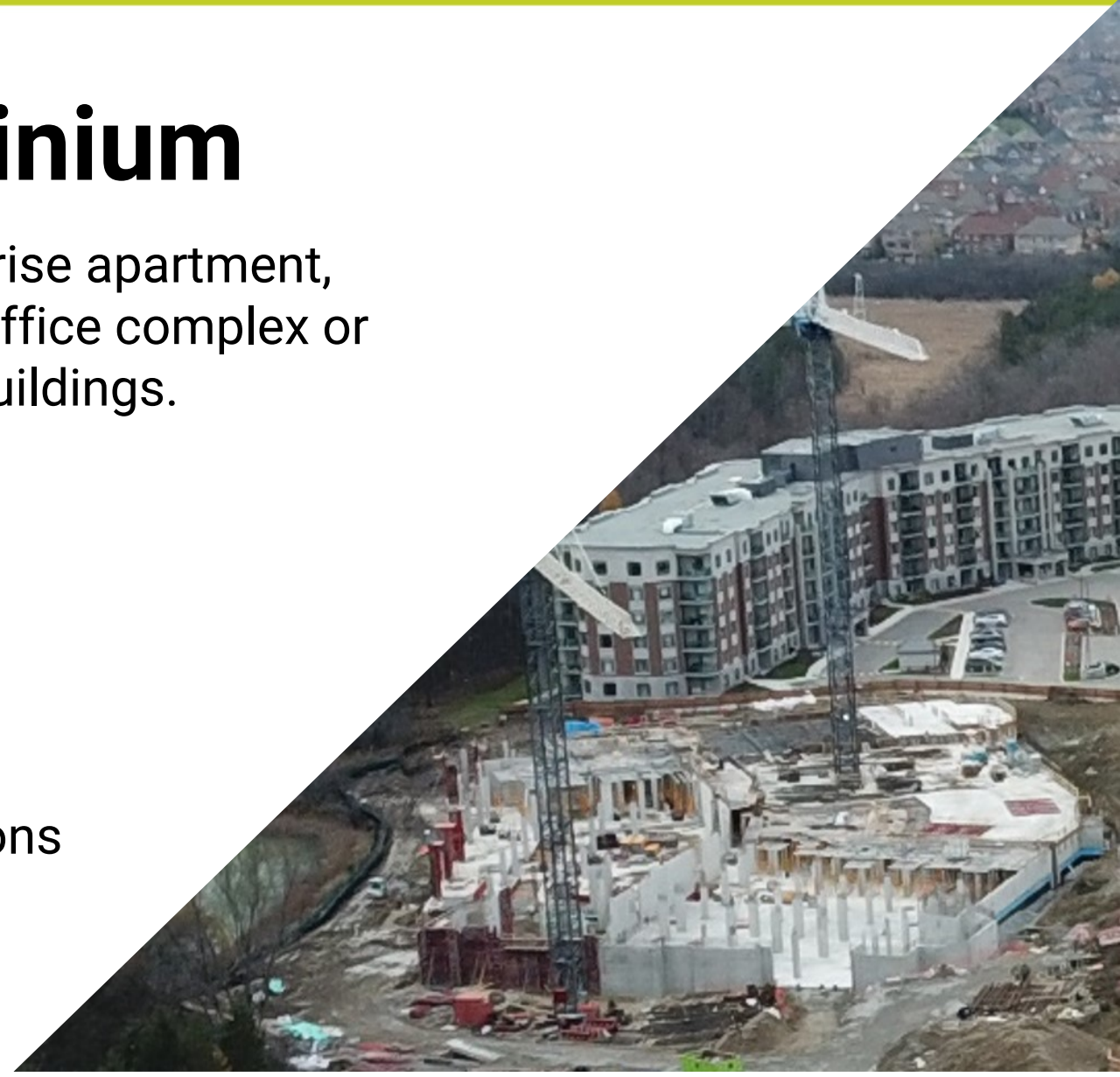
Draft Plan of Subdivision

- Land is subdivided into lots or blocks for the purpose of sale;
- Completed by a licensed Ontario Land Surveyor and consist of:
 - o exact boundaries and dimensions of lots;
 - o location, width and names of streets; and
 - o sites of any schools and parks.
- Once approved, a developer may enter into sales agreement with homeowners to sell the parcels of land; and
- Only after the developer enters into an agreement with the Town and all conditions has been clear can the Subdivision be registered and convey the lots to purchasers.



Draft Plan of Condominium

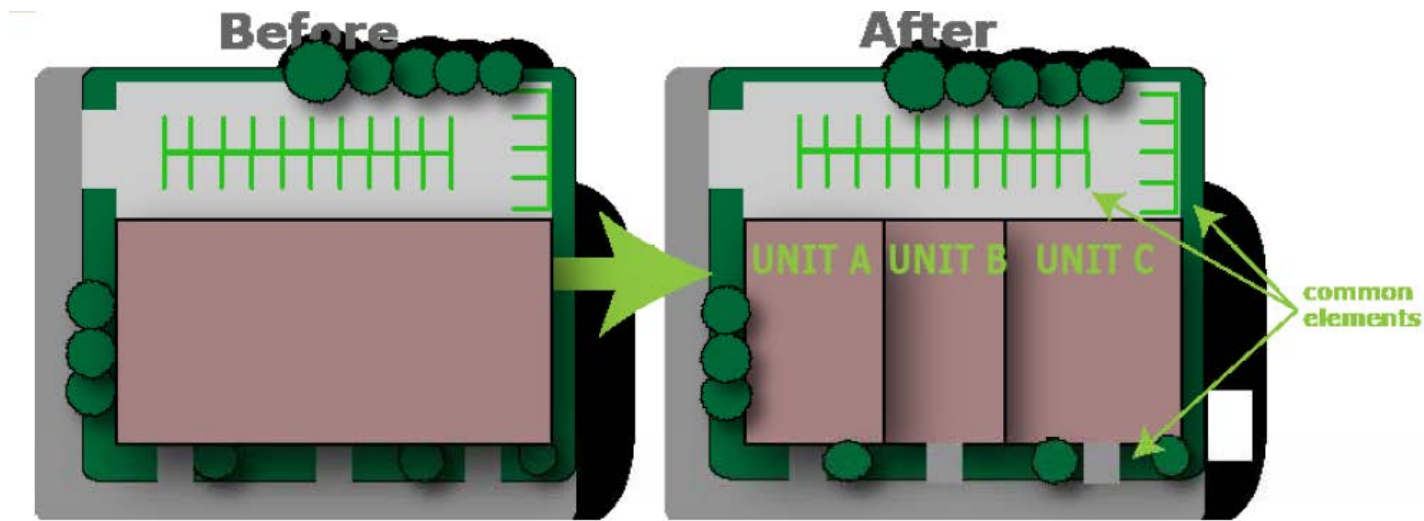
- A condominium can be a high-rise or low-rise apartment, townhouse, freehold or detached house, office complex or commercial mall – any configuration of buildings.
- There are three primary types:
 - Standard Condominium
 - Vacant Land Condominium
 - Common Elements Condominium
- Process similar to Draft Plan of Subdivisions



Draft Plan of Condominium

Standard Condominium

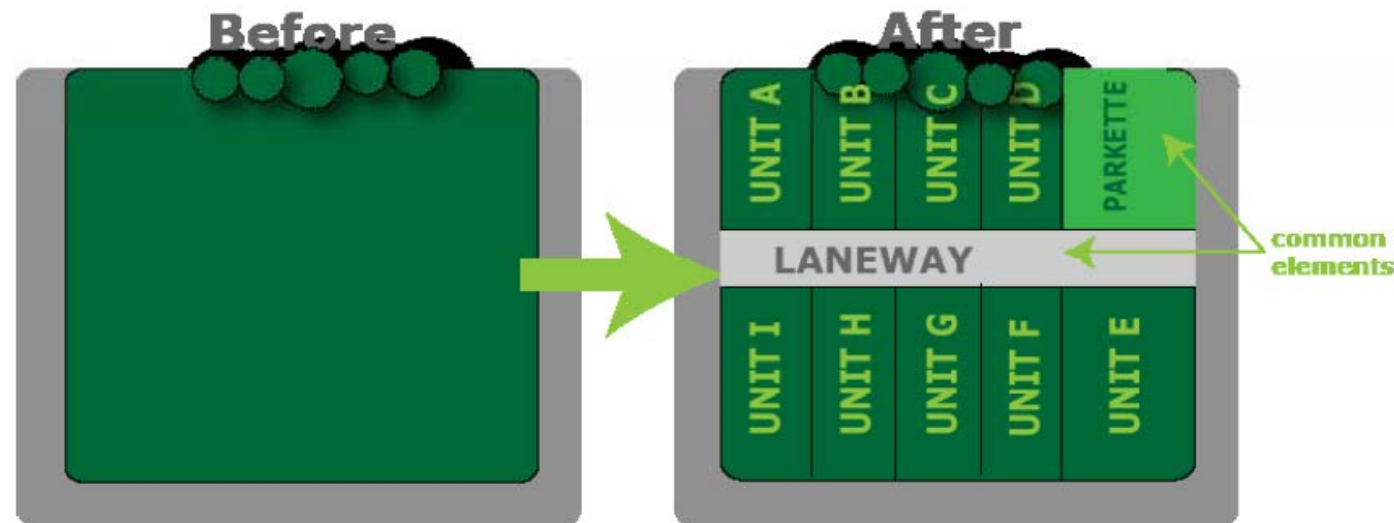
The applicant proposes to convert an existing warehouse building into a commercial mall with three individually owned units and shared ownership and maintenance of parking, driveway and landscaping areas.



Draft Plan of Condominium

Vacant Land Condominium

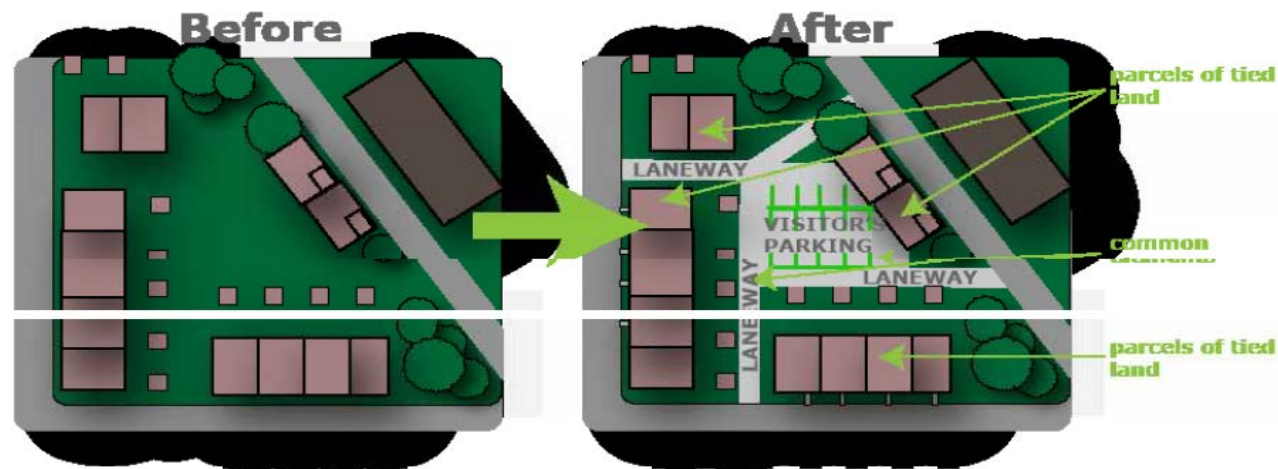
Units in a vacant land condominium are effectively vacant lots upon which buildings will be located after the condominium is registered.



Draft Plan of Condominium

Common Elements Condominium

Consists only of common elements (e.g., a laneway or amenity space), with no units. The owners of common interest are owners of freehold parcels of tied land (POTL) which are not part of the condominium property.



Site Plan Approval

- Site plan Control Bylaw governs the site plan process
- No Public Meeting but signage is required if is not related to other applications
- No 3rd party appeal process
- Site Plan Agreement and registered on title
- Staff is the approval authority to all types of site plan application



Site Plan Approval

General Site Plan details and considerations:

- consideration given to suitability of land for proposed use;
- location of buildings and structures;
- relationships between buildings;
- building design/elevations;
- landscaping (attractive/sustainable);
- grading information;
- access, parking and loading facilities;
- garbage handling facilities;
- walkways, lighting and fencing; and
- signage

For residential development less than 10 units – Bill 23 eliminated the ability to regulate architectural details and landscape design



Committee of Adjustment

Minor Variance

- The Committee of Adjustment is a Committee appointed by Council comprised of five residents of the Town that meet on a monthly basis.
- The Committee has the power to grant changes to the Zoning By-law which does not conform to the existing Zoning By-law.
- The *Planning Act* provides four tests that a minor variance must meet:
 - o Is the application minor?
 - o Is the application desirable for the appropriate development of the lands in question?
 - o Does the application conform to the general intent of the zoning bylaw?
 - o Does the application conform to the general intent of the official plan?

Committee of Adjustment

Consent

- The Committee has the power to approve Consent Applications such as:
 - o Created a limited number of new lots (lot creation)
 - o Add land to a neighbouring lot (lot addition)
 - o Create one or more right of way (easements)
 - o Change over a part of property (mortgage)
 - o Enter into a lease over 21 years inclusive of renewal options

Heritage Planning in Aurora

Heritage Planning is the function of managing change to ensure the conservation of the Town's cultural heritage resources. A variety of municipal and provincial policies are used to protect our heritage resources, including:

- The Town of Aurora's Official Plan - Heritage Policies
- The Ontario Heritage Act
- The Planning Act and its associated Provincial Policy Statement
- Strategic Plan

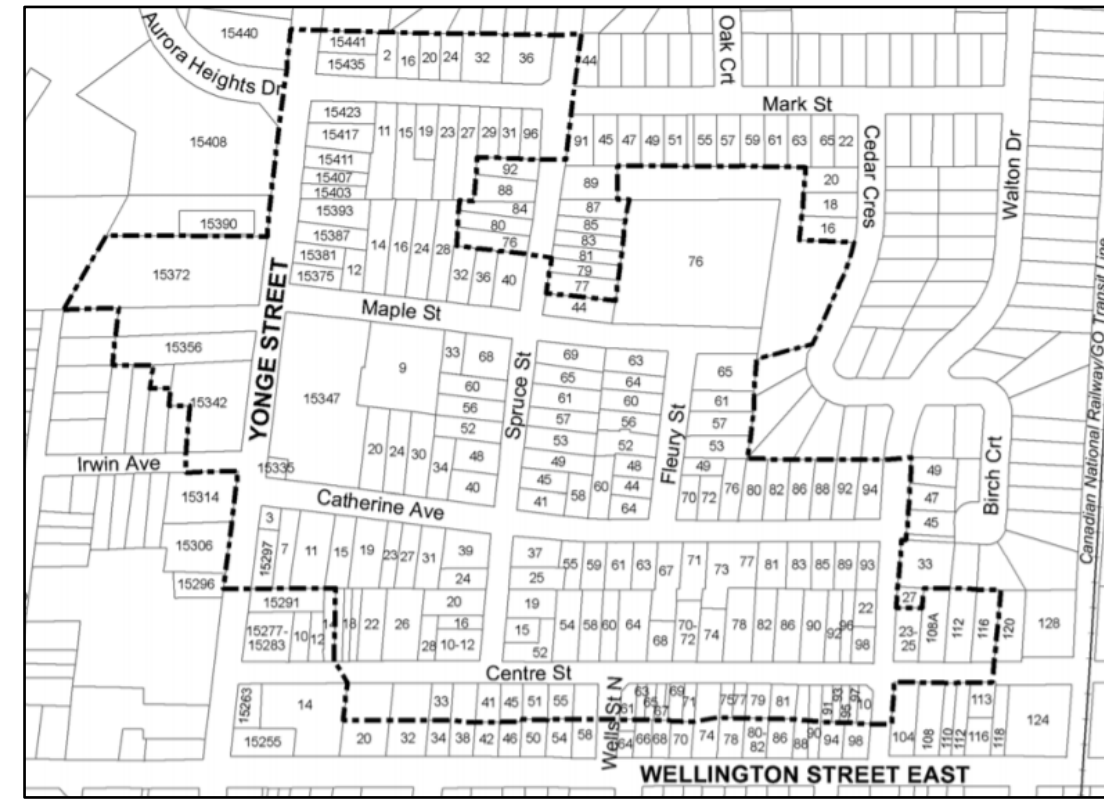
The Town can pass bylaws to designate properties of cultural heritage value or interest or larger groups of properties known as a heritage conservation districts



Heritage Planning in Aurora

Heritage Advisory Committee (HAC)

- The evaluation and preservation of heritage resources is guided by the Town's HAC
- The HAC considers new properties to be added to the Heritage Register based on the architectural, historic or contextual value of a property and review development applications to ensure heritage assets are being preserved
- Aurora has a variety of individually designated heritage properties as well as the Northeast Old Aurora Heritage Conservation District



Ontario Land Tribunal (OLT)

- The OLT is an adjudicative tribunal that hears cases in relation to a range of municipal planning and land use matters.
- The Tribunal has the power to allow or dismiss an appeal, repeal or amend a by-law and approve, modify or refuse to approve all or part of a plan or amendment.



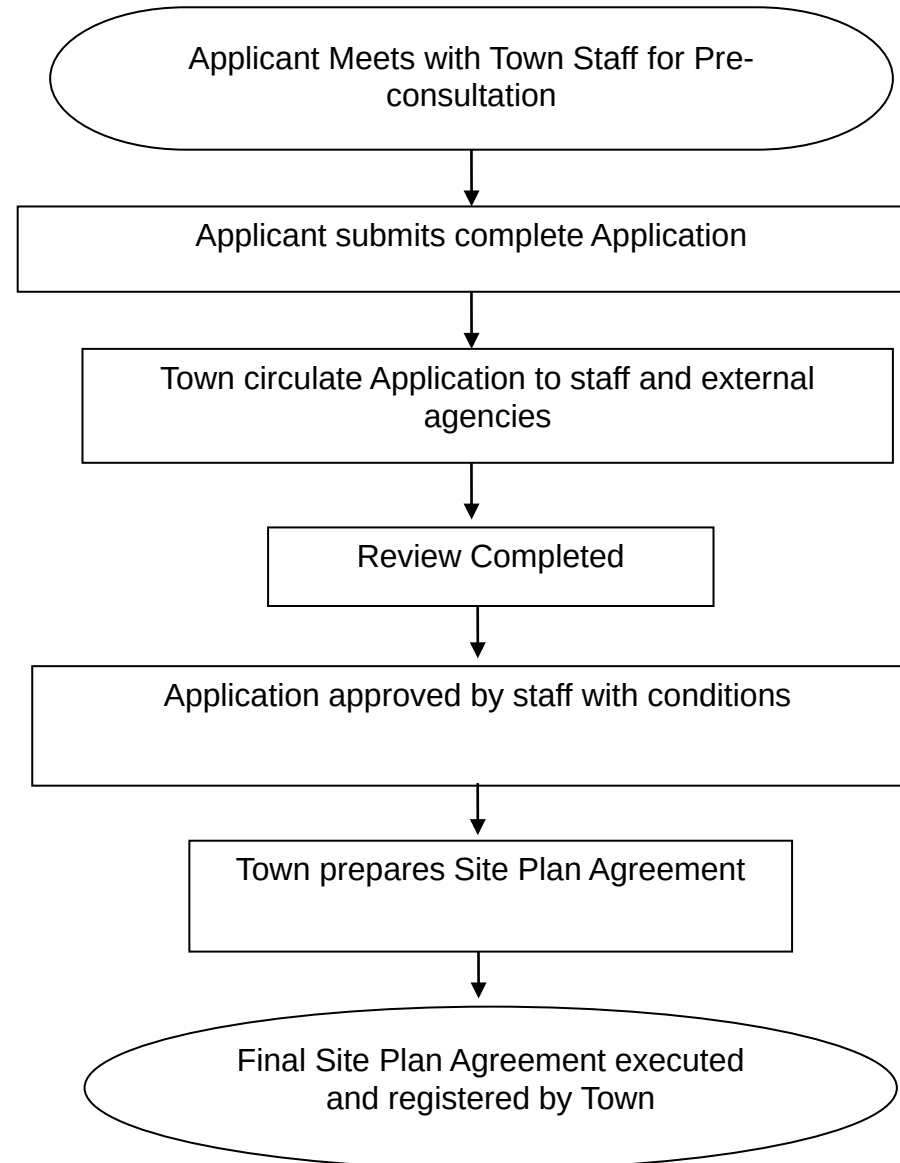
Application Process

The proceeding slides highlights the basic process for the various development application types:

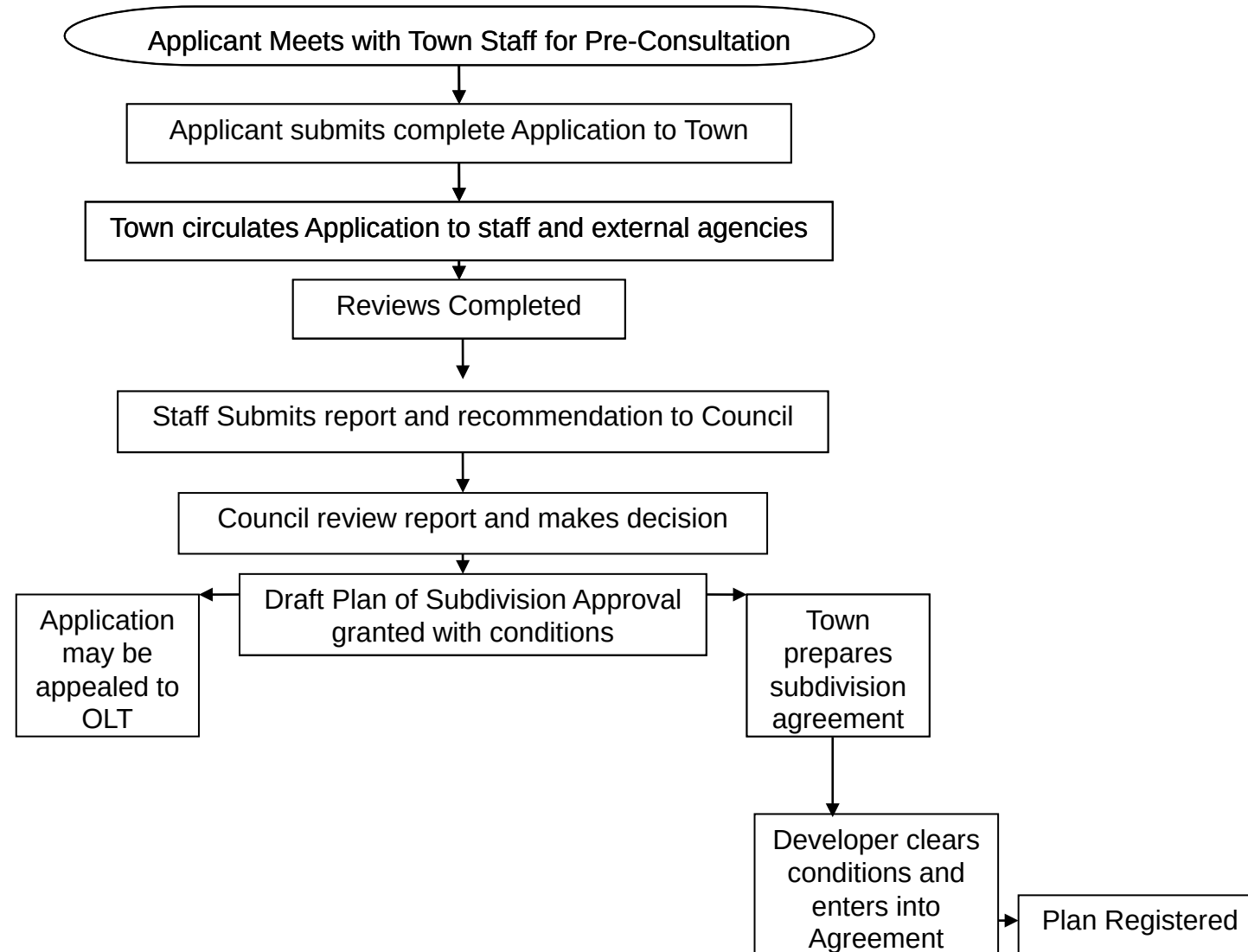
- Draft Plan of Subdivision
- Zoning Bylaw Amendment
- Official Plan Amendment
- Site Plan Approval



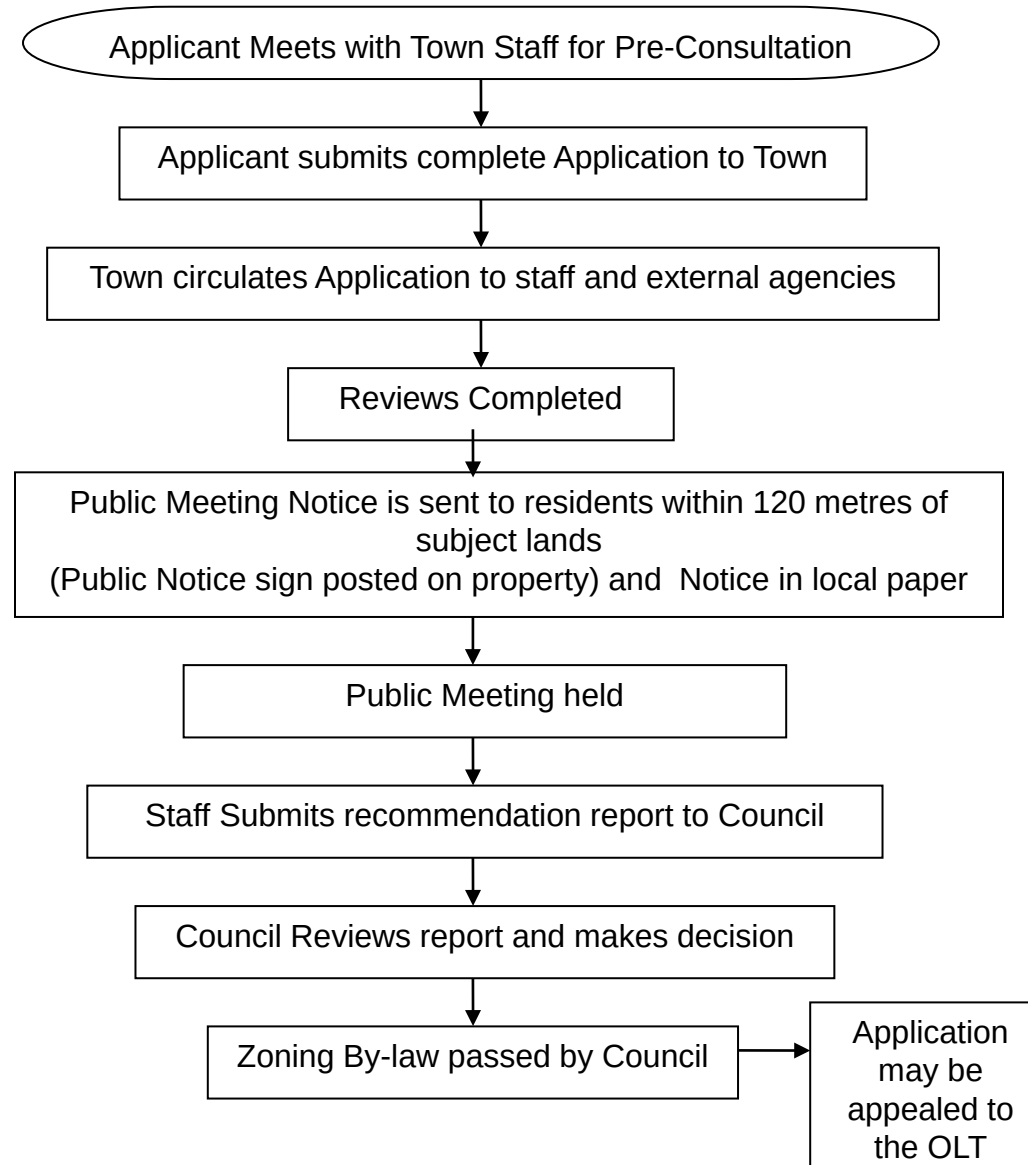
Site Plan Approval Process



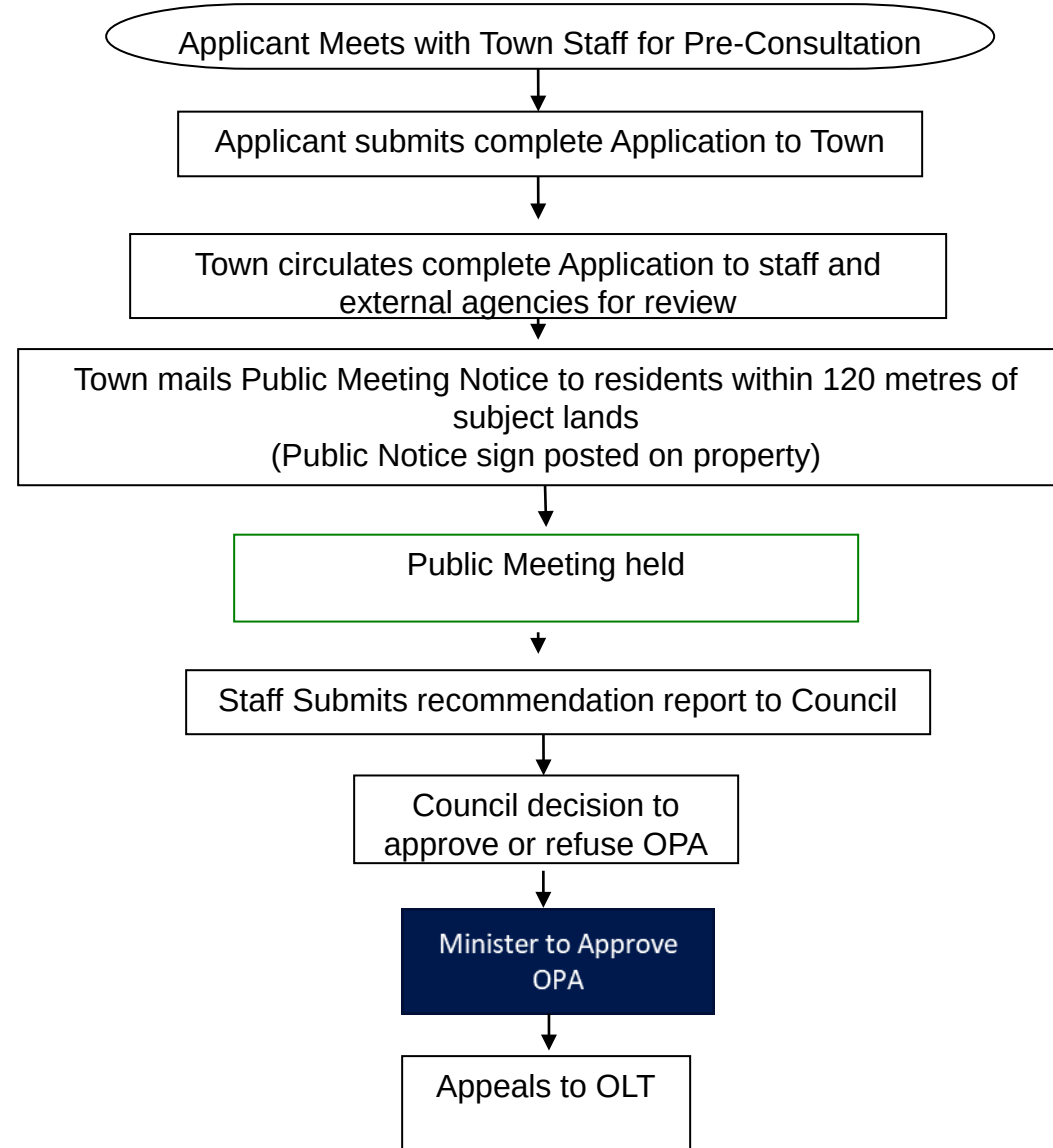
Plan of Subdivision Approval Process



Zoning Bylaw Amendment Process



Official Plan Amendment Process





Thank You

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