

## **Additions & Corrections to the Agenda**

Additional items to this Agenda are shown under the Addendum header.

## **Declarations of Pecuniary Interest**

## **Presentations & Recognitions**

1. PowerPoint Presentation by the Director of Legislative Services/Town Clerk regarding Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 with respect to Appointment of Municipal Ombudsman. (Related to Item 4) p. 1
2. PowerPoint Presentation by the Deputy Clerk regarding Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 with respect to the Code of Conduct for Members of Council. (Related to Item 5) p. 16

## **Deputations**

3. Mr. Glenn Wilson and Ms. Anne Martin, Chair and Co-Chair of Main Street District Business Improvement Area Board of Management to address the Committee regarding 'BIA Year in Review'.

## **Consent Items (Items #4 to 18, 21 to 25)**

4. Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 regarding Appointment of Municipal Ombudsman. p. 24

The Commissioner of Corporate Services and the Director of Legislative Services/Town Clerk recommends:

a) THAT Corporate Services Report - Legislative Services 2016-02 dated January 28, 2016 regarding 'Appointment of Municipal Ombudsman' be received and the following recommendations be adopted:

i) THAT Council appoint ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2021;

ii) AND THAT a by-law be brought forward to Council appointing ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2021 in accordance with Section 223.13 (1) of the Municipal Act, 2001;

iii) AND THAT the Mayor and Clerk be authorized to execute an agreement with ADR Chambers Incorporated to provide Ombudsman Services on a fee for service basis for the period March 1, 2016 to December 31, 2021;

iv) AND THAT the Clerk provide Ms. Barbara Finlay, Acting Provincial Ombudsman and Mr. Paul Ferguson, President, Newmarket-Tay Power Distribution Limited the York Region municipalities with a copy of Council's resolution on this matter for their information.

5. Corporate Services Report - Legislative Services 2016-05 dated February 11, p. 32 2016 regarding Draft Code of Conduct for Members of Council.

The Commissioner of Corporate Services and the Director of Legislative Services/Town Clerk recommend:

a) THAT Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 regarding Draft Code of Conduct for Members of Council be received and the following recommendations be adopted:

i) THAT Council approve the draft Code of Conduct for Members of Council (attached as Appendix B);

ii) AND THAT subject to further Council direction, a By-law establishing a Code of Conduct for Members of Council be considered at the February 29, 2016 Council meeting;

iii) AND THAT in addition to general public notice, individuals who previously provided input on the Code, and where contact information is available, be notified directly.

6. Corporate Services Report - Legislative Services 2016-07 dated February 8, p. 61 2016 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall.

The Commissioner of Corporate Services and the Director of Legislative Services/Town Clerk recommend:

a) THAT Corporate Services Report - Legislative Services 2016-07 dated

February 8, 2016 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall be received and the following recommendations be adopted:

i) THAT the application be approved subject to the following terms:

ii) THAT the license be issued for a period of seven consecutive days from May 10 to May 16, 2016 to permit the setting up and dismantling of amusement devices;

iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

7. Corporate Services Report - Financial Services 2016-07 dated February 22, p. 63 2016 regarding the delegation of authority for a tax relief application.

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-07 dated February 22, 2016 regarding the delegation of authority to the Assessment Review Board (ARB) be received and the following recommendations be adopted:

i) THAT the attached By-law be approved;

ii) AND THAT a certified copy of the By-law be forwarded to the Registrar of the Assessment Review Board.

8. Development and Infrastructure Services - Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 429/445 Harry Walker Parkway South, Regional Municipality of York. p. 71

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by the Regional Municipality of York for lands being municipally known as 429 and 445 Harry Walker Parkway South be referred to a

public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Ms. Lauren Capilongo, Malone, Given Parsons Ltd., 140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3 be notified of this action.

9. Correspondence dated January 21, 2016 from Ms. Karen Beaulieu, Fundraising Specialist, Canadian Cancer Society requesting an exemption from the Noise By-law on June 24, 2016 from 6:00 p.m. to 12:00 a.m. for the 2016 Relay for Life event at Pickering College. p. 79

Recommendations:

a) THAT the correspondence dated January 21, 2016 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society requesting an exemption from the Noise By-law for the 2016 Relay for Live event at Pickering College on June 24, 2016 from 6:00 p.m. to 12:00 a.m. be received and approved subject to notification being provided to area residents:

i) AND THAT Ms. Beaulieu be notified in this regard.

10. Newmarket Public Library Board Minutes of December 16, 2015. p. 80

The Newmarket Public Library Board recommends:

a) THAT the Newmarket Public Library Board Minutes of December 16, 2015 be received.

11. Appointment Committee Minutes of February 8, 2016. p. 83

The Appointment Committee recommends:

a) THAT the Appointment Committee Minutes of February 8, 2016 be received.

12. Item 2 of the Appointment Committee Minutes of February 8, 2016 regarding Resignation from the Newmarket Environmental Advisory Committee. p. 86

The Appointment Committee recommends:

a) THAT staff be directed to advertise the vacancy on the Newmarket



Environmental Advisory Committee in accordance with the Committee Public Appointment Policy.

13. Item 3 of the Appointment Committee Minutes of February 8, 2016 regarding Accessibility Advisory Committee. p. 87

The Appointment Committee recommends:

a) THAT staff be directed to advertise the vacancy on the Accessibility Advisory Committee in accordance with the Committee Public Appointment Policy.

14. Item 4 of the Appointment Committee Minutes of February 8, 2016 regarding Heritage Newmarket Advisory Committee. p. 88

The Appointment Committee recommends:

a) THAT the Council Extract regarding Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 be received;

b) AND THAT the current composition of Heritage Newmarket be maintained and that community volunteers be engaged to assist with special projects, where possible, to educate those volunteers on the role of Heritage Newmarket and in an effort to build capacity for future years.

15. Correspondence dated February 2, 2016 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of January 26, 2016 - Motion - Ontario Municipal Board Jurisdiction. p. 89

Recommendation:

a) THAT the correspondence dated February 2, 2016 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of January 26, 2016 - Motion - Ontario Municipal Board Jurisdiction be received.

16. Correspondence dated January 25, 2016 from Mr. Michael Dukart, Tournament Chairman, Newmarket House League Hockey Committee requesting proclamation of March 16 to March 19, 2016 as 'House League Hockey Week'. p. 91

Recommendations:

a) THAT the correspondence from Mr. Michael Dukart, Tournament Chairman be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March 16 to 19, 2016 as 'House

League Hockey Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

17. Correspondence dated January 19, 2016 from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch requesting proclamation of March 7 to 13, 2016 as 'Social Work Week' in the Town of Newmarket. p. 93

Recommendations:

a) THAT the correspondence from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March 7 to 13, 2016 as 'Social Work Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

18. List of Outstanding Matters. p. 94

Recommendation:

a) THAT the list of Outstanding Matters be received.

## **Action Items**

## **Reports by Regional Representatives**

## **Notices of Motion**

## **Motions**

19. Councillor Hempen: THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive; p. 101

AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.

## **New Business**

## **Closed Session (if required)**

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

## **Public Hearing Matters**

None.

## **Addendum (Additions and Corrections)**

- 20. 'BIA Year in Review' Information Script (Related to Item 3) p. 102
- 21. Mr. Vince Naccarato of Kindwin Markham Limited to address the Committee regarding Rita's Avenue/Yonge Street Walkway. p. 104
- 22. Development and Infrastructure Services - Planning and Building Services Report 2016-05 dated February 22, 2016 regarding Development Charge Credits and Tri-Party Agreements. p. 105

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-05 dated February 22, 2016 regarding development charge credits and tri-party agreements be received and the following recommendation be adopted:

i) THAT the position taken by staff relative to mutually-beneficial Tri-Party Agreements in the floodplain be approved as it relates to Development Charges.

- 23. Correspondence dated February 3, 2016 from Ms. Claudia Cozza, Executive Director, Epilepsy York Region requesting proclamation of March, 2016 as 'Epilepsy Awareness Month' and March 26, 2016 as 'Purple Day' in the Town of Newmarket. p. 109

Recommendations:

a) THAT the correspondence from Ms. Claudia Cozza, Executive Director, Epilepsy York Region be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March, 2016 as 'Epilepsy Awareness Month' and March 26, 2016 as 'Purple Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

24. Ms. Lauren Capilongo, Malone Given Parsons Ltd. to address the Committee regarding an Application for Official Plan and Zoning By-law Amendment - 429/445 Harry Walker Parkway South (Related to Item 8) p. 110
25. Central York Fire Services Joint Council Committee Minutes of January 12, 2016. p. 111

The Central York Fire Services Joint Council Committee recommends:

THAT the Central York Fire Services Joint Council Committee Minutes of January 12, 2016 be received.

26. Item 2 of the Central York Fire Services Joint Council Committee Minutes of January 12, 2016 regarding Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy. (Fire Services Report 2015-09 and associated Memo are attached for reference purposes) p. 115

The Central York Fire Services Joint Council Committee recommends:

a) THAT the Central York Fire Services Joint Council Committee (JCC) recommend Option 4 as the preferred staffing strategy;

b) AND THAT JCC request the release of operating budget funds from a Town of Newmarket reserve account in order to initiate a multi-year hiring program which will enable Central York Fire Services to appropriately deal with emergency situations in Aurora and Newmarket.

27. Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016.

The Central York Fire Services Joint Council Committee recommends:

THAT the Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016 be received.

## **Adjournment**

# Appointment of Municipal Ombudsman

Committee of the Whole  
February 22, 2016



## Purpose

- Outline impact of Bill 8, *Public Sector & MPP Accountability and Transparency Act, 2014* (the Act) on the Town; and,
- Background on the recommendation to appoint a Municipal Ombudsman with oversight of the Town, applicable local boards & Newmarket-Tay Power Distribution, Ltd.

## Background

- Royal Assent received December 11, 2014
- The purpose of the Act is to enhance & strengthen current local accountability & transparency measures
- Act amends 11 statutes, including:
  - *Municipal Act*
  - *Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)*
- Key impacts to Town effective January 1, 2016:  
Corporate records & authority of the PO

## Corporate Records

- Amendments reinforce standards for municipal records preservation, retention & access
- MFIPPA amended to require Clerk to take reasonable measures to ensure records preserved in accordance with records retention policy
- Establishes an offence for altering, concealing or destroying a record with intention of denying right of access under an MFIPPA request (\$5K fine, 2-year limitation period)



# Corporate Records

## Achievements

- Records Retention Policy (2012)
- Departmental training, Corporate Records Committee (2012, ongoing)
- Protection of Personal Information Policy (2014)
- Routine Disclosure of Records Policy (2015)
  - Searchable FOI records web page
  - Summary of FOI activities web page

# Provincial Ombudsman



## Background

- Ombudsman Swedish for “citizen representative”
- Focus on administrative conduct, such as ensuring quality & fair access to services
- Broader systemic issues
- Office of “last resort”
- Provincial Ombudsman (PO) does not “advocate” for complainants

# Provincial Ombudsman

## Background

- Not all PO complaints result in an investigation (i.e., many complaints dealt with through an early resolution process)
- PO cannot overturn decisions of the Town & local accountability officers
- Bill 8 does not effect existing Closed Meeting Investigator appointment (LAS)
- PO does not duplicated the work of local officials, including local accountability officers
- PO makes non-binding recommendations to the Town, without penalties

# Provincial Ombudsman

## Jurisdiction

- Unless a municipality appoints a Municipal Ombudsman, has authority to investigate a municipality, local board or municipally-controlled corporations

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## Exceptions

- Complainant must exhaust an existing right of appeal, hearing by court or tribunal or review process first
- Legal advice not subject to review

# Provincial Ombudsman



Accountability Officer	When PO can investigate
Closed Meeting Investigator	Where accountability officer has refused to investigate or conducted & concluded an investigation or an applicable time limit has concluded
Integrity Commissioner	
Lobbyist Registrar	
Auditor General	
Municipal Ombudsman	

## Provincial Ombudsman

- PO must inform Mayor & give Town an opportunity to make representations if PO has grounds to make recommendations which adversely affect Town
- *Council's* discussion re: ongoing PO investigation or Closed Meeting Investigator shall be closed to public
- PO funded by Provincial Budget. Additional 50 staff will be recruited (increase of \$7.2 million budget) to support new mandate

## Municipal Ombudsman

- PO has indicated strong support for local accountability officers (e.g., Municipal Ombudsman) & local complaint mechanisms
- Similar mandate as PO for Town, local boards & municipally controlled corporations
- PO retains jurisdiction over Newmarket Public Library Board



## Municipal Ombudsman

- York Region issued RFP for Municipal Ombudsman services with cooperative purchasing clause
- Improved coordination of local complaints, understanding of local context reflected in recommendations & capacity to respond
- Regional Council appointed ADR Chambers as Municipal Ombudsman for a five (5) year term
- Recommend appointment of a Municipal Ombudsman, with oversight of the Town, applicable local boards & Newmarket-Tay Power Distribution, Ltd.



# Municipal Ombudsman



## ADR Chambers

- 20 years experience: arbitration & investigation services in public & private sectors
- Bank ombudsman for Royal Bank of Canada, TD Bank & Direct Cash Bank
- Ombudsman services for Financial Services Commission of Ontario
- Integrity Commissioner for the City of Markham
- \$12K annual retainer: paid by York Region
- \$250/hr service fee: paid by Town
- Optional \$4K annual report: paid by Town

## Next Steps

- Clear, consistent complaint protocols (e.g., policy, staff training) help to reduce involvement of PO, Municipal Ombudsman
- Customer Complaint Policy & related protocols to come forward to Committee of the Whole
- Staff training program in development
- Staff to work with ADR Chambers to develop complaint intake process
- Orientation for local boards & Newmarket-Tay Power Distribution, Ltd.

Questions?



# **Draft Code of Conduct for Members of Council**

**Presentation to  
Committee of the Whole  
February 22, 2016**



# Purpose



Code Review Process/Background

Additional Information Requested

Review of Amendments to Draft Code

Next Steps

# Integrity Commissioner Expenses



Year	Investigations/Invoices	Total Expenses
2013	1 – investigation commenced in 2012 and concluded in 2013 1 – investigation commenced and concluded in 2013	\$10,447.20
2014	1 – investigation commenced, ongoing in 2015	No invoice in 2014
2015	1 – ongoing investigation concluded in 2015 1 – IC Invoices re. draft Code review	\$4,276.68

# Ethic Scan Supplemental Report



	Initiative and Consultant's Points	Staff Comments
1	Apply code to spouses, family members and business partners (3)	The Municipal Act does not apply to spouses, family members and business partners; therefore, cannot be enforced if included in the Code (n/a)
2	Apply provisions to other agencies, boards and commissions (1)	Not included in Code – included in Committee Administration Policy (1)
3	Address non pecuniary conflicts (2.5)	Not included in Code and may be addressed in new legislation (n/a)
4	Outright ban on all gifts (3)	Included in Code as recommended (3)
5	Establish a routine gifts registry (1.5)	If no gift permitted, no gift registry required (n/a)
6	Allow Member to Member complaints (3)	Included in Code as recommended (3)
7	Disallow complaints during election period (2)	Not included in Code as IC can dismiss politically motivated complaints, allowing complaints with merit to be heard at any time (n/a)
8	Specify more specific service timetable warranties at all stages of normal complaint process (2)	Current text sets out clear timeframes for complaints and services level expectations (2)
9	Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas (3)	Not included in Code. Process to provide guidance to Members and is not intended to be part of the Code (n/a)



# Ethic Scan Supplemental Report



	Initiative and Consultant's Points	Staff Comments
10	Allow IC to provide advice on Municipal Conflicts of Interest (2.5)	Provision in Code to disallow IC advice to Members on Municipal Conflict of Interest. Legal opinion provided stating that giving of such advice is outside IC's jurisdiction. Approach supported by current IC (n/a)
11	Provide more clarity on process of accepting and resolving informal complaints (2.5)	Not included in Code. Draft Code ensures complaints are dealt with confidentially and at arms-length from the municipality (n/a)
12	Ensure IC's report not be made public (1)	Not included in Code. It is a legislated requirement under the Municipal Act for the IC's report to be made public. The complainant's information is not included in the report (n/a)
13	Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law (2.5)	Not included in the Code. Case law has not determined the precise scope of permissible remedial measures. Legal advice provided that additional penalties could be found outside the jurisdiction of the Town to impose. Does not prevent IC from including additional penalty recommendations and is not required to be included in Code (n/a)
14	Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes (2.5)	Included in Code. Although not considered a substantive matter, the recommendation can be easily implemented (2.5)
15	Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed (0)	Not included in Code – alternate option recommended. Future opportunities and measures in support of an informal program of ongoing ethics education and guidance to Members of Council will be considered by staff in consultation with the IC (2.5)
16	Establish a formal Lobbyist Registry (2.5)	Not included in Code – alternate option recommended. Municipalities may adopt lobbying measures for specific circumstances such as large dollar value procurement of goods and services. Town will continue this practice as required (2.5)
17	Mandate lobbyists with responsibility to disclose local lobbyist activity (2.5)	Not included in Code. No jurisdiction to mandate lobbyists within Code (n/a)
18	Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity (1.5)	Included in Code. Definition has been included for Community Groups and Organizations and clearer wording has been provided in Code in relation to use of resources. Alternate option - policies will also be amended to provide clearer guidance regarding use of corporate resources during elections (1.5)
19	Implement an ongoing Transparency and Accountability Committee of Council (2.5)	Not included in Code – alternate option recommended. Policies and practices related to accountability and transparency are brought forward to Council as a whole through Committee of the Whole and Council with an opportunity for public input. Council direction would be required to consider such a Committee (2.5)



# Amendments to Draft Code



- Definitions
- New Section Recommended – Transparency and Openness in Decision Making
- Section 5 – Access to Information and Confidentiality
- Section 6 – Undue Use of Influence
- Section 7.2 – Staff Relations
- Section 10 – Political Activity
- Section 11- Participation in Community Groups and Organizations and Their Events
- Section 14 – Social Media
- Section 16 – Complaint Process

## Next Steps



By-law establishing a Code of Conduct for Members of Council to be adopted at the February 29, 2016 Council meeting;

Applicable policy amendments to be brought forward in Q2, 2016;

Council to consider creating an Accountability and Transparency Committee - Council to provide direction as part of future committee review;

Develop an informal program of ongoing ethics education and guidance to Members of Council; and,

Council to consider measures which respond to lobbying of Member of Council – lobbying measures for specific circumstances such as large dollar value procurement of goods and services will continue as required.

# Council Feedback



- Comments or Questions

January 28, 2016

**JOINT OFFICE OF THE CAO & CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT  
2016-02**

TO: Mayor Van Bynen and Members of Council  
SUBJECT: Appointment of Municipal Ombudsman  
ORIGIN: Andrew Brouwer, Director of Legislative Services/ Town Clerk

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**RECOMMENDATIONS**

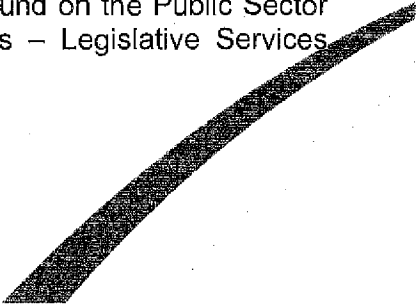
**THAT Joint Office of the CAO and Corporate Services Report – Legislative Services 2016-02 dated January 28, 2016 regarding “Appointment of Municipal Ombudsman” be received and the following recommendations be adopted:**

- 1. THAT Council appoint ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2021;**
- 2. AND THAT a by-law be brought forward to Council appointing ADR Chambers, Inc. as municipal ombudsman for the Town of Newmarket and applicable local boards and Newmarket-Tay Power Distribution Limited for the period of March 1, 2016 through December 31, 2021 in accordance with Section 223.13 (1) of the Municipal Act, 2001;**
- 3. AND THAT the Mayor and Clerk be authorized to execute an agreement with ADR Chambers Incorporated to provide Ombudsman Services on a fee for service basis for the period March 1, 2016 to December 31, 2021;**
- 4. AND THAT the Clerk provide Ms. Barbara Finlay, Acting Provincial Ombudsman and Mr. Paul Ferguson, President, Newmarket-Tay Power Distribution Limited and the York Region municipalities with a copy of Council’s resolution on this matter for their information.**

**COMMENTS**

**Background**

In July, 2014 Bill 8 (the proposed Public Sector and MPP Accountability and Transparency Act, 2014) was introduced to the Legislature and in December, 2014 the legislation received Royal Assent. The legislation amends several existing statutes, including the Municipal Act, 2001; the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA); and the Ombudsman Act. For background on the Public Sector and MPP Accountability and Transparency Act, 2014, see Corporate Services – Legislative Services Information Report 2015-18, attached as Appendix A.



The Public Sector and MPP Accountability and Transparency Act, 2014 expanded the jurisdiction of the Provincial Ombudsman to include municipalities, public library boards and municipal service corporations under their jurisdiction.

The Provincial Ombudsman's jurisdiction exists by default, unless the Town appoints a municipal ombudsman who would have jurisdiction over the municipality, local boards (excludes the Newmarket Public Library Board) and any municipal service corporations under their jurisdiction (Newmarket-Tay Power Distribution, Limited).

A municipal or the Provincial Ombudsman will:

- Independently receive, review and investigate complaints that are the result of an act, decision or recommendation done or omitted in the course of the administration of the Town;
- Maintain the confidentiality of complainants and the matters relating to an investigation unless such matters should be disclosed to establish grounds for their conclusions and recommendations;
- Act at arm's length from the Town and Council but will provide an annual report on its activities and periodic reports that are the result of an investigation.

A municipal or the Provincial Ombudsman cannot investigate any decision, recommendation, act or omissions:

- 1) Where there is a right of appeal or objection, or right to apply for a hearing or review by a tribunal or court until this right has been exercised; and
- 2) Of any legal adviser or person acting as legal counsel to the public sector body.

This means that municipal services governed by other legislation with established appeal and tribunal processes would require the complainant to exercise and exhaust all rights established in the complaints process before an ombudsman may be engaged. In addition, an ombudsman will direct complainants to follow any complainant policies and protocols established by the municipality first, before becoming involved as an "office of last resort".

The Provincial Ombudsman has stated: "we strongly encourage municipalities to put local complaint mechanisms in place, because it is in the public interest to ensure citizens can get help with local issues in their communities. Our Office does not replace any local integrity commissioner, ombudsman, or other office that deals with complaints, but we can review decisions of those bodies to ensure the appropriate policies and procedures were followed" (<https://ombudsman.on.ca/About-Us/Who-We-Oversee/Municipalities.aspx>).

York Region issued a Request for Proposal (RFP) for Ombudsman Services on October 29<sup>th</sup>, 2015. This closed on November 19<sup>th</sup>, 2015. Included in this RFP was a cooperative purchasing arrangement under which the local municipalities may choose to appoint the selected proponent, within the term of the contract, for the same terms and conditions, including price, under a separate agreement.

Participation in the cooperative purchasing arrangement gives the Town the option to appoint the Region's selected proponent, appoint a different local Ombudsman, or choose to rely upon the Provincial Ombudsman for service. Appointment of the same municipal ombudsman in York Region ensures complaints are coordinated between York Region, the Town and Newmarket-Tay Power Distribution, Limited. A municipal ombudsman will have the capacity to understand how local services are organized and delivered and form recommendations which take into consideration the local context.

Two proposals were evaluated by a panel composed of York Region staff and two representatives from the local municipalities. Three firms submitted proposals. One firm was disqualified for being non-compliant with the terms of the RFP. The RFP addressed a broad range of considerations including complaint

management and confidentiality, resources, customer service standards, scalability of services and costs among other things.

ADR Chambers, Inc. was the successful proponent. The firm has over 20 years of experience providing mediation, arbitration and investigation services for both the public and private sectors in Canada and internationally. Since 2008, ADR Chambers Inc. has been the bank ombudsman for the Royal Bank of Canada, TD Bank and DirectCash Bank and has been providing similar Ombudsman services to the Financial Services Commission of Ontario. They are also certified by the Government of Canada as only one of two approved external complaint bodies for the financial service sector in Canada. In addition, ADR Chambers, Inc. serves as Integrity Commissioner for the City of Markham.

ADR Chambers, Inc. addresses approximately 20,000 mediations and over 5,000 arbitrations annually. Currently, ADR Chambers, Inc. employs 50 persons and engages 40 consultants.

At its meeting on December 17<sup>th</sup>, 2015, the York Region Council approved the appointment of ADR Chambers, Inc. as the municipal ombudsman for the Region of York and authorized entering into an agreement with ADR Chambers, Inc. for the provision of municipal ombudsman services from January 1<sup>st</sup>, 2016, to December 31<sup>st</sup>, 2021. While the initial term of the appointment is five years, Newmarket Council has the discretion to renew the contract for one (1) additional five (5) year term. ADR Chambers, Inc. is prepared to commence municipal ombudsman services immediately.

Under the terms of the contract, York Region and the Town of Newmarket both retain the right to terminate the contract for unsatisfactory performance at any time, or without cause upon giving at least 30 days written notice. Performance may be reviewed throughout the duration of the contract.

The Town of Newmarket may choose to enter into an agreement with ADR Chambers, Inc. for the provision of municipal ombudsman services under the same terms and conditions as York Region.

Staff recommend that Council appoint ADR Chambers, Inc. as the municipal ombudsman for the Town and applicable local boards. Town staff will work with other municipalities contracting with ADR Chambers, Inc. and the municipal ombudsman to develop required policies and administrative protocols.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The initiative relates to the Well-equipped and managed link of the Town's Community Vision-implementing policy and processes that reflect sound and accountable governance.

### **CONSULTATION**

The Office of the CAO and the Human Resources, Legal Services and Procurement Services departments as well as the President of Newmarket-Tay Power Distribution, Limited were consulted in the preparation of this report.

Staff also consulted with legal services and municipal clerks staff in York Region and its lower tier municipalities as well as staff from of the office of the Ombudsman for the City of Toronto and the Provincial Ombudsman's office.

### **HUMAN RESOURCES IMPACT**

As a new regime, there will be additional staff time required to support the statutory duties of a municipal ombudsman. Existing ombudsman offices have indicated that the majority of complaints considered by their offices are resolved informally through an early resolutions process, with limited municipal staff

involvement. More extensive investigations will involve more staff time, in particular the affected business units. The Legislative Services Department will act as a liaison between the municipal ombudsman, staff and Council, in addition to providing the necessary tracking, coordination and training related this new statutory regime. Staff impacts will be monitored and evaluated as the new regime unfolds.

### **BUDGET IMPACT (CURRENT AND FUTURE)**

Should Council approve ADR Chambers, Inc. as its municipal ombudsman for a five (5) year contract, York Region has agreed to cover the cost of a \$12,000 annual retainer. The Town would be responsible for a \$250 hourly service fee should it receive a complaint about Town or local board services. Newmarket-Tay Power Distribution, Limited would be responsible for a \$250 hourly service fee should it receive a complaint about local hydro services. If there are no complaints made to or investigated by ADR Chambers Inc., there will be no costs incurred. As such, potential costs can be reduced by ensuring clear and effective complaint management protocols and policies to resolve complainants before escalation to the municipal ombudsman.

The Town may also optionally request ADR Chambers Inc. to produce an annual report summarizing their activities for the year, at a rate of \$4,000 for each annual report requested by the Town. It is not a requirement to produce an annual report, the necessity of which will be determined based on the number of investigations in the year.

The CAO contingency budget would cover municipal ombudsman costs for 2016. Once 2016 budget impact is assessed, a new budget account would be created for future years.

Should Council chose to default to the Provincial Ombudsman, costs would be allocated to the Provincial Budget.

### **CONTACT**

For more information on this report, please contact Andrew Brouwer, Director of Legislative Services/Town Clerk at [abrouwer@newmarket.ca](mailto:abrouwer@newmarket.ca) or at 905-953-5300, ext. 2211.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anita Moore, Commissioner of Corporate Services



Bob Shelton, Chief Administrative Officer



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December 14, 2015

## CORPORATE SERVICES INFORMATION REPORT- LEGISLATIVE SERVICES #2015-18

TO: Mayor Van Bynen and Members of Council

SUBJECT: Public Sector & MPP Accountability & Transparency Act, 2014 Implementation ("Bill 8")

ORIGIN: Legislative Services

### COMMENTS

This Information Report outlines the implications of the Public Sector and MPP Accountability and Transparency Act, 2014 ("Bill 8") for the Town and activities staff have been undertaking to support the introduction of this legislation. A report will come forward in early 2016 to address the option of appointing a municipal ombudsman and a corporate policy and/or protocols related to managing customer complaints (subject to approval by senior leadership).

In accordance with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming Committee of the Whole or Council agenda for discussion.

### Background

In July, 2014 Bill 8 was introduced to the Legislature and in December, 2014 the legislation received Royal Assent. The legislation amends several existing statutes, including the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Ombudsman Act.

Two aspects of Bill 8 are most relevant to the Town, both of which come into effect on January 1, 2016:

- Preservation and retention of corporate records. Bill 8 amends MFIPPA to require that the Clerk take reasonable measures to ensure records are preserved in accordance with records retention requirements, rules or policies. The Municipal Act, 1996 already requires that the Town establish a records retention by-law.



In addition, Bill 8 establishes an offence should the Town alter, conceal or destroy a record, or cause any other person to do so with the intention of denying a right under MFIPPA to access the record or the information contained in the record (maximum fine of \$5,000). There is a two-year limitation period to pursue prosecution of this offence.

The intent of the Bill 8 MFIPPA amendments is to reinforce transparency and to establish a high standard of accountability for municipal records preservation, retention and access responsibilities.

- **Ombudsman.** Prior to Bill 8, the Municipal Act, 1996 established that a municipality may appoint a municipal ombudsman, a lobbyist registrar, an auditor general and an integrity commissioner and shall either appoint a closed meeting investigator of its own or default to the having the Provincial Ombudsman fulfil this role. These accountability officers were introduced through Bill 130 amendments to the Municipal Act, 1996 in 2001 to balance new municipal authority (including natural persons' powers) with a public accountability framework. In addition to the required closed meeting investigator, the Town has appointed an integrity commissioner.

Effective January 1, 2016 Bill 8 expands the Provincial Ombudsman's jurisdiction to the municipal sector (and includes municipalities, local boards and municipally-controlled corporations). The Provincial Ombudsman's jurisdiction to the municipal sector exists by default, unless a municipality appoints its own ombudsman. A municipality may appoint a municipal ombudsman even after the default jurisdiction of the Provincial Ombudsman comes into effect on January 1, 2016. Bill 8 does not affect the Town's appointment of its closed meeting investigator.

The Provincial Ombudsman (and similarly, a municipal ombudsman) have a broad mandate to **"investigate any decision, recommendation, act or omission in the course of administration of (the Town) and affecting any person or body of persons in his/her or its personal capacity"**.

The Provincial Ombudsman or a municipal ombudsman may not investigate any decision, recommendation, act or omission (1) where there is already a right of appeal or objection; (2) where there is a right to apply for a hearing or a review by any tribunal or court until such rights has been exercised; and (3) of any legal advisor or person acting as legal counsel to the Town.

Where a municipal ombudsman is appointed, the Provincial Ombudsman may only intervene if a municipal ombudsman has refused to investigate or conducted and concluded an investigation or an applicable time limit has concluded. Similarly, the Provincial Ombudsman may only investigate the actions of an integrity commissioner (and other municipally-appointed accountability officers) if an integrity commissioner has refused to investigate or conducted and concluded an investigation or an applicable time limit has concluded. The Provincial Ombudsman may investigate systemic issues and on his or her own motion.

Prior to conducting an investigation, the Provincial Ombudsman must inform the Mayor and give the Town an opportunity to make representations if the Provincial Ombudsman has grounds to make a report or recommendations that may adversely affect the Town.

Council is required to close a meeting to the public if the matter relates to an ongoing investigation by a municipal or the Provincial Ombudsman. The outcome of the Provincial or municipal ombudsman's investigations and any recommendations will be outlined in a public report. The recommendations of a municipal or the Provincial Ombudsman are not binding on a municipality.

Not all complaints brought to the attention of the Provincial or a municipal ombudsman result in an investigation. Many complaints are dealt with through an early resolutions process.

#### Town activities in support of Bill 8

The Town has established policies in support of records management and MFIPPA best practices, including a Protection of Personal Information Policy, Records Retention Policy and most recently, a Routine Disclosure of Records Policy. Ongoing staff training and education support compliance with policies and best practices.

Legislative Services has recently launched a web site where select records requested under MFIPPA can be accessed.

To ensure the Town's protocols for managing customer complaints are transparent and applied consistently throughout the Town, a staff working group was formed to develop a complaints management policy and/or protocols.

#### Next Steps

York Region recently issued a request for proposals for municipal ombudsman services, which the Town could also take advantage of through a "piggy back" clause. Public reporting to York Region Council will not occur until late December, 2015. Once public, staff will assess the Region's approach and make a recommendation on appointing a municipal ombudsman or defaulting to the Provincial Ombudsman through a report to Council in early 2016. The report will also address a corporate policy and/or protocols related to managing customer complaints.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The initiative relates to the Well-equipped and managed link of the Town's Community Vision- implementing policy and processes that reflect sound and accountable governance.

#### **CONSULTATION**

The Legal Services Department was consulted in the preparation of this report.

**BUDGET IMPACT (CURRENT AND FUTURE)**

There are no budget impacts associated with this Information Report.

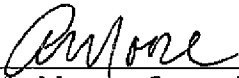
**CONTACT**

For more information on this report, please contact Andrew Brouwer, Director of Legislative Services/Town Clerk at [abrouwer@newmarket.ca](mailto:abrouwer@newmarket.ca) or at 905-953-5300, ext. 2211.



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Andrew Brouwer, Director of Legislative  
Services/Town Clerk



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Anita Moore, Commissioner of Corporate  
Services

February 11, 2016

**CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES – 2016-05**

TO: Mayor Van Bynen and Members of Council

SUBJECT: Draft Code of Conduct for Members of Council

ORIGIN: Legislative Services

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**RECOMMENDATIONS**

a) THAT Corporate Services Report – Legislative Services – 2016-05 dated February 11, 2016 regarding “Draft Code of Conduct for Members of Council” be received and the following recommendations be adopted:

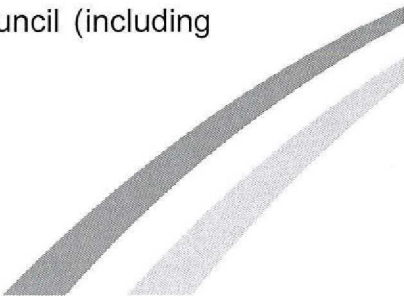
i) THAT Council approve the draft Code of Conduct for Members of Council (attached as Appendix B);

ii) AND THAT subject to further Council direction, a By-law establishing a Code of Conduct for Members of Council be considered at the February 29, 2016 Council meeting;

iii) AND THAT in addition to general public notice, individuals who previously provided input on the Code, and where contact information is available, be notified directly.

**PURPOSE**

The purpose of this report is to:

- Provide additional information requested at the January 18, 2016 Special Committee of the Whole including previous Integrity Commissioner expenses and supplementary feedback from the Town’s consultant EthicScan; and,
  - Recommend a draft Council Code of Conduct for Members of Council (including options).
- 

## **BACKGROUND**

At the January 18, 2016 Special Committee of the Whole, staff presented a draft Council Code of Conduct based on best practices, legal advice and considerations raised during the extensive Code review process, with the support of the Town's consultant, David Nitkin of EthicScan Consulting. The purpose of this meeting was to give Council and the public an opportunity to provide feedback and comments regarding the draft Code.

Council provided feedback and comments, a public deputation was received and subsequently, one email from a member of the public was received providing feedback.

## **ADDITIONAL INFORMATION REQUESTED**

### **Integrity Commissioner Expenses**

Council requested that staff provide the total expenses related to the Integrity Commissioner from previous years. The following is a breakdown of those expenses to date:

Year	Investigations/Invoices	Total Expenses
2013	1 – investigation commenced in 2012 and concluded in 2013	\$10,447.20
	1 – investigation commenced and concluded in 2013	
2014	1 – investigation commenced, ongoing in 2015	No invoice in 2014
2015	1 – ongoing investigation concluded in 2015 1 – IC Invoices re: draft Code review	\$4,276.68

### **EthicScan Supplemental Report**

Council requested that the Town's consultant, David Nitkin of EthicScan Consulting provide an assessment of the recommended draft Code. Mr. Nitkin provided a grade A in relation to the current draft Code with respect to meeting Council's current needs and recent history, and a B minus in comparison to best practices in other municipal Codes. Mr. Nitkin was requested to provide best practice options that would enhance the Code and increase the scoring in this area.

The EthicScan Supplemental Report is attached as Appendix A. The purpose of this report is to provide a selection of initiatives that may improve the Code's best practice grading. As noted in the Supplemental Report, the grades are subjective and the assessment is based on ethics, not necessarily recommended or subsequent legal advice considered by staff. While it can be argued that legal compliance is not ethics, staff has sought a balanced approach in preparing the current draft Code to ensure there is enforceability to support expectations. The current draft Code has been reviewed by the Integrity Commissioner (IC).



As part of the Code review process it was also highlighted by the consultant that not everything can be, or should be included in a Code of Conduct, and alternative means for providing guidance to Members such as corporate policy is considered acceptable practice.

The following is staff comments related to the actionable initiatives that have been included or excluded from the draft Code, or addressed by other means:

	<b>Initiative and Consultant's Points</b>	<b>Staff Comments</b>
1	Apply code to spouses, family members and business partners (3)	The Municipal Act does not apply to spouses, family members and business partners; therefore, cannot be enforced if included in the Code (n/a)
2	Apply provisions to other agencies, boards and commissions (1)	Not included in Code – included in Committee Administration Policy (1)
3	Address non pecuniary conflicts (2.5)	Not included in Code and may be addressed in new legislation (n/a)
4	Outright ban on all gifts (3)	Included in Code as recommended (3)
5	Establish a routine gifts registry (1.5)	If no gift permitted, no gift registry required (n/a)
6	Allow Member to Member complaints (3)	Included in Code as recommended (3)
7	Disallow complaints during election period (2)	Not included in Code as IC can dismiss politically motivated complaints, allowing complaints with merit to be heard at any time (n/a)
8	Specify more specific service timetable warranties at all stages of normal complaint process (2)	Current text sets out clear timeframes for complaints and services level expectations (2)
9	Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas (3)	Not included in Code. Process to provide guidance to Members and is not intended to be part of the Code (n/a)
10	Allow IC to provide advice on Municipal Conflicts of Interest (2.5)	Provision in Code to disallow IC advice to Members on Municipal Conflict of Interest. Legal opinion provided stating that giving of such advice is outside IC's jurisdiction. Approach supported by current IC (n/a)
11	Provide more clarity on process of accepting and resolving informal complaints (2.5)	Not included in Code. Draft Code ensures complaints are dealt with confidentially and at arms-length from the municipality (n/a)
12	Ensure IC's report not be made public (1)	Not included in Code. It is a legislated requirement under the Municipal Act for the IC's report to be made public. The complainant's information is not included in the report (n/a)

13	Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law (2.5)	Not included in the Code. Case law has not determined the precise scope of permissible remedial measures. Legal advice provided that additional penalties could be found outside the jurisdiction of the Town to impose. Does not prevent IC from including additional penalty recommendations and is not required to be included in Code (n/a)
14	Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes (2.5)	Included in Code. Although not considered a substantive matter, the recommendation can be easily implemented (2.5)
15	Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed (0)	Not included in Code – alternate option recommended. Future opportunities and measures in support of an informal program of ongoing ethics education and guidance to Members of Council will be considered by staff in consultation with the IC (2.5)
16	Establish a formal Lobbyist Registry (2.5)	Not included in Code – alternate option recommended. Municipalities may adopt lobbying measures for specific circumstances such as large dollar value procurement of goods and services. Town will continue this practice as required (2.5)
17	Mandate lobbyists with responsibility to disclose local lobbyist activity (2.5)	Not included in Code. No jurisdiction to mandate lobbyists within Code (n/a)
18	Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity (1.5)	Included in Code. Definition has been included for Community Groups and Organizations and clearer wording has been provided in Code in relation to use of resources. Alternate option - policies will also be amended to provide clearer guidance regarding use of corporate resources during elections (1.5)
19	Implement an ongoing Transparency and Accountability Committee of Council (2.5)	Not included in Code – alternate option recommended. Policies and practices related to accountability and transparency are brought forward to Council as a whole through Committee of the Whole and Council with an opportunity for public input. Council direction would be required to consider such a Committee (2.5)

Staff may not agree with the consultant's grading and points system as some items cannot be included in the Code or are not meant to be part of a Code and better suited in policy or other means. Staff have allocated points to the areas where the Town has addressed the initiative in the Code or through other avenues and have scored a 20.5 or a new Grade of A minus.



## **DRAFT COUNCIL CODE OF CONDUCT**

An amended draft Code of Conduct for Members of Council is attached as Appendix B. Recommended changes or sections where options have been presented are highlighted and noted in boxes within the draft Code. In addition a number of editorial changes/housekeeping revisions have been made to clarify or strengthen wording with the same intent.

### Review of Amendments

#### Definitions

Cash and fees have been removed from the definition of gifts. This definition should be considered with Options in Section 8. A definition has also been included for community groups and organizations which includes registered charities, non-profit organizations and other groups. Additionally, it is recommended that the municipal election period definition be removed if Section 16.2 is removed from the draft Code.

#### New Section Recommended – Transparency and Openness in Decision Making

This section is recommended to provide specific guidance to Members related to the decision making process, notice and transparency requirements of specific legislation.

#### Section 5 – Access to Information and Confidentiality

Section 5.1 (c) is included in order to inform Members of their responsibility to maintain confidentiality. A complaint regarding a Member who is no longer in office can be filed, investigated, and reported to Council. While the typical options for penalties may not apply, the report would be acknowledged, and serve as an educational tool. Council also has the option of pursuing legal action should they determine the Member's conduct or actions warrant it, in addition to other legal considerations.

Recommended amendments to Section 5.1 and 5.2 include:

- 5.1(a) wording amended to provide clarification that Members have rights to access information that is relevant to their role as Members of Council;
- 5.2 (b) and (c) wording amended to include the disclosure of information via social media by a Member or by providing information to another person.

These amendments were previously listed under Section 14 – Social Media.

#### Section 6 – Undue Use of Influence

Section 6.1 referencing the Municipal Conflict of Interest Act has been removed as it is included under Section 16.3 and is not enforceable under a Code of Conduct. Section 6.2 has been amended to reflect the concept that Members should not use their position to improperly influence for a private advantage. This undertakes to provide direction concerning apparent conflicts of interest that are non-pecuniary in nature.



## Section 7.2 – Staff Relations

Recommended wording has been provided to clarify the expectations and process for Members providing concerns related to staff performance.

## Section 8 – Gifts

Options have been provided in this section in accordance with Council discussion and further public feedback.

Option1: Recommended - No gifts allowed

As Section 8.3 provides an extensive list of exemptions, this option will restrict Members from receiving any gifts except in the specific situations outlined. If this wording is selected it should be adopted in conjunction with the original definition of “gifts” presented.

Option 2: Alternative – limit of \$200 and no cash

This restricts the type of gifts that can be accepted and limits them to a value of less than \$200.00. If selected this wording should be accompanied by the new definition of “gifts” recommended. All gifts as defined in the new definition must meet one of the exceptions in Section 8.3. The new definition removes cash and fees as allowable gifts which is reinforced in Section 8.1.

## Section 10 – Political Activity

This section makes Members aware that they have an obligation to be transparent in all political activity including provincially and federally. Clarification was provided to specifically state that Members may not use Town resources for political activity. This will be further addressed in amendments to “Use of Corporate Resources and Election Activities Policy” to come forward at a future Committee of the Whole meeting.

## Section 11- Participation in Community Groups and Organizations and Their Events

Recommended wording in Section 11.1 has been amended to provide a framework for the types of activities Members are permitted to participate in and includes use of corporate resources. Section 11.2 has been amended to address rules that Members must follow when establishing a fundraising event in their name, using corporate resources to support that event, and ethical standards to follow.

## Section 14 – Social Media

Section 14.1(a) has been amended to reflect the incorporation of disclosure of information via social media into section 5.2. Section 14.2 has been amended to provide similar wording as noted in the Procedure By-law.

## Section 16 – Complaint Process

The recommended option in 16.1 permits Member to Member complaints as is the practice in place in most municipalities. The alternate option prohibits Member to Member complaints (with clarified wording) and is in keeping with previous Council direction.

Section 16.1(c) states that the complaint shall have taken place within six (6) months of filing such with the Integrity Commissioner. There is no legislation that stipulates a timeframe or a limitation for complaints. Council adopted the six (6) month timeframe as part of the interim complaint process.

Section 16.2 is recommended to be removed. There is no standard approach to how complaints are received during elections. The purpose of placing a restriction is to remove the politicization of the complaint process during that time period. The IC may, however, dismiss any complaint that is filed which he or she determines is without merit. Additionally, there is public interest in permitting valid complaints to proceed with a report from the IC before an election.

Section 16.3 has been amended to provide plain language wording related to the Integrity Commissioner's jurisdiction. Section 16.3(iv) has been added to provide for investigation requirements under the Municipal Elections Act, 1996.

Section 16.8 has not been amended, however staff have received advice from the IC related to whether a Member would be in conflict when corresponding with the IC related to a complaint about the Member. The current IC (also a lawyer having provided substantive advice on the Municipal Conflict of Interest Act to Members of Council across Ontario) has advised that there is no potential conflict until such time an IC renders a decision and makes a recommendation to Council at a meeting.

## Future Review of Code

This is not recommended to be included as part of the Code, however the review will be an ongoing process. The IC will provide feedback whether through the complaint reports or through the annual report. Additionally, changes to legislation will be monitored and the Code will be updated as required. At a minimum, as a best practice, the Code should be reviewed at the commencement of a new term of Council.

## Next Steps

- By-law establishing a Code of Conduct for Members of Council to be adopted at the February 29, 2016 Council meeting;
- Applicable policy amendments to be brought forward in Q2, 2016;
- Council to consider creating an Accountability and Transparency Committee - Council to provide direction as part of future committee review;
- Develop an informal program of ongoing ethics education and guidance to Members of Council; and,



- Council to consider measures which respond to lobbying of Member of Council – lobbying measures for specific circumstances such as large dollar value procurement of goods and services will continue as required.

#### BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A Council Code of Conduct relates to the Well-equipped and managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

#### CONSULTATION

In addition to public consultation, staff also consulted with Council, an external expert legal advisor, Mr. David Nitkin, the Town's Integrity Commissioner and various senior staff.

#### HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations associated with this report.

#### BUDGET IMPACT

An amount of \$10,000.00 has been included in the 2016 budget for the Integrity Commissioner fees. Staff will continue to monitor and review this line item and advise Council should any changes to the level of funding be required. Any unallocated funds will be carried forward in a reserve to assist in offsetting potential costs in future years.

#### CONTACT

For more information on this report, contact Lisa Lyons, Deputy Town Clerk at 905 953-5300, extension 2203 or by email at [llyons@newmarket.ca](mailto:llyons@newmarket.ca)



Lisa Lyons  
Deputy Town Clerk



Andrew Brouwer  
Director of Legislative Services/Town Clerk



Anita Moore,  
Commissioner of Corporate Services

## Appendix A



21 January 2016

## Supplemental Report

### Background and Introduction:

During the Town of Newmarket Council meeting on January 18, 2016, an updated code for elected Members was presented for Council's review, discussion and subsequent acceptance. As a presenter, David Nitkin on behalf of EthicScan was asked to assess the current recommended code, both in terms of its meeting Council's current needs and recent history (a grade "A") and in comparison to best practices throughout other municipalities who have such a document (a grade "B minus"). While these grades are subjective, Council wanted some insight about the Consultant's thoughts on ways to enhance the Code to reflect best practices. This is that Report.

### Assumptions:

1. This assessment is based on EthicScan's knowledge and working with some 60 codes in other municipal jurisdictions, but the assessment is subjective. There is no normative or model code in Ontario although EthicScan has a Best Practices Model that was used in the process of assisting in the development of this draft code.
2. These are comments of an ethicist, not a lawyer. This means the author's approach addresses the spirit of the law, not merely a lower standard of legal compliance, or following the letter of the law. For example, many Integrity Commissioners do use situationally-appropriate discretionary sanctions in their recommendations, but outside legal council's advice to Town staff on this topic was to limit these powers narrowly to the letter of the law.
3. There are no specific "magic bullets" of initiatives that are "musts" in a code for elected officials. Rather the Consultant has assigned a weight to each of these perceived incremental actionable initiatives using **three criteria**: (a) their impact on preventing corruption, (b) being seen to enhance transparency and accountability, and (c) being a good fit for the municipality at this time. Each initiative in Table Two gets a grade of 1-3, one point for each criterion.
4. In terms of the mandate for this Report, that is wanting to improve the code's best practices' grading, there are any number of combinations of initiatives that would suffice. It would be up to Members to adopt one or more initiatives from the list of nineteen in Table Two to change the current code grading from the current "B minus" to any improvement—all the way up to an "A plus". The number of points follows the thresholds in Table One.
5. This Report should help the Clerk and related staff in designing and presenting choices to Members in altering the current draft. The combination of one or more initiatives that might increase the grade is wholly the Councillors' choice, and several could be reflected in alternative choices in text changes..



Table One: Grading Scheme

Best Practices Benchmark Grade	Initiative Points of weights to secure a new Grading	Total Points Needed to Achieve A Higher Grade	
Existing B minus	0	0	
New Grade of B	5	5	
New Grade of B plus	5	10	
New Grade of A minus	8	18	
New Grade of A	8	26	
New Grade of A Plus	8	34	

Table Two: Actionable Initiative

Initiative (n= 19)	Individual Points	Comment
Apply code to spouses, family members and business partners	3	Its common conflict of interest practice at both other levels of government
Apply provisions to other agencies, boards and commissions	1	Status: deferred
Address non pecuniary conflicts	2.5	Status: deferred; this is substantive and will likely be addressed in new legislation
Outright ban on all gifts	3	It's a growing corporate and organizational norm
Establish a routine gifts registry	1.5	If gifts are so rare, why not eliminate them entirely? If not, why set so high a dollar limit as \$500?
Allow Member to Member complaints	3	This is routine practice virtually everywhere; Members should have the same rights as any citizen
Disallow complaints during election period	2	Other Councils have found it removes politicization of complaint process, and overall helps reduce complaint volume numbers
Specify more specific service timetable warrantees at all stages of normal complaint process	2	Current text addresses only two of five stages, yet service warrantee trends are toward more timeliness and clarity
Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas	3	This is very effective in empowering individuals and demonstrating shared responsibility for ethics, not leaving it on shoulders on the IC; Not all dilemmas are covered in a code and this clarifies norms
Allow IC to provide advice on Municipal Conflicts of Interest	2.5	Most ICs have legal training and access to judicial adjudication skills
Provide more clarity on process of accepting and resolving informal complaints	2.5	This is a weakness in many codes which originated from weak explanation of this mechanism in law but that's no reason not to define this mechanism
Ensure IC's report not be made public	1.0	Confidentiality and individual protection rules need stronger clarity
Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law	2.5	ICs believe that this allows for more respect for the law and the accountability officer; A narrow list of extreme remedies may preclude more appropriate judgements of first offences
Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes	2.5	The previous draft allowed for this and its common workplace practice to provide a sign-off

Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed		While neither explicit in law nor often included in a code, this is a very helpful guidance approach; It is proactive in that it summarizes what might be the IC's guidance, and can be easily accessed and updated: Ask Before Acting can save many dollars in lawyers' fees
Establish a formal Lobbyist Registry	2.5	Few jurisdictions have it; Interviews and e-mails in this engagement (n=3) alleged that certain development interests were inappropriately contributing to an individual councillor's campaigns
Mandate lobbyists with responsibility to disclose local lobbyist activity	2.5	Accountability officers and judges believe that sunlight is a great disinfectant; this is a problem that certain police, lawyers and accountability officers say needs to be addressed by many communities in South-Central Ontario
Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity	1.5	Many jurisdictions in second iterations of codes allow Member solicitation of public funds for donations and sponsorships, including honorary chair of charitable organization events, but implement stronger rules re political activities, especially in election years
Implement an ongoing Transparency and Accountability Committee of Council	2.5	In jurisdictions where it exists, such a committee is praised for allowing ongoing initiation, discussion and resolution of integrity issues' Works best with broad multi-stakeholder engagement (media, citizens, citizen groups, and NGOs) in composition of the committee or "Congress"
Total	41	

I am happy to answer any questions.

With respect



David Nitkin

DN/ek: 23 Jan 2016





## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2016-xx

#### A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

**WHEREAS** Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

**AND WHEREAS** the Council of the Corporation of the Town of Newmarket considers it appropriate and proper to establish a code of conduct (the "Code") and to enact a by-law in this regard and to repeal By-law 2007-42.

**THEREFORE BE IT ENACTED** by the Council of the Corporation of the Town of Newmarket that the following Code of Conduct for Members of Council is hereby adopted:

#### Code of Conduct for Members of Council

##### PREAMBLE

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members and also supplements existing superior legislation, municipal by-laws and related corporate policies that govern Members' conduct.

#### 1. PURPOSE AND PRINCIPLES

- 1.1 The Code sets out and identifies the Town's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Town's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
  - (a) the decision-making process of Council is open, accessible and equitable, and respects the Town's governance structure;
  - (b) public office is not to be used for the personal financial benefit of any Member;
  - (c) Town residents should have confidence in the integrity of their local government and of their Members;
  - (d) the conduct of each Member is of the highest standard; and
  - (e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.



## 2. DEFINITIONS

### 2.1 In this Code:

- (a) **"Clerk"** means the Clerk of the Town or his/her designate;
- (b) **"Code"** means the "Code of Conduct for Council Members" as established by Council pursuant to section 223.2 of the Municipal Act, 2001;
- (c) **"Committee"** means a committee, board, task force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;

Recommendation – new definition to support section 11

**"community groups and organizations"** means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit. Including but not limited to registered charities and non-profit organizations as defined by the Canada Revenue Agency.

- (d) **"complainant"** means a person who has filed a complaint in accordance with this Code;
- (e) **"complaint"** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (f) **"confidential information"** means any information in the possession of or received in confidence by the Town that the Town is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:
  - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
  - (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
  - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
  - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Town;
  - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
  - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
  - (vii) sources of complaints where the identity of the complainant is given in confidence;
  - (viii) information circulated to Members and marked "confidential"; or

- (ix) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- (g) "**Council**" means the Council of the Corporation of the Town of Newmarket;
- (h) "**gift**" means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;

Recommendation: amended definition in support of Option 2 in Section 8.

"**gift**" signifies, admission fees, vouchers, initiations, objects of value, services, offers for personal benefits, travel and accommodation or entertainment that are provided to a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;

- (i) "**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 that is directed at or is offensive to another person:
  - i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
  - ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (j) "**Integrity Commissioner**" means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;
- (k) "**meeting**" means any legally-constituted meeting of Council or a Committee;
- (l) "**Member**" means a Member of Council of the Town and includes the Mayor, Deputy Mayor and Regional Councillor;
- (m) "**municipal election period**" means the period commencing on the first day nominations may be filed and ending on voting day.

Recommendation:

Remove definition (m) municipal election period if Section 16.2 removed.

- (n) "**social media**" means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (o) "**staff**" means direct employees of the Town whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- (p) "**Town**" means the Corporation of the Town of Newmarket; and

- (q) **"Town property"** includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

### 3. CONDUCT OF MEMBERS

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and empathy, recognizing that a Member is always a representative of the Town and of their elected office. A Member shall at all times conduct themselves with decorum and in accordance with the Town's Procedure By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

### 4. COMPLIANCE WITH THE CODE OF CONDUCT

4.1 This Code applies to every Member.

4.2 A Member shall:

- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
- (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
- (c) co-operate in every way possible in securing compliance with the application and enforcement of the Code.

4.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person; or
- (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

Recommendation: New section

#### **TRANSPARENCY AND OPENNESS IN DECISION MAKING**

Members shall:

- (a) conduct Council business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the Municipal Act, Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.



## 5. ACCESS TO INFORMATION AND CONFIDENTIALITY

### 5.1 A Member shall:

- (a) have the same access rights to municipal information as any other resident of the Town, unless the information relates specifically to a matter before Council. Any request for information from a Member that does not relate to their duties and obligations as a Member shall be referred to the appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act;
- (b) comply with the "Council - Staff Request for Information and Use of Resources Policy"; and
- (c) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

### 5.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- (b) disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (d) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or 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, can 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.

Recommendation: clarification of 5.1 (a), 5.2 (a) and (b), and incorporation of disclosure of information via social media concept.

### 5.1 A Member shall

- (a) only be entitled to have access to information in the possession of the Town that is relevant to matters before Council or a Committee or that is relevant to their role as Members of Council. Otherwise, they have the same access rights to information as any member of the public.
- (b) follow the procedures for requesting information contained in the "Council - Staff Request for Information and Use of Resources Policy"; and
- (c) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

### 5.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;

- (b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or 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, can 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.

## **6. UNDUE USE OF INFLUENCE**

- 6.1 A Member shall comply with the requirements of the Municipal Conflict of Interest Act.
- 6.2 No Member shall:
- (a) use the influence of his or her office for any purpose other than the exercise of his or her official duties and responsibilities;
  - (b) engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Town;
  - (c) knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment;
  - (d) give preferential treatment to any person in the performance of their official duties;
  - (e) derive personal benefit from confidential information that they have acquired during the course of fulfilling their official duties with Council;
  - (f) knowingly place themselves in a position where they could, by virtue of being a Member, influence decisions or contracts from which they or any personal contact or family member could derive any direct or indirect benefit; and
  - (g) participate in any manner so as to influence or attempt to influence any decision on the part of Council, Committee or the Town where the Member has a conflict of interest.

Recommendation: removal of conflict of interest – also referred to under Section 16.3 and simplified wording for this section.

## **6. UNDUE USE OF INFLUENCE**

- 6.1 No Member shall use their status as a Member of Council to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her family, staff, friends or associates, business or otherwise.



## 7. STAFF RELATIONS

- 7.1 A Member shall respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of Council as a whole, and administer the policies of the Town without undue influence from any Member.
- 7.2 No Member shall:
- (a) publicly criticize staff, whether collectively or individually;
  - (b) maliciously or falsely impugn the professional or ethical reputation of any staff;
  - (c) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
  - (d) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

Recommendation: clarification of former 7.2(a) now 7.1 (b)

- 7.1 A Member shall:
- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the town without undue influence from any Member.
  - (b) respect the administrative structure and direct any staff performance concerns through the appropriate supervisory staff.
- 7.2 No Member shall:
- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
  - (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
  - (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

## 8. GIFTS

- 8.1 No Member shall accept a gift which they intend to keep for themselves, with a fair market value of greater than \$500.
- 8.2 A gift with a fair market value of greater than \$500, if accepted, shall be considered the property of the Town.

### Option 1

Recommendation: no gifts allowed except within the specified exceptions

- 8.1 No member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

### Option 2

Alternative: limit of \$200 and no cash allowed, in co-operation with revised definition of gifts.

8.1 No member shall

- (a) accept a fee, cash, or gift certificate that is connected directly or indirectly with the performance of their duties.
- (b) accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.
- (b) accept a gift which they intend to keep for themselves, with a fair market value of greater than \$200.

8.2 A gift with a fair market value of greater than \$200, if accepted, shall be considered the property of the Town.

8.3 Notwithstanding Section 8.1, the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with a legitimate municipal purpose;
- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) services provided without compensation by persons volunteering their time;
- (g) a suitable memento of a function honouring the Member or the Town;
- (h) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance; and
- (j) communications to offices of a Member including subscriptions to newspapers and periodicals.

**9. USE OF TOWN PROPERTY**

9.1 A Member shall:

- (a) only use Town property for activities relevant to their role as Members of Council; and
- (b) comply with the procedures outlined in the "Council-Staff Request for Information and Use of Resources Policy" and the "Use of Corporate Resources and Election Campaign Activities Policy".



- 9.2 No Member shall obtain any personal financial gain or advantage from the use of Town property.

## 10. POLITICAL ACTIVITY

- 10.1 A Member shall comply with all legislative requirements related to political activity including the Municipal Elections Act, 1996, the Elections Act and any other election statute, and the "Use of Corporate Resources and Election Campaign Activities Policy".

Recommendation: clarification and incorporation of Municipal Election Act reference into section 16.3.

- 10.1 Members may not use Town resources for any type of political activity as outlined in the "Use of Corporate Resources and Election Campaign Activities Policy" including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## 11. PARTICIPATION IN LOCAL COMMUNITY GROUPS EVENTS AND CHARITABLE ORGANIZATIONS

- 11.1 A Member shall be entitled to:

- (a) organize, establish, participate in and support community groups and charitable organizations and associated events, subject to the limitation in Section 11.3(a);
- (b) hold positions within community groups and charitable organizations;
- (c) solicit donations or sponsorships on behalf of community groups or charitable organizations, as long as such solicitation, donation or sponsorship is not reasonably seen to be an improper use of the Member's influence and does not conflict with any position or decision of the Council;
- (d) hold positions on the governing boards of community groups and charitable organizations, and be subject to the published rules of each applicable organization;
- (e) use their discretionary expense budget to support community groups and events and ward events, subject to the terms of the "Councillor Expense Policy and the Guidelines for Discretionary Expenses";
- (f) use corporate resources including staff for organizing and supporting events and meetings that are connected to their official duties subject to the "Council-Staff Request for Information and Use of Resources Policy" the "Use of Corporate Resources and Election Campaign Activities Policy" and other applicable policies and procedures; and
- (g) use their name or position and title to identify ward events and ward meetings or endorse other community events but must seek Council approval for the use of their name or position and title for any charitable event where fundraising activities occur.

- 11.2 Members shall:

- (a) ensure that any funds, goods, or services received for community group or charitable organization events are not used for any other purpose or for any purpose that conflicts with any position or decision of the Council; and

- (b) respect the need for transparency with respect to their involvement in community groups, community events and local charities and perform their community service in a manner that promotes public confidence.

11.3 No member shall:

- (a) provide any financial support to any community group for any purpose that conflicts with any position or decision of the Council.

Recommendation: merged 11.1 (b) and (d), amended 11.1 (g) now 11.2 (a), merged 11.3 into 11.1(d),

**11. PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS AND THEIR EVENTS**

11.1 A Member shall be entitled to:

- (a) organize, establish, participate in and support community groups and organizations and their associated events;
- (b) hold positions, including positions on governing boards, within community groups and organizations, and be subject to the published rules of each applicable organization;
- (c) solicit donations on behalf of community groups and organizations as long as any funds are not received or administered using corporate resources;
- (d) use their discretionary expense budget to support community groups and organizations and their events, subject to the terms of the "Councillor Expense Policy and the Guidelines for Discretionary Expenses" unless such organizations are in conflict with any position or decision of Council;
- (e) use staff in the executive offices, or additional staff as required in consultation with the CAO for organizing and supporting events and meetings connected to their role as Members of Council in accordance with the "Council-Staff Request for Information and Use of Resources Policy" the "Use of Corporate Resources and Election Campaign Activities Policy" and other applicable policies and procedures.

11.2 Members shall

- (a) seek Council approval for the use of their name or position and title in the official name of any event where fundraising activities occur;
- (b) seek Council approval for the use of corporate resources beyond those provided for in Section 11.1 in support of any event where fundraising activities occur. The request shall be reviewed by the CAO, and a report provided to Council with an assessment of the associated costs;;
- (c) ensure that any funds, goods, or services received for community group or charitable events are not used for any other purpose;
- (d) respect the need for transparency with respect to their involvement in community groups and organizations and their events and perform their community service in a manner that promotes public confidence.

**12. HARASSMENT**

12.1 No Member shall harass any other Member, any staff, or any member of the public.



- 12.2 Any complaint of harassment involving a Member shall be referred to the Integrity Commissioner and the complaint will be dealt with in accordance with Section 16 of this Code.

### 13. ENCOURAGEMENT OF RESPECT FOR THE TOWN AND ITS BY-LAWS

- 13.1 No Member shall use the influence of their office for any purpose other than for the lawful exercise of their official duties and for municipal purposes.

- 13.2 A Member shall:

- (a) encourage the public, prospective contractors and lobbyists, and their colleagues to abide by the Town's by-laws and policies, including this Code; and
- (b) accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

### 14. SOCIAL MEDIA

- 14.1 A Member shall:

- (a) adhere to all applicable legislation as well as guidelines, protocols, codes and by-laws regarding privacy, social media use, and freedom of information; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

- 14.2 No Member shall:

- (a) post or publish confidential information concerning Council business. For the purposes of this Section, confidential information also includes unpublished materials, documents and statistics, current and future projects, financials, facts and figures, and other pertinent details; or
- (b) use social media to publish anything that is dishonest, untrue, malicious, obscene, constitutes harassment, is defamatory, or misleading in any way.

Recommendation: clarification and incorporation of disclosure concept into Section 5.2.

- 14.1 A Member shall:

- (a) adhere to all Town policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

- 14.2 No Member shall:

- (a) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory, or misleading in any way.

## 15. ROLE OF THE INTEGRITY COMMISSIONER

- 15.1 The Town shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 15.2 The Integrity Commissioner may provide some or all of the following services as determined by the Town:
- (a) education and training;
  - (b) investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
  - (c) investigation reports and recommendations, including periodic, interim or final reports and annual reports;
  - (d) information to the public regarding the Code and the obligations of Members under the Code and other ethical guidelines or policies; and
  - (e) proactive guidance upon request from Council or a Member.
- 15.3 Notwithstanding the services in Section 15.2 above, the Integrity Commissioner shall not provide advice or opinions to any Member with respect to the Municipal Conflict of Interest Act.

## 16. COMPLAINT PROCESS

- 16.1 Subject to Section 16.11, a complaint that a Member has contravened the Code may be initiated by any person, including a member of the public, a member of staff or Council, as follows:

### Option 1

Recommendation - allowance of member to member complaints (with removal of Section 16.11)

- 16.1 A complaint that a member has contravened the Code may be initiated by **any person or by Council as follows:**

### Option 2

Alternative: Clarification prohibiting Member to Member complaints (with removal of 16.11)

- 16.1 **With the exception of an individual Member of Council a complaint that a Member has contravened the Code may be initiated by Council, a member of the public, or a Member of staff, as follows:**

- (a) a complaint shall be made in the form attached as Appendix A and is to be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Legislative Services Department);
- (b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) the alleged violation shall have taken place within six (6) months of filing the complaint with the Integrity Commissioner;

(d) a complaint shall include:

- (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
- (ii) any evidence in support of the allegation; and
- (iii) any witnesses in support of the allegation must be identified.

16.2 A complaint may be filed during the municipal election period regarding a Member seeking re-election and can be investigated by the Integrity Commissioner but no report shall be made to Council until the new term of Council commences.

Recommendation: no restriction

Remove Section 16.2

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. If the matter is covered by other legislation or if the complaint is not alleging a contravention of the Code or such a policy, the Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint and will accordingly, advise the complainant in writing as follows:

Recommendation: clarified wording

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, and will advise the complainant in writing accordingly, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (ii) **Municipal Conflict of Interest** – if the complaint relates to a matter under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with his or her own legal counsel; and
- (iii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter that under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.

Recommendation: new sub section, addition of reference to Municipal Elections Act

- (iv) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.



- 16.4 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.
- 16.5 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 16.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply within ten (10) days.
- 16.7 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any Town workplace relevant to the complaint, including any documents or records under the custody or control of the Town.
- 16.8 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 16.9 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
  - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 16.10 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- 16.11 A complaint may not be initiated by a Member who believes another Member has contravened the Code.

Recommendation – with amended 16. 1

Remove section 16. 11.

**17. PENALTIES**

17.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.

**18. INTERPRETATION**

18.1 This Code shall be interpreted as follows:

- (a) the headings in the Code form no part of the Code but shall be deemed to be inserted for convenience of reference only;
- (b) all changes in number and gender shall be construed as may be required by the context;
- (c) the reference to any Town official shall be deemed to include the Town official who performs the duties of such referenced person from time to time, including their delegates;
- (d) the reference to Integrity Commissioner shall be deemed to include any person who has been delegated powers and duties by the Integrity Commissioner in accordance with subsection 223.3(3) of the Municipal Act, 2001;
- (e) the reference to a statute or regulation, except as may be otherwise provided, shall be deemed to include such statute or regulation as may be amended or re-enacted from time to time or its successor legislation, and, in each case, the regulations made from time to time pursuant thereto;
- (f) the reference to a by-law, resolution, policy or guideline made, enacted, established or adopted by the Town, including the Code, except as may be otherwise provided, shall be deemed to include such by-law, resolution, policy or guideline as may be amended or re-enacted from time to time or its successor by-law resolution policy or guideline made, enact, established or adopted from time to time; and
- (g) if a court of competent jurisdiction should declare any section or part of a section of this Code to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Code and it is hereby declared that the remainder of this Code shall be valid and remain in force.

**ENACTED THIS 29th DAY OF FEBRUARY 2016.**

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk



**19.0 ATTESTATION**

- 19.1 Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accept it.
- 19.2 I have read and understood this document and agree to abide by its terms. I understand that I may approach the Integrity Commissioner for binding confidential guidance and advice on interpretation of its provisions to prospective decisions that I might make.
- 19.3 With my signature, as a Member of Council, I confirm that I have read, understood and accept this Code of Conduct.

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Signature

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Date

**Cross References**

Criminal Code of Canada, R.S.1985, c. C-46  
Municipal Act 2001 S.O. 2001, c.25 as amended  
Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50  
Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990,  
c. M.56  
Procedural By-law 2004-167 as amended  
Council - Staff Request for Information and Use of Resources Policy, CA0.1- 01  
Elected Officials Expense Policy, CORP.1-07  
Employee Code of Conduct, CAO.3-01  
Harassment & Discrimination Free Workplace Policy HR.13-04  
Internet and E-mail Acceptable Use Policy and Guidelines, IT.1-01  
Use of Corporate Resources and Election Campaign Activities, CORP.1-01  
Violence Free Workplace Policy, HR.13-03

**Appendices**

Appendix A - Code Complaint Form

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February 8, 2016

**CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2016-07**

TO: Committee of the Whole  
SUBJECT: Carnival – D.A. Campbell Amusement Ltd. – Upper Canada Mall  
ORIGIN: Director, Legislative Services/Town Clerk & Licensing Officer

---

**RECOMMENDATION**

THAT Corporate Services Report – Legislative Services 2016 - 07 dated February 8, 2016 regarding Carnival - D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the following recommendation (s) be adopted:

- i) THAT the application be approved subject to the following terms:
- ii) THAT the license be issued for a period of seven consecutive days from May 10 to May 16, 2016 to permit the setting up and dismantling of amusement devices;
- iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

**PURPOSE**

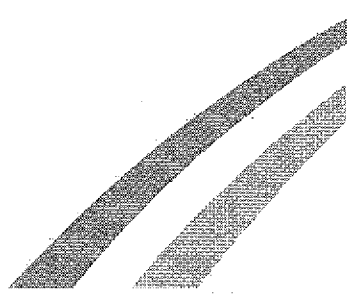
To issue a Carnival licence to D.A. Campbell Amusements Ltd. to be held at Upper Canada Mall for the time requested.

**COMMENTS**

This report is with respect to an application for a Carnival licence for the event to be held at Upper Canada Mall from May 10<sup>th</sup> – May 16<sup>th</sup>, 2016. The charitable organization that will be sponsoring this event is the Easter Seals Society of Ontario. The proceeds from the event would go to assist the Easter Seals Society of Ontario and Southlake Regional Health Centre.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.



**CONSULTATION**

None

**HUMAN RESOURCE CONSIDERATIONS**

There are no Human Resources considerations related to this report.

**BUDGET IMPACT**


None

**CONTACT**

For more information on this report, contact Florence DiPassio, Licensing Officer at 905 953-5300 extension 2206 or via email at [fdipassio@newmarket.ca](mailto:fdipassio@newmarket.ca)



Florence DiPassio, Licensing Officer



Andrew Brouwer, Director, Legislative Services/Town Clerk



Anita Moore, Commissioner of Corporate Services





**Mike Mayes, Director  
Financial Services/Treasurer**

TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7

www.newmarket.ca  
mmayes@newmarket.ca  
905.895.5193 ext. 2102

February 22, 2016

## **CORPORATE SERVICES REPORT - FINANCIAL SERVICES-2016-07**

**TO:** Mayor Tony Van Bynen and Members of Council  
Committee of the Whole

**SUBJECT:** Delegation of Authority under the Municipal Act, 2001 s.357 (1) (d.1) for a Tax Relief  
Application for Sickness or Extreme Poverty, to the Assessment Review Board of  
Ontario

**ORIGIN:** Supervisor, Property Tax & Assessment

### **RECOMMENDATIONS:**

**THAT Corporate Services Report - Financial Services – 2016-07 dated February 22, 2016 regarding the delegation of authority to the Assessment Review Board (ARB) be received and the following recommendations be adopted:**

- 1. THAT the attached By-law be approved;**
- 2. AND THAT a certified copy of the By-law be forwarded to the Registrar of the Assessment Review Board.**

### **COMMENTS**

#### **Purpose**

Delegation of Council's authority related to applications for property tax relief for sickness or extreme poverty to the Assessment Review Board.

#### **Budget Impact**

Funds are budgeted annually for tax rebates and refunds for various reasons.

#### **Summary**

Delegating the municipality's authority to consider applications for property tax relief to the Assessment Review Board provides residents with a consistent and fair process in extreme situations.

## Background

Subsection 357(1) (1.d) of the *Municipal Act, 2001* allows a municipality, through Council authority, to cancel, reduce or refund property taxes due to sickness or extreme poverty. These types of applications are not administrative in nature, and may require the applicant to disclose significant personal health and/or financial information. Currently staff is not equipped to evaluate this type of detailed information in a fair and consistent manner in order to provide appropriate recommendations to Council.

The Assessment Review Board (ARB) has been handling these types of applications for many years. Statistics from the Registrar of the ARB advise that there have been over 850 applications received and heard by the ARB since 2009. The ARB is an independent adjudicative tribunal whose primary function is to hear property assessment appeals; however they are authorized and specially trained to hear Municipal Act appeals as well.

## Current Situation

At the present time, we do not have any applications of this type pending. We are recommending this delegation proactively. Collection of property tax arrears is one of the fundamental tasks undertaken daily by staff. We have been contacting individual property owners whose taxes are in arrears and providing them with payment options. More frequently, we are being told by taxpayers that it is becoming increasingly difficult for them to continue to pay their property taxes and they are looking for alternatives.

We work closely with these taxpayers to provide them with the various options that are available to them, such as monthly installments to spread out the payments, reverse mortgage or line of credit options through their bank and receipt of the Town's elderly assistance grant (\$292.00 for 2016). We also ensure that residents are aware of the Region wide program that allows low income residents between 55 and 64, all seniors 65+ and low income disabled persons of any age to defer tax increases annually, effectively freezing their taxes at a manageable annual amount until the property is sold or ownership is transferred to someone other than the spouse, (copy of the application is included as attachment b). Only when a sale or transfer takes place, do the deferred amounts become payable and no interest is charged on the deferred amounts.

Occasionally however, there are short term extenuating circumstances that are not mitigated by any of the above options and a cancellation of the taxes for one year may be an appropriate solution.

Taxpayers would be required to submit to the Town, an Application for Adjustment of Taxes (Attachment c) by February 28<sup>th</sup> of the year following the year for which relief is sought. They would also be provided with an Information Sheet (Attachment d) to help explain the process and requirements of a hearing before the ARB. Generally the hearings will be scheduled and take place in the Town of Newmarket, or in a neighbouring municipality, eliminating the need for residents to travel far to the hearing.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This recommendation aligns with the Strategic Plan vision of a community "Well beyond the Ordinary". Further, it supports two of Council's 2014-2018 strategic priorities; engaging our changing resident demographics and ensuring effective and efficient services.

## CONSULTATION

Staff surveyed a number of municipalities to determine how they deal with these sensitive applications. Some of the larger municipalities with significant resources are processing them in-house through a very detailed process and an internal committee. Determining and administering the guidelines requires specialized expertise in order to fairly evaluate the applicant's financial or medical situation.

A denial of tax relief from an internal process can still be appealed to the ARB afterwards. Having to go through the process twice, can be a hardship in itself and as a result approximately fourteen municipalities have adopted the direct delegation that is being recommended in this report, including Toronto, Mississauga, Ottawa, Whitby, Hamilton and Kawartha Lakes.

## HUMAN RESOURCE CONSIDERATIONS

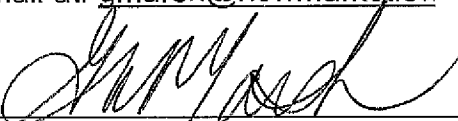
Not applicable to this report.

## BUDGET IMPACT

There is no direct budget impact as funds are budgeted annually for tax reductions, rebates or refunds as a result of assessment changes or legislated programs.

## CONTACT

For more information on this report, contact: Grace Marsh at 905-953-5300, ext. 2143 or via e-mail at: [gmarsh@newmarket.ca](mailto:gmarsh@newmarket.ca)

  
\_\_\_\_\_  
Grace L. Marsh, CMTP, CMMIII  
Supervisor, Property Tax & Assessment  
\_\_\_\_\_  
Mike Mayes, CPA, CGA  
Director, Financial Services/Treasurer  
\_\_\_\_\_  
Anita Moore, AMCT  
Commissioner, Corporate Services

GLM/ne

Attachments: a) By-Law #2016-xx (1 pg.)  
b) Application for Property Tax Deferral (1 pg.)  
c) Application for the Adjustment of Taxes (1 pg.)  
d) Information Sheet (2 pgs.)



## CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2016-XX

A BY-LAW TO AUTHORIZE THE ASSESSMENT REVIEW BOARD TO EXERCISE CERTAIN POWERS AND FUNCTIONS OF COUNCIL PURSUANT TO THE MUNICIPAL ACT, 2001 S. 357(1)(d.1)

WHEREAS subsection 357(1)(d.1) of the *Municipal Act, 2001* as amended, authorizes applications to be made by any person to the Treasurer of a municipality for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made where such person is unable to pay taxes because of sickness or extreme poverty;

AND WHEREAS subsection 357(11) of the *Municipal Act, 2001* as amended, authorizes the Council to pass a by-law to provide that the Assessment Review Board shall exercise the powers and functions of the Council under subsections 357(1)(d.1) and (5), with respect to applications under subsection 377(1)(1.d);

AND WHEREAS any such by-law passed by Council shall apply to applications made in and after the year in which such by-law is passed and shall continue to apply until repealed;

AND WHEREAS it is deemed expedient and appropriate by the Corporation of the Town of Newmarket that the Assessment Review Board exercise the functions of Council under subsection 357(1) AND (d.1) of the *Municipal Act, 2001* for the current year and each year hereafter until repealed;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT the Assessment Review Board shall exercise the functions of Council pursuant to subsections 357(1) and (5), with respect to applications made under subsection 357(1)(d.1) of the *Municipal Act, 2001*, as amended for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made by any persons who are unable to pay taxes because of sickness or extreme poverty.

ENACTED THIS 29th DAY OF February, 2016.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk





**APPLICATION FOR PROPERTY TAX DEFERRAL**  
**SENIORS, LOW-INCOME SENIORS OR LOW-INCOME DISABLED PERSONS**  
Taxation Year for which deferral is requested: \_\_\_\_\_

ASSESSMENT ROLL NO. 1948. \_\_\_\_\_ YEAR PURCHASED: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_

(please print)

NAME OF SPOUSE: \_\_\_\_\_

(if applicable)

PROPERTY ADDRESS: \_\_\_\_\_

**Seniors: age group 55-64 only** (only tax increases in excess of \$100 are eligible for deferral)

I qualify as a "Low-Income Senior" and have attached the following documentation:

Proof of age \_\_\_\_\_; and

☐

For a single person - income tax assessment notice showing income of \$23,000 or less; or

☐

For a family of two or more - income tax assessment notice showing income of \$40,000 or less

**Seniors: age group 65 and older**

☐

I qualify as a "Senior" and have attached the following documentation:

Proof of age \_\_\_\_\_

**I qualify as a "Low-Income Disabled Person" and have attached the following documentation:**

☐

Ontario Disability Support Program (ODSP); or

☐

Social Assistance Reform Act; or

☐

Guaranteed Annual Income Supplement for the Disabled (GAIN); or

☐

most recent income tax assessment notice & documentation verifying one of the above

I certify that the above information is true, correct and complete.

SIGNATURE OF APPLICANT: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ DATE: \_\_\_\_\_

**FOR OFFICE USE:**

Maximum cumulative Deferral:	2015 CVA	x 75%	\$
Year _____ CVA Equivalent Property Taxes			\$
minus Year _____ Property Taxes			(\$ )
<b>Tax Increase</b>			\$
minus \$100 threshold for Low-Income Seniors 55-64			(\$ )
<b>Current Year Deferral</b>			\$
add <b>Outstanding Taxes</b>			\$
<b>Cumulative Deferral</b>			\$

Tax Deferral Program Pursuant to Regional Municipality of York by-Law No. A-0293-2001-064

FAX COMPLETED FORM TO: 905-953-5150 OR E-MAIL TO: [taxes@newmarket.ca](mailto:taxes@newmarket.ca)

FOR ADJUSTMENT OF TAXES FOR THE.....FOR THE YEAR.....

UNDER SECTION 357 ☐ OR SECTION 358 ☐ OF THE MUNICIPAL ACT, 2001, c. 25

Assessed Address	Roll Number Cty.      Mun.      Map Div.      Sub-Div.      Parcel      Prim./Sub.
Name of Assessed Person	Telephone No.
Mailing Address of Assessed Person	Postal Code
Name of Applicant	Telephone No.
Mailing Address of Applicant	Postal Code
<b>REASON FOR APPLICATION: (CHECK APPROPRIATE BOX - ONE ONLY)</b>	
<input type="checkbox"/> Ceased to be liable to be taxed at rate it was taxed - s. 357(1)(a) <input type="checkbox"/> Became exempt - s. 357(1)(c) <input type="checkbox"/> Razed by fire, demolition or otherwise - s. 357(1)(d)(i) <input type="checkbox"/> Damaged by fire, demolition or otherwise - (substantially unusable) - s. 357(1)(c)(ii)	<input type="checkbox"/> Vacant or excess land - s. 357(1)(b) <input type="checkbox"/> Sickness or extreme poverty - s. 357(1)(d.1) <input type="checkbox"/> Mobile unit removed - s. 357(1)(e) <input type="checkbox"/> Gross or manifest clerical error - s. 357(1)(f) or 358(1) <input type="checkbox"/> Repairs/renovations preventing normal use for a period of 3 months - s. 357(1)(g)
<b>DETAILS OF REASON</b> ..... ..... .....	
<b>PERIOD TAX RELIEF CLAIMED:</b> From ..... Date ..... To ..... Date .....	
<b>Applicant's Signature</b> ..... <b>Date of Application</b> .....	

ASSESSMENT REPORT - MUNICIPALITY				ASSESSMENT REPORT - MPAC				
Assessment roll as returned		Revised since roll return Enter revisions below		<input type="checkbox"/> No change in assessment <input type="checkbox"/> Section 357 required for next year				
RT/RT2	..... Base-year CVA	..... Base-year CVA	Current Phased Assessment	Revised RT/RT2	Revised Base-year CVA	Revised Base-year CVA	Revised Current Phased Assessment	Change to Current Phased Assessment
Reason original assessment revised:				Reason for change (MPAC comments):				

REPORT ON TAX LIABILITY							
RTC/RTQ	Taxable Realty Assessment Reduction	Tax Rate	Days	Months	Amount of Tax Reduction	Original Tax Levy	
<input type="checkbox"/> No No Deduction or Tax Adjustment	<input type="checkbox"/>	<input type="checkbox"/> No No Deduction	<input type="checkbox"/>	<input type="checkbox"/> No No Deduction	<input type="checkbox"/>		

Comments.....

Signature..... Date.....

COUNCIL OR ASSESSMENT REVIEW BOARD – DECISION MADE UPON ABOVE APPLICATION				
<input type="checkbox"/> <b>APPROVED</b> (Tax to be adjusted accordingly)	<input type="checkbox"/> <b>AMENDED AND APPROVED</b> (Tax to be adjusted accordingly)	<input type="checkbox"/> <b>NOT APPROVED</b>	<input type="checkbox"/> <b>APPLICANT DID NOT APPEAR</b>	<input type="checkbox"/> <b>APPLICATION ABANDONED</b>
<b>REASON:</b> .....				
.....				
.....				
<b>Appeared for Applicant</b> ..... <b>Appeared for Municipality</b> .....				
<b>Date of Hearing</b> .....				
<b>Signature of Secretary or Board Clerk</b> ..... <b>Signature of Council Rep. or ARB Member</b> .....				

The information on this form will be used for the purpose of processing tax applications filed under the *Municipal Act, 2001*, c. 25, ss. 357 and 358. Questions regarding the collection of personal information should be directed to the Municipal Clerk or the Freedom of Information and Privacy Coordinator of the municipality.



## INFORMATION SHEET

Sickness or Extreme Poverty  
Cancellation, Reduction or Refund of Property Taxes  
Section 357(1)(d.1) of the *Municipal Act, 2001*

### Important Information

- If you are unable to pay your property taxes due to extreme poverty or sickness, you can make an application to the Treasurer asking for a cancellation or reduction of property taxes. This program is not intended to assist applicants on an ongoing basis, but rather it is intended to provide one-time or temporary relief due to financial hardship.
- Council has authorized the Assessment Review Board (ARB), an independent tribunal established by the Province of Ontario to hear and determine sickness and extreme poverty appeals.
- Your application will be forwarded to the ARB so that they may schedule a hearing to decide on the matter.
- At the hearing, you will be required to produce evidence to support your claim that because of your sickness or extreme poverty, you are unable to pay your property taxes and therefore, they should be cancelled, reduced or refunded.
- The ARB will decide whether you are entitled to a cancellation, reduction or refund of your property taxes based on your evidence related to your illness and inability to work and your income and assets.
- At the end of your hearing, the ARB Member that heard your appeal may give an oral decision or may reserve the decision for a later date. A copy of the decision will be sent to you and the Town.
- Once the Town receives the decision, it will act accordingly

### Preparing for the Hearing

- The ARB will mail you a Notice of Hearing advising you of the date, time and location of your hearing.
- The hearing is your chance to prove why you are entitled to a cancellation, reduction or refund of taxes. It is a good idea to prepare for your hearing in advance by gathering evidence to support your position. Make sure you bring three photocopies of each document you plan on presenting as evidence, one for the Town, one for the Board member and one for you.
- All evidence should relate to the tax year of your appeal and relate to all adults living with you in your home.
- Some examples of evidence you may bring to the hearing include:
  - Your initial application
  - Your tax bill
  - Income statements from your employer or any other sources of income (e.g. long term disability)

- Personal income tax assessments from the Canada Revenue Agency
  - Documentation related to the Ontario Disability Support Program (if applicable)
  - Personal bank statements for all bank accounts
  - A listing of all your assets and their values (including medication, medical supplies, transportation, loan payments, mortgage payments, groceries, personal expenses, child care, housing, life insurance and any other expense)
  - Supporting documentation to show that you were unable to work because of sickness (e.g. from the Workplace Safety and Insurance Board)
  - Supporting documentation from your doctor(s) or other medical professionals for any medical care (if sickness is the reason for your application)
  - Any other evidence not listed here that you feel will support your position
- An ARB Member and Town staff will be present at the hearing to ask you questions about your evidence.
  - You must attend your hearing unless you provide authority to someone else to represent you at the hearing. If you do not attend, the ARB may dismiss your appeal. If you know that you will be unable to attend, you must send the Board a request to adjourn the hearing. More information about adjournments is provided on the ARB's website at [www.arb.gov.on.ca](http://www.arb.gov.on.ca)

### How to Apply:

- The deadline to file an application is February 28 of the year following the year in respect of which the application is made.
- Applications are available at Customer Service at 395 Mulock Drive, Newmarket, Ontario
- Completed applications should be sent to:

Town of Newmarket  
 Supervisor, Property Tax & Assessment  
 395 Mulock Drive  
 P.O. Box 328, STN Main  
 Newmarket, Ontario L3Y 4X7



**PLANNING AND BUILDING SERVICES**

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

February 11, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES  
REPORT 2016-08**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning By-law Amendment  
429/445 Harry Walker Parkway South  
East Side of Harry Walker Parkway South, North of Mulock Drive  
Town of Newmarket  
Regional Municipality of York  
File No.: D9NP16 01 (OPA); D14NP16 01 (ZBA)**

ORIGIN: Planning and Building Services

**RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2016-08 dated February 11, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- a) **THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by the Regional Municipality of York for lands Municipally known as 429 and 445 Harry Walker Parkway South be referred to a public meeting.**
- b) **AND THAT following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- c) **AND THAT Lauren Capilongo, Malone Given Parsons Ltd. 140 Renfrew Drive, Suite 201, Markham, ON, L3R 6B3 be notified of this action.**

**COMMENTS****Location and Surrounding Land Uses**

The Subject Lands are the combination of three properties municipally known as 415, 429 and 445 Harry Walker Parkway South and are located on the east side of Harry Walker Parkway South, north of Mulock Drive (See Location Map attached). The properties have an area of approximately 3.47 hectares and a frontage on Harry Walker Parkway of approximately 150 metres.

The subject property is currently vacant. The following are the adjacent land uses:

North: Former Halton Recycling composting facility

South: Vacant Employment lands and a gas station at the corner of Harry Walker Parkway South and Mulock Drive

East: Highway 404 and rural lands in Whitchurch-Stouffville

West: Various Employment uses and the Town of Newmarket's Operation Centre on Maple Hill Court

### **Proposal**

The Region of York is proposing to develop the subject lands for three public service facilities; a snow disposal/management facility, a York Regional Police (YRP) station and an Emergency Medical Services facility (EMS). The Region has applied for site plan approval for the EMS station which has received approval in principle and referred to staff for processing.

The proposed snow disposal/management facility and shared stormwater management area is located at the south end of the property and is approximately 1.95 hectares in size. It is intended to share access with the proposed YRP station. The facility will include a 346 sq.m. building for office use and vehicle storage bay. Outdoor storage is proposed to account for 30% (0.57ha) of the snow disposal/management facility. The proposed amendments are to allow for the outdoor storage portion of the facility. The Region anticipates commencing operations of this facility in 2016.

Operation of the YRP station is intended to commence in 2017/2018. It is located north of the proposed snow management facility with a land area of approximately 1.18 hectares to accommodate the station and associated parking areas. Access from Harry Walker Parkway South is proposed to be shared with the snow storage facility and a controlled access point to the staff and police vehicle parking located east of the proposed building. The YRP station is intended to have a gross floor area of 5,575 sq. m. for offices, a holding cell and vehicle servicing facilities.

The purpose of the applications for Official Plan Amendment and Zoning By-law Amendment are twofold. The first is to permit outdoor storage for the snow management facility; the second to provide relief in the parking standards for the YRP station. The proposed amendments are further described below.

The Town has had and is continuing to have positive discussions on partnership opportunities with the Region for use of this facility. Possible partnerships include town use for snow storage as well as possible recreation opportunities. These opportunities will continue to be explored.



## **Preliminary Review**

### **Official Plan Considerations**

The subject property is designated Business Park – Mixed Employment in the Town's Official Plan. Areas of Newmarket designated Business Park are intended to provide for the Employment needs of the community. The Mixed Employment designation permits business and professional offices, research and development facilities along with manufacturing uses. Service Commercial, motor vehicle uses, commercial schools and accommodation facilities are also among the permitted uses in this designation. The Mixed Employment designation also prohibits open storage of goods, materials and equipment. The Planning Justification report submitted with the application suggest that the proposed development meets the intent of the Business Park use as it contributes to the provision of employment within the Town and sufficiently provides for employment needs of a sustainable community. The Justification Report continues by indicating that the policies of the Official Plan are implemented through the policies of the corresponding Zoning By-law. In the case of the Town of Newmarket, Section 4.1.3 of the Zoning By-law 2010-40 allows for public use permissions in all zones.

We agree with the analysis in the Planning Justification report that concludes the proposed snow storage management facility and YRP station are consistent with the Business Park policies of the Official Plan and the implementing zoning Bylaw allows public uses in all zones.

The amendment required to allow for the outdoor storage has been justified by indicating the adverse impacts that may affect surrounding uses have been mitigated as well as the visual impacts of having outdoor storage in this location. The snow storage and associated machinery have been sited away from Harry Walker Parkway South and landscaped berms will be used to assist in screening the visual impacts. For much of the year, the primary storage material (snow) will not be located on site.

### **Zoning Bylaw Consideration**

The Subject Property is currently zoned Mixed Employment with a site specific exception (EM-107). The Mixed Employment zone permits a broad range of employment, Office and Service related uses. The site specific exception on this property permits accessory retail uses as well as limited stand-alone retail and prohibits a source separated organics composting facility. Specifically, the YRP station is permitted as an *emergency service facility*; however, the snow storage facility is not listed as a permitted use. Outdoor storage is not a permitted use within the Mixed Employment zone.

Section 4.1.3 – Public Uses, states that the “provisions of the by-law shall not apply to prevent the use of land by a Public Authority” (this includes York Region) provided that the following criteria are met:

#### **1. Such use, building or structure complies with the parking and loading requirements of this By-law.**

As a snow storage facility is not a use that has a parking ratio in the Town's zoning by-law the rate of 1 space per 20 m<sup>2</sup> of gross floor area can be used to determine the required spaces. This rate is for uses that are permitted by the by-law that are otherwise not



specifically identified within the parking rate table. This would require 5 spaces for the snow maintenance facility.

The Region is requesting relief from the parking requirements of the by-law. The Justification Report indicates that while the proposed parking for the YRP station is deficient in by-law terms, the amount of spaces proposed is based on the requirements as stated by YRP to meet the needs of their facility and operations. Two hundred parking spaces are being proposed on site for the YRP station while the zoning by-law would require 279 spaces. As a specialized use with specific operational requirements, the provision of the necessary parking spaces for the YRP should have more weight than a standard overarching category.

**2. No outdoor storage is permitted unless such outdoor storage is specifically permitted in the zone in which the use is located.**

As noted above, outdoor storage is not a permitted use in the Mixed Employment zone hence the need for these amendments. The appropriateness of outdoor storage is further reviewed below to ensure the appropriateness of the use.

**3. Such use, building or structure is buffered from an adjacent residential use in accordance with the requirements of Section 4.14.3 of this By-law.**

There are no residential uses adjacent to this development proposal. The nearest residential dwellings are located on the west side of Leslie Street as well as south of Mulock Drive.

**4. Such use, building, or structure within the Flood Plain Zone shall not conflict with those uses that are prohibited under Section 7.1.1.**

The subject lands are not impacted by the Flood Plain.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

*"3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:*

- a. the proposed change is in conformity with this Plan;*
- b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;*
- c. potential nuisance effects upon adjacent uses are mitigated;*
- d. adequate municipal services are available;*
- e. the size of the lot is appropriate for the proposed use;*
- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;*
- g. the on-site parking, loading and circulation facilities are adequate; and,*
- h. public notice has been given in accordance with the Planning Act."*

With regard to the above:

- a) The Official Plan contemplates outdoor storage of goods and materials provided it is appropriately located and screened and does not create any negative impacts on adjacent properties.



- b) The subject lands are within an employment area where uses utilizing heavy machinery and vehicles are expected. Furthermore, the outdoor storage area is intended to be screened by way of a landscape berm.
- c) There are not any anticipated nuisance effects as a result of this development going forward.
- d) Adequate municipal services are available along Harry Walker Parkway South. A Stormwater Management Facility is being proposed to accommodate storm water and melt water impacts on site.
- e) The size of the subject lands appear to be appropriate and can accommodate the proposed uses.
- f) The subject lands have adequate road access on Harry Walker Parkway South. A traffic impact assessment has been completed which indicates that the site entrance is expected to operate within capacity and no critical issues for turning movements into and out from the site were identified.
- g) The on-site parking, loading and circulation facilities are adequate to support the proposed uses. A reduction in parking is required for the York Regional Police station which appears to be appropriate.
- h) The recommendations of this report refer the Official Plan and Zoning By-law Amendment applications to the necessary public meeting under the Planning Act.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario. Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, which includes the provision of the necessary infrastructure and public service facilities for current and future needs.

The PPS defines Public Services facilities as "lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure." Infrastructure is defined as "the physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes...transit and transportation corridors and facilities..." The proposed snow disposal/management facility and shared stormwater management area and a future YRP Station would fall into the categories of infrastructure and public services facilities.

The Planning justification report, prepared by Malone Givens Parsons Ltd., indicates that the proposed development of the Subject Property provides the integration of public service facilities to maximize the efficiency, cost effectiveness, and service integration of public services. With the continuous and projected growth in the Town of Newmarket and York Region, it has been determined by the various agencies that there is a need for a new YRP Station and snow storage/management facility to maintain the high level of service that is currently provided to residents. YRP and Transportation Services have conducted various exercises to assess future growth vs. level of service to determine that existing facilities have been optimized and that new facilities are required.

The proposal is consistent with the policies of the Provincial Policy Statement.

#### Departmental and Agency Comments

The Town has received and will continue to receive comments from department and agencies that will be addressed throughout the planning process.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

#### **COMMUNITY CONSULTATION POLICY**

The recommendations of this report refer the applications to the statutory public meeting.

#### **BUDGET IMPACT**

##### Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment.

##### Capital Budget

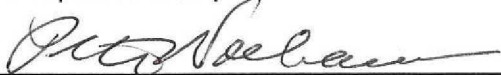
There is no direct capital budget impact as a result of this report.

#### **CONTACT**

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; [druggle@newmarket.ca](mailto:druggle@newmarket.ca)

#### **Attachments**

- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure  
Services



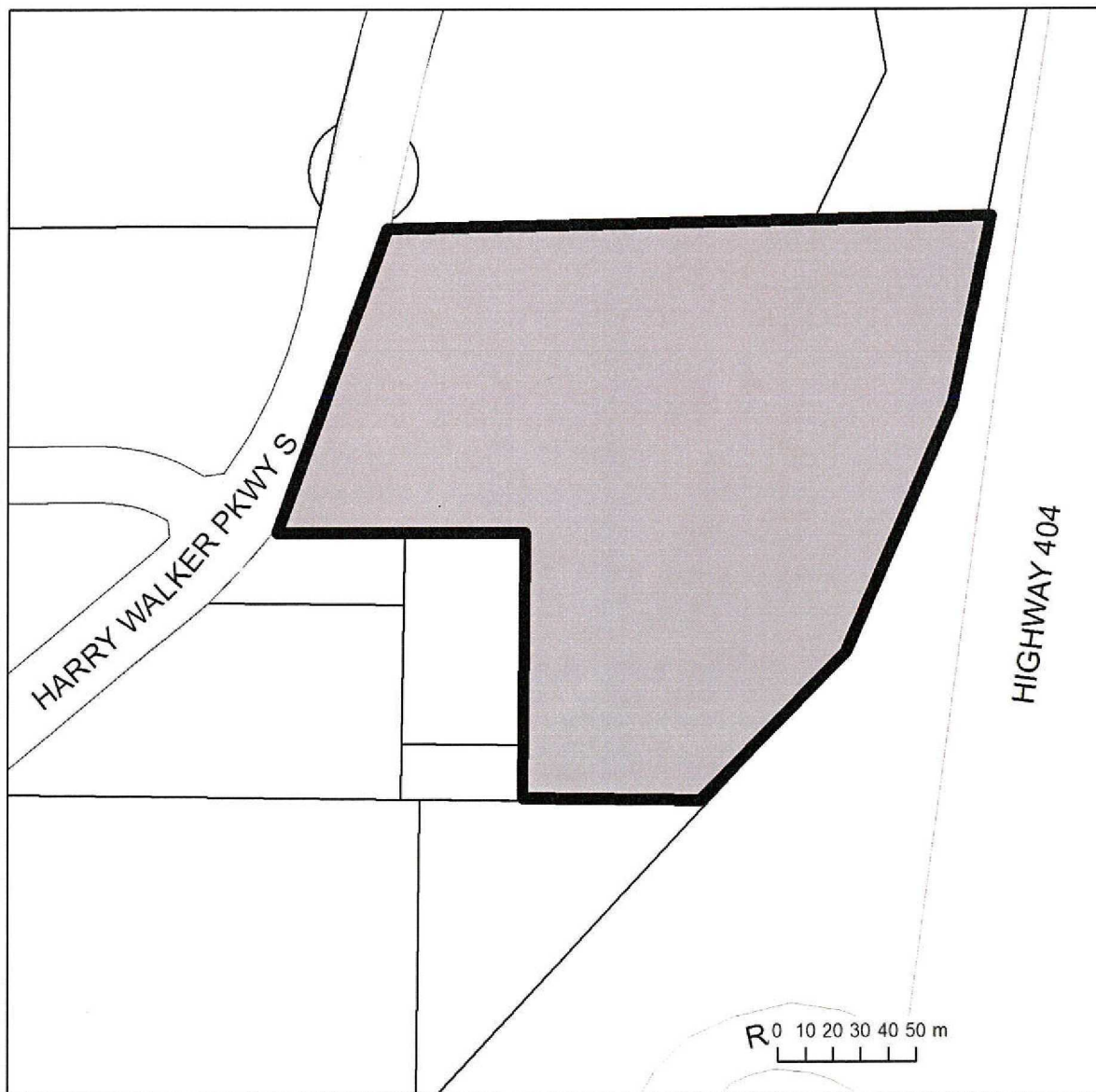
Director of Planning and Building Services




Senior Planner – Community Planning



**LOCATION MAP**  
**429 and 445 Harry Walker Parkway South**  
**East Side of Harry Walker Parkway South,**  
**North of Mulock Drive**



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology - GIS Printed: January 2016. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T:\D1 Services\Planning\DrawFile related documentation\16333 Leslie sitlocation map 429 445 HWPS.mxd







Canadian Cancer Society  
Société canadienne  
du cancer

January 21, 2016

Mayor Tony Van Bynen and Members of Council

Town of Newmarket

**RE: Exemption from Noise By-Law for an event**

Dear Mayor Van Bynen and Members of Council,

I'm writing to you as the Fundraising Specialist for the Canadian Cancer Society Holland River Community Office.

I am asking for an exemption to the Noise By-Law for our 2016 Relay for Life event, June 24<sup>th</sup> 6 pm to 12:00 midnight, at Pickering College.

I am writing to ask you to grant us permission to play music during these hours. For the past 12 years, we have held this successful fundraising event at Pickering College.

Music is very important to the event as it helps keep our participants motivated and provides them with entertainment throughout the 6-hour event.

As always, we will do our best to ensure we do not disturb the neighbours of the college. We believe that Relay for Life is an important event. It will benefit the community at large as the funds that are raised in our community, stay in our community to support many services and educational initiatives.

Thank you for your support.

Sincerely,

Karen Beaulieu, CFRE  
Fundraising Specialist

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		✓
CAO		
JAN 27 2016		
COMMISSIONER		
DEPARTMENT		✓ Bylaws
CLERKS	✓	
CONCERNS		

CORPORATE SERVICES		
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JAN 28 2016		



**Newmarket Public Library Board  
Regular Board Meeting  
Wednesday, December 16, 2015  
Newmarket Public Library Board Room**

**Present:** Joan Stonehocker – Chair  
Tom Vegh – Vice Chair  
Tara Brown  
Kelly Broome-Plumley  
Darcy McNeill  
Venkatesh Rajaraman

**Regrets:** Joe Sponga

**Staff Present:** Todd Kyle, CEO  
Linda Peppiatt, Deputy CEO  
Lianne Bond, Administrative Coordinator

**The Library Board Chair called the meeting to order at 5:35 pm**

**Library Board Training**

Library Board members completed the eLearning module from Public Services Health and Safety Association on roles and responsibilities under the Occupational Health and Safety Act as Library Board members. The Board discussed mechanisms that can be set-up to report on Health and Safety matters.

**Adoption of Agenda Items**

1. Adoption of Regular Agenda
2. Adoption of the Closed Session Agenda
3. Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda.

**Motion 15.12.71**

**Moved by Darcy McNeill  
Seconded by Kelly Broome-Plumley**

**That Agendas 1) to 3) be adopted as presented.**

**Carried**

**Declarations**

None were declared.

**Consent Agenda Items:**

4. Adoption of the Regular Board Meeting Minutes for Wednesday, November 18, 2015
5. Adoption of the Closed Session Meeting Minutes for Wednesday, October 21, 2015
6. Adoption of the Closed Session Meeting Minutes for Wednesday, November 18, 2016
7. Strategic Operations Report for November, 2015
8. Library Statistical Data for November, 2015
9. Monthly Bank Transfer

**Motion 15.12.72****Moved by Venkatesh Rajaraman****Seconded by Tom Vegh**

That Consent Agenda Items 4) to 9) be received and approved as presented.

**Carried****Motion to Convene into a Closed Session****10.** There were no Closed Session items.**Reports****11.** Library Board Action List

A report on allowing use of meeting room space to facilitate more programming partnerships was presented to the Library Board.

**Motion 15.12.73****Moved by Tara Brown****Seconded by Darcy McNeill**

That the Library Board receive the report on Community Use of Meeting Room Space.

**Carried****Business Arising****12.** 2016 Operating Budget Request

The Library Board was advised that the Town of Newmarket Committee of the Whole has reviewed the 2016 Library Operating Budget and has requested that it be reduced by \$10,000.

**Motion 15.12.74****Moved by Tom Vegh****Seconded by Venkatesh Rajaraman**

That the Library Board directs the CEO to accommodate a reduction in the 2016 Operating Budget request by applying a salary gapping of up to \$10,000 if needed.

**Carried**

**13. Library Board Action List**

The Library Board reviewed and updated the Action List.

**Motion 15.12.75**

**Moved by Tara Brown**

**Seconded by Kelly Broome-Plumley**

**That** the Library Board receive the Action List as amended.

**Carried**

**New Business****14. Provincial eResources Funding**

The Library Board was asked to pass a motion and send correspondence to the Ontario Minister responsible for re-installment of eResources funding.

**Motion 15.12.76**

**Moved by Tara Brown**

**Seconded by Venkatesh Rajaraman**

**That** the Library Board calls on the Province of Ontario to re-instate provincial funding and purchasing of the existing core suite of online electronic resources;

**And That** the Library Board sends the attached letter to the Minister of Tourism, Culture, and Sport.

**Carried**

**15. United Way Point in Time Count**

The Library has been asked to participate in the United Way Point in Time Count with respect to homelessness.

**Date(s) of Future Meetings**

**16.** The next regular Library Board meeting will be Wednesday, January 20, 2016 at 5:30 pm in the Library Board room.

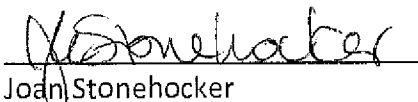
**Adjournment****Motion 15.12.77**

**Moved by Venkatesh Rajaraman**

**Seconded by Tara Brown**

**That** there being no further business meeting adjourned at 6:55 pm.

**Carried**



Joan Stonehocker  
Chair



Todd Kyle, CEO  
Secretary/Treasurer

The meeting of the Appointment Committee was held on Monday, February 8, 2016 in the Davis Room, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Councillor Bisanz  
Councillor Twinney, Chair

Staff Present: L. Lyons, Deputy Clerk  
D. Ruggle, Senior Planner – Community Planning  
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 2:08 p.m.

Councillor Twinney in the Chair.

### **Additions & Corrections to the Agenda**

None.

### **Declarations of Pecuniary Interest**

None.

### **Deputations/Presentations**

None.

### **Approval of Minutes**

1. Appointment Committee Minutes of August 27, 2015 and Appointment Committee (Closed Session) Minutes of August 27, 2015.

Moved by: Mayor Van Bynen  
Seconded by: Councillor Bisanz

THAT the Appointment Committee Minutes of August 27, 2015 and Appointment Committee (Closed Session) Minutes of August 27, 2015 be approved.

**Carried**



## Items

2. Correspondence from Ms. Crystal Lamont dated October 15, 2015 regarding Resignation from the Newmarket Environmental Advisory Committee.

Moved by: Mayor Van Bynen

Seconded by: Councillor Bisanz

THAT staff be directed to advertise the vacancy on the Newmarket Environmental Advisory Committee in accordance with the Committee Public Appointment Policy.

## Carried

3. New Business Item c) of the Accessibility Advisory Committee Minutes of November 19, 2015.

Moved by: Councillor Bisanz

Seconded by: Mayor Van Bynen

THAT staff be directed to advertise the vacancy on the Accessibility Advisory Committee in accordance with the Committee Public Appointment Policy.

## Carried

4. Item 23 of the Council Minutes of December 14, 2015 being Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 regarding workplan and membership (Recommendation b) referred to the Appointment Committee)

Discussion ensued regarding the Committee review and the recommendations that resulted from the review, the Heritage Newmarket Advisory Committee and the manageability of its workplan. The Appointment Committee confirmed that all Committees are encouraged to engage members of the community to assist with their work and to build capacity for future years.

Moved by: Councillor Bisanz

Seconded by: Mayor Van Bynen

- a) THAT the Council Extract regarding Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 be received;

b) AND THAT the current composition of Heritage Newmarket be maintained and that community volunteers be engaged to assist with special projects, where possible, to educate those volunteers on the role of Heritage Newmarket and in an effort to build capacity for future years.

### **Carried**

#### **5. Discussion regarding Committee Workplans.**

The Deputy Clerk provided an overview of the status of Committee workplans. Discussion ensued regarding options to present workplans to Council, being a Council Workshop, a Public Information Centre and/or other alternatives. It was suggested that a Council Workshop be held in April, prior to a Council meeting in order to have each Committee present their workplan.

### **New Business**

None.

### **Adjournment**

Moved by: Councillor Bisanz  
Seconded by: Mayor Van Bynen

THAT the meeting adjourn.

### **Carried**

There being no further business, the meeting adjourned at 2:27 p.m.

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Date

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Councillor Twinney, Chair

2. Correspondence from Ms. Crystal Lamont dated October 15, 2015 regarding Resignation from the Newmarket Environmental Advisory Committee.

THAT staff be directed to advertise the vacancy on the Newmarket Environmental Advisory Committee in accordance with the Committee Public Appointment Policy.

3. New Business Item c) of the Accessibility Advisory Committee Minutes of November 19, 2015.

THAT staff be directed to advertise the vacancy on the Accessibility Advisory Committee in accordance with the Committee Public Appointment Policy.

4. Item 23 of the Council Minutes of December 14, 2015 being Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 regarding workplan and membership (Recommendation b) referred to the Appointment Committee)

a) THAT the Council Extract regarding Item 7 of the Heritage Newmarket Advisory Committee Minutes of October 6, 2015 be received;

b) AND THAT the current composition of Heritage Newmarket be maintained and that community volunteers be engaged to assist with special projects, where possible, to educate those volunteers on the role of Heritage Newmarket and in an effort to build capacity for future years.





Legal & Legislative Services  
 Stephen M.A. Huycke  
 905-726-4771  
 shuycke@aurora.ca

Town of Aurora  
 100 John West Way, Box 1000  
 Aurora, ON L4G 6J1

February 2, 2016

The Honourable Kathleen Wynne, Premier of Ontario  
 Legislative Building, Queen's Park  
 Toronto, ON M7A 1A1

**DELIVERED BY E-MAIL TO:**  
 kwynne.mpp.co@liberal.ola.org

Dear Premier:

**Re: Town of Aurora Council Resolution of January 26, 2016**  
**Re: Motion (a) Ontario Municipal Board Jurisdiction**

Please be advised that this matter was heard by Council at its Council meeting held on January 26, 2016, and in this regard Council adopted the following resolution:

**WHEREAS the Town of Aurora spends an incredible amount of resources and taxpayer money developing an Official Plan; and**

**WHEREAS the Town's Official Plan is ultimately approved by the Province; and**

**WHEREAS it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Town of Aurora Official Plan; and**

**WHEREAS it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Town of Aurora Official Plan; and**

**WHEREAS planning decisions may be appealed to the Ontario Municipal Board ("OMB"), an unelected, appointed body that is not accountable to the residents of Aurora; and**

**WHEREAS appeals of OMB decisions are limited to questions of law, not the findings of facts in a case; and**

**WHEREAS all decisions—save planning decisions—made by Municipal Council are similarly only subject to appeal by judicial review and such appeals are limited to questions of law;**

The Honourable Kathleen Wynne, Premier of Ontario  
Re: Town of Aurora Council Resolution of January 26, 2016  
February 2, 2016  
Page 2 of 2

**NOW THEREFORE BE IT HEREBY RESOLVED THAT Aurora Town Council requests the Government of Ontario to limit the jurisdiction of the OMB to questions of law or process; and**

**BE IT FURTHER RESOLVED THAT that the Government of Ontario be requested to require the OMB to uphold any planning decisions of Municipal Councils unless they are contrary to the processes and rules set out in legislation; and**

**BE IT FURTHER RESOLVED THAT a copy of this Motion be sent to The Honourable Kathleen Wynne, Premier of Ontario, The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, Mr. Patrick Brown, Leader of the Progressive Conservative Party, Ms. Andrea Horwath, Leader of the New Democratic Party, and all Members of Provincial Parliament (MPPs) in the Province of Ontario; and**

**BE IT FURTHER RESOLVED THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.**

The above is for your information and any attention deemed necessary.

Yours truly



Stephen M. A. Huycke  
Town Clerk

SMH/lb

Copy: The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing  
Mr. Patrick Brown, Leader of the Progressive Conservative Party  
Ms. Andrea Horwath, Leader of the New Democratic Party  
All Members of Provincial Parliament in Ontario  
Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities

50<sup>th</sup> Anniversary! Newmarket House League Hockey Tournament**Help us Celebrate for the KIDS!**MARCH 16<sup>th</sup> - 19<sup>th</sup> 2016

January 25, 2016

Town of Newmarket  
395 Mulock Drive  
Newmarket, ON  
L3Y 4X7

ATTENTION: Mayor Tony Van Bynen

Dear Mayor Van Bynen

CORPORATE SERVICES			MAYOR'S OFFICE		
INCOMING MAIL	REFD TO	COPY TO	INCOMING MAIL	REFERRED TO	COPIED TO
JAN 25 2016			COUNCIL		
			CAO		
			JAN 25 2016		
			COMMISSIONER		
			DEPARTMENT		
			CLERKS		✓
			CONCERNS		

On behalf of the 50<sup>th</sup> Annual Newmarket House League Hockey Tournament Committee, I would like to ask for the support and participation from you, the Mayor, and your Council, and would be honoured if you could celebrate with us and your council during our Tournament: from Wednesday March 16, 2016 to Saturday March 19, 2016. We will be once again, hosting the largest and longest running House League Hockey Tournament in Ontario for our 50<sup>th</sup> year. We ask you to declare this week, "House League Hockey Week" in Newmarket, in honour of Ken Sturgeon, our longest serving Chairman, and inspirational leader to a lot of still-committee members – who was also a large supporter of the Children's Aid Organization.

This year, we are not only running a rather successful Hockey Tournament, we are also raising money for York Region Children's Aid in honour of Ken Sturgeon, and to celebrate our 50<sup>th</sup> Year!

Your help before and during the Tournament is much appreciated and needed to help us celebrate a successful 50 years.

**1. Attendance Opening Ceremonies Wed Mar 16 evening:**

We would also like to ask that you and your Councillors join us in our on-ice Opening Ceremonies starting at 7:30pm sharp, on Wednesday March 16 – meet in the Ray Twinney Complex Lounge 1. We will be recognizing you and your Council all on ice, and would ask that you say a few words to our audience on behalf of the Town of Newmarket. Every Team will be in attendance this year, and the Arena should be quite full.

We would also like to extend an invitation to our Sponsors Appreciation Party, being held in the back lounge of the Ray Twinney Complex on Wednesday March 19 directly following the on-ice Ceremonies – where we would like you to say a few words to the Sponsors who help the Committee make this Tournament happen, and to the Committee who have a combined 300 plus years running this Tournament!

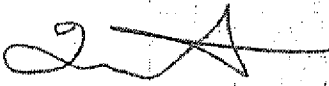
50<sup>th</sup> Anniversary! Newmarket House League Hockey Tournament**2. Challenge to other York Region Mayors:**

Once we have final Town commitments, in support of York Region Children's Aid, we would ask for your support in challenging the other York Region Mayors in a friendly competition. The winning Town will be declared York Region HL Champions – we have a Municipality Award that is given to the Town whose Teams compile the most wins in the Tournament – we would like you to give that Trophy out on Saturday Mar 19<sup>th</sup> – usually sometime around 4-6 pm. We can coordinate closer to the dates

Lastly, please find attached with this package, a copy of the ads that were placed in last year's program. If you could have it reviewed, and any changes to be made, can be emailed to myself at [dukartc556@rogers.com](mailto:dukartc556@rogers.com). Alternatively, you can have someone call me at the number found below. The cost of the program ad is \$150 and can be payable to: Annual Newmarket House League Hockey Tournament.

Please contact myself if you have any questions. Thanks for your continued support.

Yours in sports,



Michael Dukart  
Tournament Chairman  
[Dukartc556@rogers.com](mailto:Dukartc556@rogers.com)  
(647) 466-4885

**Subject:** FW: Social Work Week 2016

CORPORATE SERVICES		
INCOMING MAIL	RECD TO	COPY TO
JAN 25 2016		

**From:** OASW Central Ontario Branch <[oaswcentral@bellnet.ca](mailto:oaswcentral@bellnet.ca)>

**Sent:** January 19, 2016 4:16 PM

**To:** Mayor Van Bynen

**Subject:** Social Work Week 2016

Dear Mayor Van Bynen,

We are writing to request that you proclaim March 7-13, 2016 as **Social Work Week** in the Town of Newmarket.

Few professions match social work for the wide variety of settings in which they work and the range of services they provide. Social workers work as front-line practitioners, clinicians, managers, supervisors, and administrators. They are also therapists, educators, and researchers. They work at all levels of government and some hold political office.

The theme for Social Work Week 2016 is ***Social Workers Help Turn Issues Into Answers***. This year's theme was selected to highlight the significant role that social workers play in helping people improve the quality of their lives and achieve their goals. The profession's unique education, understanding of systems, grounding in the social determinants of health and strengths-based approach ideally position social workers to assist members of the public in finding answers to issues they want to resolve.

Social Work Week provides an opportunity each year for social workers to promote and celebrate their profession and the life-changing work that they champion in the Town of Newmarket and communities throughout the province.

Thank you very much for your continued support. Please do not hesitate to contact me if you require any further information.

Tracey Nesbitt

Tracey Nesbitt, Manager  
OASW Central Ontario Branch  
410 Jarvis St.  
Toronto ON M4Y 2G6  
[oaswcentral@bellnet.ca](mailto:oaswcentral@bellnet.ca)  
(416) 923-4360  
Turn Issues Into Answers. Social Workers. Real Experts for Real Life.  
[www.oasw.org](http://www.oasw.org)



## TOWN OF NEWMARKET

### Outstanding Matters

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
1.	Council – June 23, 2014 – Item 3	<p>Mr. Scott Cholewa regarding a petition for a splash pad in the Copper Hills subdivision (Ward 1)</p> <hr/> <p>THAT the deputation of Mr. Scott Cholewa regarding a petition for a splash pad in the Frank Stronach Park be received;</p> <p>AND THAT the request for a splash pad in Frank Stronach Park be referred to the 2015 budget process and added to the Recreation Master Plan.</p> <p>➤ Recreation &amp; Culture Department</p>	<p>Council Report to come forward in Q1, 2016 outlining a strategy for selecting sites and building 3-4 additional spray pads in Newmarket over the next 10 years.</p>	<p>Item referred to as part of the Recreation Playbook process.</p>

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting

Bold indicates that the item will be on the upcoming agenda

Last revisions made on February 10, 2016

(Updated and including the Committee of the Whole Minutes of February 1, 2016)

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
2.	<p>Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>THAT Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered.</p> <p>THAT staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <p>➤ Engineering Services</p>	Q2, 2016	
3.	Council – April 20, 2015 – Item 7	<p>THAT staff provide a report within six months related to internet voting.</p> <p>➤ Legislative Services</p>	Q2, 2016	Workshop held October 5, 2015

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
4.	Committee of the Whole – May 25, 2015 – Item 2 – Parkland Dedication By-law	<p>THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received;</p> <p>ii) AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law;</p> <p>iii) AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval;</p> <p>iv) AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.</p> <p>➤ Planning &amp; Building Services</p>	Q2/Q3, 2016	<p>This matter is tied to the on-going work of the Marketing Davis Drive Task Force</p> <p>Refer to Development &amp; Infrastructure Services Information Report 2015-41 dated September 22, 2015</p>
5.	Council – June 22, 2015 – Item 31 D & I Services Report – ES 2015-34 – McCaffrey Road – Traffic Review	<p>THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk;</p> <p>AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project.</p> <p>➤ Engineering Services</p>	Q1, 2016	
6.	<del>Committee of the Whole – August 31, 2015 Item 30 – Stormwater Management Rate</del>	<p><del>THAT staff be directed to inform and consult with the public regarding the potential of establishing a stormwater management rate;</del></p> <p><del>AND THAT staff report back on the feedback received in January, 2016.</del></p>	Information Report distributed	
7.	Committee of the Whole – September 28, 2015 – Item 15	<p>THAT the deputation by Mr. Paul Jolie regarding Ontario Municipal Cycling Infrastructure be received and referred to staff for a report back to Council related to cycling infrastructure on Mulock Drive.</p> <p>➤ Development &amp; Infrastructure Services</p>	Q2, 2016	Information Report distributed

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
8.	Committee of the Whole – November 30, 2015 – Item 21	<p>THAT Development and Infrastructure Services Report – Engineering Services 2015-63 regarding Woodspring Avenue – Bonshaw Avenue to Town Limit – Bicycle Lanes and On-Street Parking be referred to staff for additional information, including costs.</p> <p>➤ Engineering Services</p>	Q2, 2016	Ward Councillor advised of a forthcoming resident petition; Eng. Services to await the petition so that it may be considered in the report to Committee of the Whole
9.	Committee of the Whole – September 28, 2015 – Item 24 – Motion	<p>THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area and that the report include any other options for parking enhancements in the downtown core.</p> <p>➤ Development &amp; Infrastructure Services</p>	Information Report Q1, 2016	Referred to Community Centre Lands Task Force Parking Strategy
10.	Committee of the Whole – October 20, 2015 - Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up.	<p>1. THAT staff work with Pickering College to:</p> <p>i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;</p> <p>ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;</p> <p>2. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.</p> <p>➤ Recreation &amp; Culture</p>	Q1, 2016	Deferred to Workshop of February 22, 2016 and Report to follow thereafter
11.	Committee of the Whole – November 9, 2015 – Item 16 Petition/Petitioning Newmarket Council to 'Save Hollingsworth Arena'.	<p>a) THAT the petition/petitioning Newmarket Council to 'Save Hollingsworth Arena' be received and referred to staff for a report that clarifies the petition preamble as part of the public consultation process related to the disposition of the Hollingsworth Arena.</p> <p>➤ Recreation &amp; Culture</p>	Information Report to be distributed during public consultation process Q1, 2016	

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
12.	Committee of the Whole – October 20, 2015 - Motion - Regional Councillor & Deputy Mayor Taylor	<p>In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.</p> <p>➤ Recreation &amp; Culture</p>	To be addressed at workshop scheduled for February 22, 2016	Addressed in Community Services – Recreation and Culture Report #2016 -02. Further discussion to occur within a Q1 Council Workshop regarding the Recreation Playbook Implementation: Facility Needs / Location Planning
13.	Committee of the Whole – October 20, 2015 - New Business	<p>THAT staff research and advise Council regarding potential municipal regulation of propane tank installation for home heating purpose.</p> <p>➤ Legislative Services</p>	Q1, 2016	
14.	Committee of the Whole – November 9, 2015 – Item 3	<p>Motion: Councillor Twinney</p> <p>THAT staff bring back a report to Council on a third party insurance program for residents to insure their water and sewer pipes that run under private property and are not covered by the Town.</p> <p>➤ Legislative Services</p>	Q1, 2016	
15.	Committee of the Whole – November 9, 2015 – Item 12 Development & Infrastructure Services Report PWS 2015-58 regarding N6 Waste Collection Contract 2017-2017 Request for Proposal Preparation Update.	<p>THAT staff work with the N6 partners to develop service level criteria for customer service and response and opportunities to provide customer services outside the scope of the waste control contract and report back to Council;</p> <p>AND THAT staff explore the option of separate proposals for standard bag limits (2 bags and 3 bags) with the N6 partners and report back to Council.</p> <p>➤ Public Works Services</p>	Q1, Q2, 2016	
16.	Committee of the Whole – November 9, 2015 – Item 20 Community Services - Recreation and Culture Report 2015-31 dated October 19, 2015 regarding Recreation Playbook Recommendations Requiring Land.	<p>i) THAT staff be directed to continue discussions related to the former York Catholic District School Board Lands on the north side of Woodspring Avenue, in the northwest quadrant, per Section 239 (2) of the Municipal Act;</p> <p>ii) AND THAT staff report back within 90 days with detailed capital costs and operating expenses of three options outlined in the report for consideration as part of the 2017 budget process.</p> <ul style="list-style-type: none"> <li>• See Item 12</li> </ul> <p>➤ Recreation &amp; Culture/Development &amp; Infrastructure Services</p>		Will form part of a February 22, 2016 Workshop



	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
17.	<del>Council – June 22, 2015 – Item 14</del>	<p><del>THAT the deputation by Mr. Marc Mantha regarding a pilot project in Ward 2 for backyard egg laying hens be received;</del></p> <p><del>AND THAT Council reconsider regulation of egg laying hens in this term of Council to allow for a pilot project in Ward 2;</del></p> <p><del>AND THAT staff be directed to bring back a report on the implementation of a 12 month pilot project in Ward 2 for 20 homes for backyard egg laying hens.</del></p>	<del>February 1, 2016</del>	
18.	Committee of the Whole – January 11, 2016 – Item 19 – Magna Centre Leases and Potential Fitness Centre	<p>THAT the Town of Newmarket convert the existing restaurant space into an equipment based, membership oriented fitness facility within the capital costs identified;</p> <p>AND THAT staff report back on options for the kitchen and kiosk spaces, including an expanded fitness centre in the kitchen area and/or maintaining a food kiosk;</p> <p>AND THAT the funding be added to the draft 2016 Capital Budget.</p> <p>➤ Recreation &amp; Culture</p>	Q3, 2016	

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
19.	Committee of the Whole – January 11, 2016 – Item 20 – Targeted Marketing Program to Advance Re-development of Davis Drive Properties	<p>THAT an exploratory engagement process and utilization of existing incentives and associated budgets be initiated immediately with a 'to be identified' list of developers/landowners related to specific properties along Davis Drive;</p> <p>AND THAT while this exploratory engagement process is ongoing, staff engage outside consulting expertise to address development approval processes, associated timelines/communication practices and incentive funding mechanisms/approaches and report back within 120 days;</p> <p>AND THAT NEDAC be consulted throughout this process;</p> <p>AND THAT the development of Davis Drive be the subject of a future Economic Development Congress within 2016 where a cross section of stakeholders can come together to share ideas specific to advancing the implementation of the Secondary Plan and in keeping with the NEDAC Economic Development strategy re-fresh currently in development;</p> <p>AND THAT the staffing related to fulfilling economic development initiatives continue at their current levels as indicated in the report with longer term staffing to be monitored and reviewed against specific needs related to the realization of Council's Strategic Priorities, implementation associated with the re-development of Davis Drive and to support NEDAC'S economic development re-fresh; with a detailed staffing report to come to Committee of the Whole no later than Q3, 2016.</p> <p>➤ Community Services/Economic Development</p>	<p>May, 2016</p> <p>Q3, 2016</p>	
20.	Committee of the Whole – February 1, 2016 – Item 5 - Mr. Andrew Tedford, Wickedly Sinful Truck Eats & Sweets - Food truck pilot project and new refreshment vehicle by-law recommendations.	<p>THAT the presentation by Mr. Andrew Tedford, Wickedly Sinful Truck Eats &amp; Sweets regarding a food truck pilot project and new refreshment vehicle by-law recommendations be received and referred to staff to report back within a period of 60-90 days.</p> <p>➤ Community Services</p>	May, 2016	Joint Report – Legislative Services/Recreation/Economic Development – led by Commissioner McDougall

THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Dr. & Davis Dr.

AND that staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.

-Our Orientation Session for the new board was on Feb 17, 2014.

-Easter Hop a Long Main Street and Egg Hunt Colouring Contest was on April 4, 2015. Contest Winner received a Gift Basket comprised of various donations from local merchants and toys purchased by the BIA. The winners were Al's son and daughter from the Village Free House. *WE HAD A VISIT FROM THE EASTER BONNY WHO HANDED OUT EASTER EGGS TO OUR VISITORS.*

-In May of 2015 the BIA supported the "Outdoor Patio Pilot Project". The Patio's have become a successful attraction for the Main St. restaurants.

-The Car Show was held on Main Street on June 27 2015. First Prize went to one of our local merchants Mikaleena D'Agrosa for her restored 1969 Volvo. This year the BIA is going to integrate with the car show with the hopes of increasing the attendance.

*A BOUNCY CASTLES AND*

-Canada Day July 1, 2015 was one of the busiest for Main St. BIA introduced a free kids zone with free games and prizes for all the kids. The BIA also raffled off prizes to raise food and money for the Newmarket Food Bank. Total food raised was 150 lbs and approx. 420 dollars in cash. With a few minor changes we hope to increase these numbers this year. Total merchants and outside vendors who participated were just over 100. *THE NEW BIA BOOTH GAVE OUT INFO AND DISPLAYED AN ARRAY OF PRIZES DONATED BY THE MAIN SOUTH MERCHANTS.*

-BIA will be working on a Fall Festival this year, this day to be announced at a later date.

-Candle Light Parade and Tree Lighting Ceremony was held on Nov 20, 2015. This event also had improved attendance. BIA sponsored free hot chocolate, candy canes, glow candle sticks and pictures with the snow queen for all who attended. The BIA received lots of positive feed back from all who participated on that day.

-The BIA is excited to announce that in November of 2015 the BIA Board of Management passed a motion to contract Jason at Website Studios located at 146 Main Street to update, redesign and improve the BIA Main Street Newmarket's website.

-BIA once again sponsored the Winter Wonderland and was honoured to receive the communications award from the Town of Newmarket. *THE SNOW QUEEN PAID US A VISIT AND PROVIDED MANY PHOTO OPS WITH VISITING CHILDREN.*

-On Dec 15, 2015 the Board of Management appointed Rory Rodrigo to the Newmarket Arts Council as the BIA representative. The BIA is excited and looks forward to collaborating with the Newmarket Arts Council.

ADD: *→ THE BIA MEMBERS AND THEIR GUESTS CELEBRATED . . . . .*

-Winter Fest on Feb 6, 2016 The BIA distributed grab bags filled with Main St. merchant coupons, candy and more for the families who attended. The BIA also had a Facebook like and share to win contest, the winner received \$125.00 Main Street Bucks for Valentines Dinner on Main, this years winner was Dianne Wood from Newmarket. The BIA would like to thank Dianna Smith from recreation and culture at the Town of Newmarket for her help and providing us with a booth at the community centre.

add

THE BIA MERCHANTS AND THEIR GUESTS  
 CELEBRATED CHRISTMAS ON MAIN, WITH A  
 FESTIVE TURKEY DINNER AND LIVE  
 ENTERTAINMENT. A MEET AND MINGLE WAS  
 HELD AT THE MAIDS COTTAGE. EACH VISITOR  
 HAD TO TELL "THEIR STORY..."

BIA BUILDER PLAQUES WERE PRESENTED  
 TO ATHOL HART - CHAIR OF HERITAGE NEWMARKET

LISA THOMAS - A FORMER CHAIR - AND  
 OWNER OF "THE STOCK EXCHANGE"  
 AND "TAHULAHs"

CLAIRE BOLTON - FORMER OWNER OF ARTISTIC  
 REVIVAL AND THE WIDDIFIELD BUILDING  
CHRIS KALLIO TOWN OF NEWMARKET  
 DEVELOPMENT OFFICER FOR COMPLETING  
 OVER 100 PROJECTS AND CHANGING  
 THE FACE OF MAIN STREET.

MANY THANKS TO MAYOR VAN BYNEN  
 AND COUNCIL ~~MEMBERS~~ MEMBERS.

SPECIAL THANKS TO REGIONAL COUNCILLOR  
 JOHN TAYLOR AND TOWN STAFF FOR  
 THEIR GUIDANCE AND SUPPORT.



## Deputation and Further Notice Request Form

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Subject: RITA AVE / LONG STREET WALKWAY

Date of Meeting: FEB 22/16 Agenda Item No.:

☒ I wish to address Council / Committee

☒ I request future notification of meetings.

Name: VINCE NACCARATO

Organization / Group/ Business represented:

KINDWIN MARKHAM LIMITED / RODEOFINE HOMES INC

Address: 70 GIBSON DR UNIT 13 Postal Code: L3R 4C2

Email: VINCE@RODEOFINEHOMES.COM

Home Phone:  Business Phone: 905 475-7893

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Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.



**DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES**

TOWN OF NEWMARKET

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

905.895.5193

February 22, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING & BUILDING SERVICES REPORT 2016-05**

TO: Committee of the Whole

SUBJECT: Development Charge Credits and Tri-Party Agreements

ORIGIN: Development & Infrastructure Services – Planning & Building Services

**RECOMMENDATIONS**

**THAT Development and Infrastructure Services – Planning & Building Services Report 2016-05 regarding development charge credits and tri-party agreements be received and the following recommendation(s) be adopted:**

**THAT the position taken by staff relative to mutually-beneficial Tri-Party Agreements in the floodplain be approved as it relates to Development Charges.**

**COMMENTS**

**Background and Purpose**

As opportunities arise within the floodplain, the Town and Lake Simcoe Region Conservation Authority (LSRCA) will enter into tri-party agreements with landowners, the result of which is mutually-beneficial outcomes for all three parties, including improvements to the floodplain, the achievement of Town goals and/or Council strategic priorities, and the preservation of future development opportunities for the landowner within a defined timeframe.

The purpose of this report is to seek Council's confirmation of staff's position that, where a mutually-beneficial tri-party agreement as outlined above has been entered into, the Development Charge (DC) credits related to the demolition of buildings will terminate at the end of the time period established within the tri-party agreement, as opposed to the current 60 month (5 year) time limit established in the DC by-law. This approach recognizes that through the tri-party agreement the buildings, in a sense, continue to exist through the legal preservation of the footprint.

**To-date the Town and LSRCA have entered into two tri-party agreements with landowners in the floodplain.**

Currently the Town and LSRCA have entered into two mutually-beneficial tri-party agreements, one with the property owner of 514 Davis Drive, and one with the owners of the Tannery and 17 and 27 Main Street North.

**Tannery/17 & 27 Main Street North**

The agreement with the Tannery (2012) relates to the demolition of the former freezer building, as well as the demolition of the buildings at 17 and 27 Main Street North, and preserves the building footprint for redevelopment for a period of 10 years. As part of this agreement, the Town was able to secure land for the completion of the Holland River Trail on the west side of the river from the previous trail terminus to the north limit of the Tannery property.

**514 Davis Drive**

As a result of the extent of the land-taking requirements associated with the vivaNext rapidway, in 2011 the owner of 514 Davis Drive entered into discussions with the Town, Region, and the Lake Simcoe Region Conservation Authority (LSRCA) that would see the entire building be demolished, as opposed to only the portion of the building that was required to be removed to accommodate the rapidway.

These discussions ultimately led to the tri-party agreement between the Town, LSRCA, and the property owner that resulted in the demolition of the building and allowed for, among other things, the preservation of the building footprint for the term of the Agreement, being 10 years, to accommodate the future redevelopment on the site. Council will also recall that as part of this Agreement the Owner conveyed a 30 metre strip of land to the Town adjacent to the Holland River to accommodate the extension of the Tom Taylor Trail.

**The DC credit extension would better align with the redevelopment terms as set out in the Tri-Party Agreements**

It is staff's position that the DC credit timeframe should align with the terms of the tri-party agreements as it relates to the redevelopment of the site. Aligning the dates recognizes that the buildings still "virtually" exist and the mutual benefits of these tri-party agreements in the flood plain, while also encouraging development to take place in a reasonable timeframe. In this regard, staff notes that the owner of 514 Davis Drive has held a pre-consultation meeting to discuss the proposed redevelopment of the site for offices and ground floor retail, and a formal application is expected in the near future.

**The redevelopment of these properties supports the goals of the Town, Region, and Province.**

The properties are located within the Davis Drive Character Area and are designated Mixed Use in the Urban Centres Secondary Plan, which is planned to accommodate a range of land uses. The properties are also within the Newmarket GO Rail Mobility Hub planning area and, as such, are strategically located for redevelopment and intensification in accordance with Town, Regional, and Provincial policies.

**The Region and Town are jointly interested in attracting office development to the centres and corridors.**

A key component to the Region's Economic and Development Action Plan is an office attraction campaign for the Regional Centres and Corridors. Similarly, the Town is in the early stages of its "Marketing Davis Drive" initiative, a targeted marketing program to advance the re-development of Davis Drive properties. The alignment of the DC credit with the terms of the tri-party agreements supports both of these initiatives by encouraging development to take place in a reasonable timeframe, and could be applied in the future to the redevelopment of other properties in the flood plain where similar circumstances exist, and where a mutually-beneficial tri-party agreement is entered into, as an incentive to develop.

**The Regional Development Charges By-law establishes a 48 month (4 year) DC credit for redevelopment.**

The Region's DC by-law also contemplates a DC credit related to the re-development of properties, however it establishes a 4 year limit, compared to the Town's 5 year limit. Should Council confirm staff's position as set out in this report, we would then approach Regional staff to achieve a similar approach.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The recommendations of this report support the following branches of the Town's Strategic Plan:

*Well-balanced:* encouraging a sense of community through an appropriate mix of land uses and amenities.

*Well-equipped and managed:* implementing policy and processes that reflect sound and accountable governance.

*Well-planned and connected:* long-term strategy matched with a short-term action plan.

**CONSULTATION**

The Finance Department was consulted in the preparation of this report.

**HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this report.

**BUDGET IMPACT****Operating Budget (Current and Future)**

Based on the recommendation provided in this report, there would be no impact to the Operating Budget.

**Capital Budget**

The Town will receive the normal and usual development charges (less the allowable reduction related to the demolition of former buildings) and assessment revenue should properties that are subject to tri-party agreements redevelop within the agreed-upon terms.

**CONTACT**

For more information on this report, contact J. Unger, Assistant Director of Planning at 905 953-5300 or at [junger@newmarket.ca](mailto:junger@newmarket.ca).

  
\_\_\_\_\_  
Jason Unger, Assistant Director of Planning  
\_\_\_\_\_  
Rick Nethery, Director of Planning & Building Services  
\_\_\_\_\_  
Peter Noehammer, Commissioner  
Development and Infrastructure Services  
\_\_\_\_\_  
Bob Shelton, Chief Administrative Officer



Town of Newmarket  
395 Mulock Drive P.O. Box 328 Station Main  
Newmarket, ON L3Y 4X7

February 3, 2016

Epilepsy York Region  
11181 Yonge Street  
Richmond Hill, ON L4S 1L2

Dear Mayor Tony Van Bynen,

As Executive Director of Epilepsy York Region, a non-profit organization that provides support, education and advocacy to affected individuals and their families in York Region, I am emailing you regarding recognition of March Awareness and Purple Day in support of epilepsy.

Purple Day is a national effort celebrated on March 26<sup>th</sup> which is dedicated to increasing awareness about epilepsy worldwide. The campaign is held during the entire month of March and especially on March 26<sup>th</sup>, inviting people around the world to wear purple and host events in support of epilepsy. Purple Day dispels the myths about epilepsy and helps people living with the disorder to understand that they are not alone.

We would appreciate if the Town of Newmarket would proclaim March as Epilepsy Awareness Month, and March 26<sup>th</sup> as Purple Day and issue a proclamation to that effect.

Yours truly,



Claudia Cozza  
Executive Director



11181 Yonge Street  
Richmond Hill, Ontario  
Canada L4S 1L2

t. 905.508.5404  
t. 1.866.epilepsy  
e. info@epilepsyork.ca

www.epilepsyork.org

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Name: <b>Lauren Capilongo</b>	
Organization / Group/ Business represented: <b>Malone Given Parsons Ltd</b>	
Address:	Postal Code: .
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: Feb 22, 2016
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 8
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To request that Council authorize staff to schedule a public meeting in March to allow York Region to file a site plan application and meet the construction timeline to ensure that the Snow Removal Facility is operational for the 2016 winter season.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

#### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

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# MINUTES

Tuesday, January 12, 2016 at 9:30 AM  
Town of Newmarket - Cane A & B

The meeting of the CYFS - JCC was held on Tuesday, January 12, 2016 in Town of Newmarket - Cane A & B, 395 Mulock Drive, Newmarket.

Members Present:   Aurora:       Councillor Abel, Chair  
  Councillor Mrakas  
  Councillor Thompson

                          Newmarket:   Councillor Hempen (9:55 to 10:36 a.m.)  
  Councillor Sponga  
  Councillor Twinney

Staff Present:       Aurora:       D. Nadorozny, Chief Administrative Officer  
  A. Downey, Director, Parks and Recreation  
  Services  
  D. Elliott, Director, Corporate & Financial Services  
  - Treasurer

                          Newmarket:   R.N. Shelton, Chief Administrative Officer  
  L. Georgeff, Director of Human Resources  
  M. Mayes, Director of Financial Services/Treasurer  
  C. Finnerty, Council/Committee Coordinator

                          CYFS:       I. Laing, Fire Chief  
  R. Comeau, Deputy Fire Chief  
  R. Volpe, Deputy Fire Chief

The meeting was called to order at 9:38 a.m.

Councillor Abel in the Chair.

## Additions & Corrections to the Agenda

None.

## Declaration of Pecuniary Interest

None.

## **Approval of Minutes**

1. Central York Fire Services - Joint Council Committee Minutes of December 15, 2015.

Moved by: Councillor Mrakas  
 Seconded by: Councillor Sponga

- a) THAT the Central York Fire Services - Joint Council Committee Minutes of December 15, 2015 be received.

**Carried**

## **Items**

2. Memorandum dated January 5, 2016 regarding Information Memo further to Report 2015-09.

The Fire Chief provided a verbal update on the memorandum and summarized the background on the proposed hiring plan and associated option analysis to reduce costs. He further provided information on current and future staffing challenges. Discussion ensued regarding the staffing strategy in relation to the proposed new fire station, cost mitigation, service levels, financial implications, and fire master plan recommendations.

Moved by: Councillor Mrakas  
 Seconded by: Councillor Thompson

- a) THAT the Memorandum dated January 5, 2016 regarding Information Memo further to Report 2015-09 be received.

**Carried**

3. Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy.

The Fire Chief provided a verbal update summarizing the hiring strategy identified in the Fire Master Plan, associated budget impacts and a summary of the proposed staff positions. Discussion ensued regarding each staffing option, hiring impacts, budget approval and the timing for release of funds related to the proposed positions.

Moved by: Councillor Mrakas  
 Seconded by: Councillor Twinney

a) THAT Fire Services Report 2015-09, Fire Master Plan Staffing Strategy, dated December 14, 2015 be received for information purposes;

i) AND THAT Central York Fire Services (CYFS) outline and review with JCC the motion from the December 7, 2015 Newmarket Committee of the Whole Meeting, Operating Budget session.

**Carried**

Moved by: Councillor Sponga  
 Seconded by: Councillor Twinney

a) THAT the Central York Fire Services Joint Council Committee (JCC) recommend Option 4 as the preferred staffing strategy;

b) AND THAT JCC request the release of operating budget funds from a Town of Newmarket reserve account in order to initiate a multi-year hiring program which will enable Central York Fire Services to appropriately deal with emergency situations in Aurora and Newmarket.

**Carried**

**Closed Session**

4. Town of Aurora Parks and Recreation Services (Closed Session) Report 2016-01 dated January 12, 2016 regarding the potential acquisition of land in Aurora as per Section 239 (2) (c) of the Municipal Act, 2001.

Moved by: Councillor Mrakas  
 Seconded by: Councillor Twinney

a) THAT the Central York Fire Services – Joint Council Committee resolve into Closed Session.

**Carried**

The Central York Fire Services – Joint Council Committee resolved into Closed Session at 10:06 a.m.

The Central York Fire Services – Joint Council Committee resumed into Open Session at 10:35 a.m.



The Council/Committee Coordinator, at the request of the Chair, advised that JCC, in Closed Session discussed a land acquisition matter and advised that the issue would be before Newmarket Council, in Closed Session, on January 18, 2016.

### **New Business**

None.

### **Adjournment**

Moved by: Councillor Twinney  
Seconded by: Councillor Mrakas

a) THAT the meeting adjourn.

### **Carried**

There being no further business, the meeting adjourned at 10:36 a.m.

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Date

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Councillor Abel, Chair

3. Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy.

a) THAT the Central York Fire Services Joint Council Committee (JCC) recommend Option 4 as the preferred staffing strategy;

b) AND THAT JCC request the release of operating budget funds from a Town of Newmarket reserve account in order to initiate a multi-year hiring program which will enable Central York Fire Services to appropriately deal with emergency situations in Aurora and Newmarket.

**Carried**

**CENTRAL YORK FIRE SERVICES**

2015-12-14

**Fire Services Report 2015-09**

To: Joint Council Committee  
Origin: Central York Fire Services - Fire Chief  
Subject: **Fire Master Plan Staffing Strategy**

---

**RECOMMENDATIONS**

**THAT Fire Services Report 2015-09, Fire Master Plan Staffing Strategy, dated 2015-12-14, be received for information purposes;**

**And that Central York Fire Services (CYFS) outline and review with JCC the motion from the December 7, 2015 Newmarket Committee of the Whole, Operating Budget session;**

**And that JCC recommend to both Councils a commitment to a multi-year staffing plan to meet departmental operational needs and enable CYFS to provide the appropriate level of prevention, educational and emergency service to the communities as outlined in the Fire Protection and Prevention Act, the Consolidated Service Agreement and the 2014 Fire Department Master Fire Plan Update;**

**And that JCC request the release of operating budget funds from a Town of Newmarket reserve account in order to initiate a multi-year hiring program which will enable CYFS to appropriately deal with emergency situations in Aurora and Newmarket;**

**COMMENTS**

The December 7, 2015 Committee of the Whole meeting held in Newmarket covered the 2016 Operating Budget. Staff had been directed to prepare a draft operating budget request not to exceed a 2.5% increase. During these budget discussions CYFS staff were requested to supply additional information to the Committee on the fire related submissions.

A motion was presented and supported by Committee, which resulted in two adjustments to the Central York Fire Service budget submission.

A minor reduction in the growth portion of the budget related to the four additional fire fighter positions requested for 2016. While this reduction is discouraging from a staff management point of view, there is an ability to work within this reduced funding envelope, however, the opportunity of the staff to offset overtime during the heavily selected summer months will be reduced due to a delayed start of the training program.

The second variance to the CYFS budget submission was to remove the reduced funding from the CYFS account and place the funds for this budget item in a separate Town of Newmarket reserve account until such time as a formal staffing plan for the fire service is approved.

### **BACKGROUND**

In 2002 Aurora and Newmarket entered into an agreement, which consolidated their respective fire services. The Joint Council Committee (JCC) was formed and given responsibilities on behalf of the two municipalities to govern the service.

The Mission Purpose and Objective of the Committee as outlined in Schedule A of the Consolidation Agreement states *"The Fire and Emergency Services Committee is charged with the responsibility of providing and administering a borderless single tier level of fire protection and prevention services throughout the entire geographic area for both the Towns of Aurora and Newmarket, in accordance with the Consolidated Fire Services Agreement, as well as obligations contained in the Fire Protection and Prevention Act as amended and any regulations passed thereunder."*

*"Although accountable to both the Council of the Town of Aurora and the Town of Newmarket, it is the responsibility of Committee Members to make decisions which shall favour neither municipality, but will provide an equal level of service to all the combined residents of both municipalities."*

JCC has been involved in a number of discussions relating to the staffing complement and a variety of options to move the hiring process forward in a manner that is responsible to meet the needs of the municipalities as well as the operational needs of the department.

The FDMPU accepted by JCC and both Councils outlined a two-year hiring process to coincide with the opening of the new fire station. This approach gives the maximum boost the operational effectiveness of the fire service, but also the least palatable for the tax payer. In an effort to minimize the tax impact on residents, CYFS presented a number of alternate hiring strategies. Key to the provision of timely initial response is the location of the new fire station. The station could be designed and constructed in approximately a two year window.

Finding the right balance between operational effectiveness and fiduciary responsibility is always a challenge and to assist JCC with finalizing a staffing model the options will be presented in this report. A number of the staffing options reviewed will take several years longer than the proposed two-year design and construction of the new facility.

The Department will continue to strive to achieve the approved level of service set by JCC throughout the communities of Aurora and Newmarket. CYFS staff are cognizant there is a fine balance between operational needs and the tax impact on residents. While our mandate is to protect life and property in the community, there is an understanding of both sides of the issue.

Additional background information related to the Fire Protection and Prevention Act, the Fire Services Consolidation Agreement and the Executive Summary of the 2014 Fire Department Master Fire Plan Update are attached to this report.

### **BUDGET IMPACT**

The hiring scenarios outlined in this report meet the 2016 budget requirements of Newmarket Council.

### **CONSULTATION**

The Master Fire Plan, Consolidation Agreement and FPPA have been reviewed respective of the duties and responsibilities of the Fire Chief, Joint Council Committee and the ability to provide the appropriate level of service the municipalities.

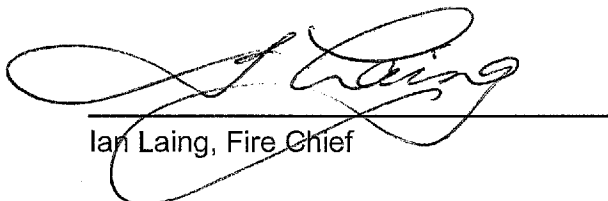
The Newmarket CAO and Director of Financial Services have been consulted.

### **IMPACT ON THE MASTER FIRE PLAN**

The JCC and Aurora Council and Newmarket Council have approved the adoption of the 2014 Fire Department Master Plan Update (FDMPU). With the recent reduction to the funding by Newmarket Council and the placement of the reduced funding in a Newmarket Reserve Account until a staffing plan can be reviewed, CYFS cannot move to meet the direction of the JCC or the Master Fire Plan.

### **CONTACT**

Fire Chief Ian Laing



Ian Laing, Fire Chief



## Central York Fire Services

TOTAL ANNUAL INCREASE (INCLUDES THE BASE)		2015	2016	2017	2018	2019	2020	AVG.
1	Hire additional firefighters (FF's) over 2 years (assuming 8 & 12)		8 FF's	12 FF's				
	TOTAL Newmarket	1.09%	1.52%	2.20%	1.62%	1.14%	0.94%	1.48%
	TOTAL Aurora	1.33%	1.45%	2.10%	1.55%	1.08%	0.90%	1.42%
2	Hire additional FF's over 3 years (assuming 4, 8 & 8)		4 FF's	8 FF's	8 FF's			
	TOTAL Newmarket	1.09%	0.98%	1.87%	2.26%	1.13%	0.99%	1.45%
	TOTAL Aurora	1.33%	0.93%	1.79%	2.16%	1.08%	0.94%	1.38%
3	Hire additional FF's over 4 years (assuming 4, 4, 4 & 8)		4 FF's	4 FF's	4 FF's	8 FF's		
	TOTAL Newmarket	1.09%	0.98%	1.48%	1.81%	1.76%	0.98%	1.40%
	TOTAL Aurora	1.33%	0.93%	1.41%	1.72%	1.68%	0.94%	1.34%
4	Hire additional FF's over 5 years (assuming 4 per year)		4 FF's	4 FF's	4 FF's	4 FF's	4 FF's	
	TOTAL Newmarket	1.09%	0.98%	1.48%	1.81%	1.38%	1.29%	1.39%
	TOTAL Aurora	1.33%	0.93%	1.41%	1.72%	1.32%	1.23%	1.32%

*In all scenarios the HR Consultant is included in 2017; two Fire Prevention positions, IT Consultant, Administrative Assistant for Training, and additional operating costs for the new station (\$75K) are in 2018.*



**Date:** 2016-01-05

**From:** Fire Chief Laing

**To:** Joint Council Committee

**Re:** Information Memo further to Report 2015-09

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At the Special JCC meeting in December, CYFS report 2015-09 was presented and discussed with the members of the Joint Council Committee. The report attached for your review was deferred until the JCC meeting on January 12<sup>th</sup>.

At the meeting there was a request for additional information relating to the offset of some overtime costs associated with the hiring of additional firefighter positions. In 2011 with the hiring of 20 firefighter positions, CYFS management team were able to work within the framework of the Collective Agreement and reduce overtime costs by down-staffing the sixth crew or removing it from service depending on the number of staff reporting for duty. Prior to having the staffing flexibility the sixth crew offered, the annual overtime costs averaged over \$600,000. per year. Since undertaking the new staffing options in 2011, annual overtime costs have been reduced significantly.

The Fire Department Master Plan Update (FDMPU) identified several operational issues to assist CFYS in addressing the approved service level requirements. The need for a centrally located fire station to address primary coverage issues is a critical component of the FDMPU. The deployment of firefighting resources is more effective when they respond from strategically located fire stations within the community. The proposed fifth fire station location will assist by shortening run distances from the current locations which should positively affect response times.

The second component of the staffing strategy is the hiring of additional fire fighter positions to increase the depth of service that CYFS can provide to Aurora and Newmarket. The new fire station should be designed and constructed as quickly as possible and depending on the staffing model approved by Council it can be staffed by existing firefighters as an interim measure.

CYFS staff have reviewed the FDMPU and offered several staffing options to meet the department's operational requirements while still following the intent of the document. JCC report 2015-09 contains four staffing options ranging from a two year to a five year period.

Upon completion of the new station, existing CYFS resources will be reassigned to provide primary response coverage responding from the new fire station. Additional firefighting positions will increase the department's depth of service and enable CYFS to deploy the appropriate number of staff to more effectively deal with emergency situations and simultaneous events. When all twenty new positions are filled, an additional crew will be created and strategically deployed depending on the current needs of the two communities.

A secondary benefit to a multi-year hiring process is the ability of additional staff to offset some overtime costs annually. The cost differential between a senior firefighter to a new hire is significant. When the department requires a position be filled, the overtime rate is approximately \$70 per hour. Over a 24 hour shift period the total cost for the shift coverage is \$1,672. Having an additional firefighter on duty would reduce that total cost to \$715., a difference of \$956. Per shift . A conservative estimate on this overtime offset would be approximately \$25,000 annually split between Newmarket and Aurora.

An option not listed in the attached report would be to not hire any additional staff, however, to ensure that day to day staffing levels support the sixth crew being in service at all times. Currently the truck is down-staffed or removed from service when there are insufficient numbers of staff on duty. Preliminary estimates to cover this option would be approximately \$600,000. annually.

**Fire Suppression Division:**

22. That the CYFS emergency response dispatch protocols be revised to reflect the proposed minimum staffing deployments for low, moderate and high risk occupancies (Table 16) and the proposed revised performance objectives for emergency response (Table 19).

**Table 16: Recommended Depth of Response – CYFS**

Fireground Critical Tasks		Low Risk	Moderate Risk	High Risk
Incident Response	Incident Command	1	1	1
	Pump Operator	1	1	1
	Additional Pump Operator	0	0	1
	Initial Attack Line (Confine & Extinguish)	2	2	2
	Additional Attack Line (Confine & Extinguish)	0	2	2
	Search and Rescue	0	2	2
	Initial Rapid Intervention (RIT)	0	2	2
	Ventilation	0	2	2
	Water Supply- pressurized	0	1	1
	Forcible Entry Team	0	1	2
	Laddering	0	0	2
	Exposure Protection	0	0	2
	Incident Safety Officer	0	0	1
	Accountability	0	0	1
	Rehabilitation	0	0	2
	<b>Minimum firefighter deployment</b>	<b>4</b>	<b>14</b>	<b>24</b>