

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

1. Ms. Lynn Conforti, Manager, Philanthropy & Engagement, and Ms. Erin Rogers, Event Specialist, Southlake Regional Health Centre Foundation to address Council with a PowerPoint presentation updating Council on the Southlake Foundation's fundraising activities and 2016 Run or Walk for Southlake. p. 1
2. Ms. Gigi O'Brien and Ms. Stacy Ryder, York Region MS Chapter to address Council with an invitation to the MS Walk on May 1, 2016 and to request proclamation of May, 2016 as 'Multiple Sclerosis Awareness Month'. p. 20

Recommendations:

a) THAT the correspondence and request for proclamation of May, 2016 as 'Multiple Sclerosis Awareness Month' be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May, 2016 as 'Multiple Sclerosis Awareness Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

Approval of Minutes

3. Council Minutes of February 8, 2016.

p. 22

Reports by Regional Representatives

Reports of Committees and Staff

4. Memorandum dated February 25, 2016 from the Deputy Clerk regarding the Code of Conduct for Members of Council. p. 37
5. Council Workshop Record of February 22, 2016. p. 39
6. Council Workshop (Closed Session) Record of February 22, 2016.
7. Committee of the Whole Minutes of February 22, 2016. p. 42

By-laws

- | | | |
|---------|---|-------|
| 2016-07 | A By-law to Appoint a Municipal Ombudsman for the Town of Newmarket (ADR Chambers Inc.) | p. 54 |
| 2016-08 | A By-law to provide an exemption to By-law 2004-94, as amended, being a by-law to prohibit and regulate unusual noise or noises likely to disturb the inhabitants of the Town of Newmarket. | p. 55 |
| 2016-09 | 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) | p. 56 |
| 2016-10 | A By-law to establish a Code of Conduct for Members of Council. | p. 57 |

Notices of Motions

Motions

Announcements & Community Events

New Business

Closed Session (if required)

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

Confirmatory By-law

2016-11 A By-law to confirm the proceedings of Council - February 29, p. 73
2016.

Addendum (Additions and Corrections)

Adjournment

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: Lynn Conforti, Manager, Philanthropy & Engagement	
Organization / Group/ Business represented: Southlake Regional Health Centre Foundation	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: February 29, 2016 (7pm)
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input 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 provide an update on Southlake Foundation's fundraising activities and how the Town can support, including forming a team at the 2016 Run or Walk for Southlake as part of the Mayor's Challenge.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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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

TRANSFORM A LIFE

AT SOUTHLAKE REGIONAL HEALTH CENTRE



SOUTHLAKE
REGIONAL HEALTH CENTRE
FOUNDATION

Southlake Regional Health Centre

Cherishing a tradition of quality care

- Originally founded in 1922 as York County Hospital, Southlake started with 6 rooms and 2 nurses, serving a community of 4,000
- During the 1990's York Region saw explosive population growth and Southlake Regional Health Centre was formed
- More than 3000 people are now employed here, as well as 575 physicians and 1,171 volunteers



Original doors of York County Hospital are currently displayed in the main building of Southlake.

Southlake Regional Health Centre

Cherishing a tradition of quality care

- Today, Southlake is home to 7 Regional Programs serving more than 1 million people, including:
 - Cardiac Care Program
 - Cancer Program
 - Neonatal Program
 - Paediatric Oncology Program
 - Child & Adolescent Mental Health Program
 - Eating Disorders Program
- Southlake's Thoracic Care team performs more surgeries than all other hospitals in central LHIN combined
- Southlake is also home to the Eye Institute, the Research Institute, a Family Medicine Teaching Unit . . . and more!



STRONACH REGIONAL CANCER PROGRAM



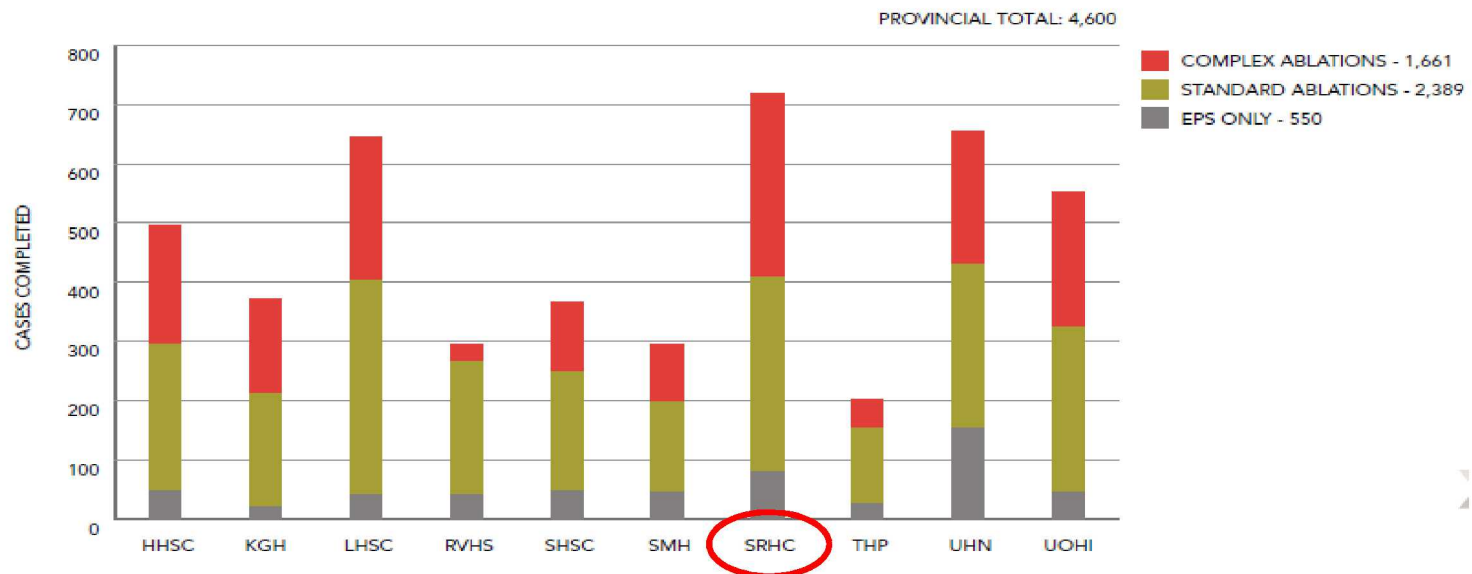
- In the five years since the Stronach Regional Cancer Centre opened, Southlake has been able to see over **56,000 patients** close to home, saving them **130,000** trips downtown
- The Stronach Regional Cancer centre currently houses:
 - 23 Chemotherapy Treatment Chairs
 - 26 Assessment Rooms
 - 12 Counselling Rooms
 - Capacity for 6 Radiation Bunkers (4 currently in operation).

REGIONAL CARDIAC PROGRAM

- Southlake's Regional Cardiac Care Program is currently the 3rd largest cardiac program in Ontario and #1 in Canada for treating complex heart rhythm conditions.
- Last year alone there were over 77,000 cardiac diagnostic exams, over 6,300 cardiac cathertizations, over 2,200 angioplasty procedures and over 1,000 cardiac surgeries performed.
- This life-saving program currently supports more than 1.5 million residents throughout York Region, Simcoe County, Muskoka and Dufferin County.

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ELECTROPHYSIOLOGY STUDIES (EPS) AND ABLATIONS



REGIONAL CARDIAC PROGRAM



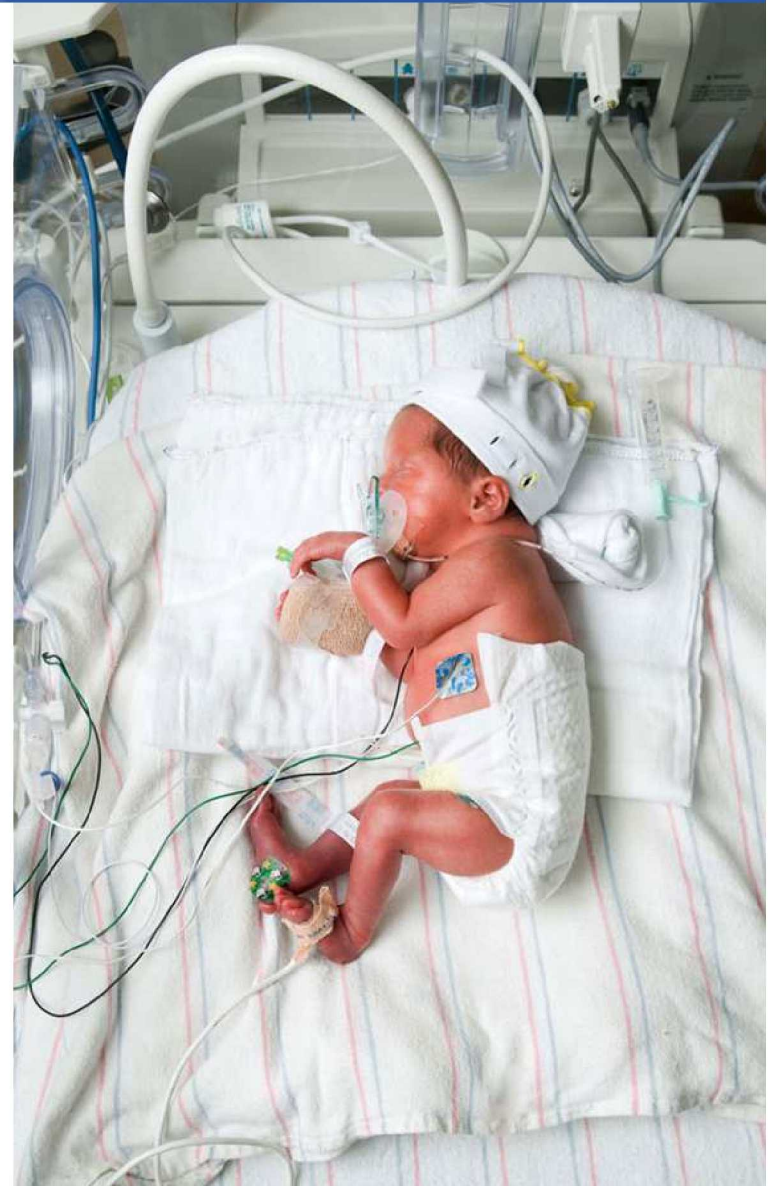
- In September, 2015, Southlake opened our new Electrophysiology Labs and welcomed our first patient in the new space on November 19, 2015



- Equipped with the latest technology used to treat the electrical inner workings of the heart, the suites will be used to treat patients suffering from conditions such as arrhythmias and atrial fibrillation

MATERNAL CHILD PROGRAM

- Southlake's Maternal Child Program cares for paediatric patients ranging from 0-18 years of age
- Last year, over 2600 babies were born at Southlake and over 3500 paediatric patient visits occurred
- Southlake also houses specialized paediatric programs:
 - **Neonatal Intensive Care Unit** – Over 500 babies a year are cared for at Southlake's NICU. Designated at a level 2B, Southlake's NICU cares for babies born on or after 32 weeks of gestation
 - **Paediatric Oncology Program** - 134 Paediatric Oncology patients were treated at Southlake last year.
 - **Child and Adolescent Mental Health Program** – This program provides specialized paediatric services. Southlake also houses the regional Eating Disorders Program.



SURGICAL PROGRAM



- Southlake houses a variety of surgical programs – from orthopaedic, to thoracic, to vascular and beyond.
- Southlake is the 5th largest Regional Thoracic Cancer Surgery Program in Ontario.
- Last year, Southlake's Surgical Program completed over 25,000 Ambulatory Surgery Program Procedures
- A team of 27 Anesthesiologists support this program

MENTAL HEALTH



- The Mental Health Program provides a range of services for children, adolescents and adults with serious mental health issues which include:
 - Adult Crisis Program
 - Assertive Community Treatment Team Brief Therapy Clinic
 - Community Treatment Order In-patient Mental Health Unit
 - Psychogeriatric Assertive Community Treatment Plan)
 - Recovery and Wellness Day Program
 - Schizophrenia Program
- Over 3,800 patients each year come to Southlake's Emergency Department in some kind of mental health crisis

EMERGENCY DEPARTMENT



- Last year, Southlake's Emergency Department saw over 110,000 patient visits (only 5 other hospitals in Ontario have volumes over 100K)
- Southlake is consistently ranked a top-performer in provincial wait-times for Emergency Rooms. Most recent wait-time was an average of 1.3 hours from arrival to see physician.
- On average, Southlake sees over 66,500 patients with complex illness/ injury.

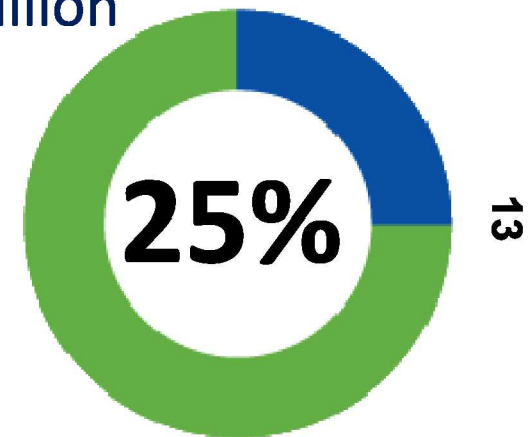
2016/17 PRIORITIES

RESIDENTIAL HOSPICE AT SOUTHLAKE

York Region currently has only one residential hospice; a three-bed facility in Richmond Hill that offers inpatient services.

With community support, Southlake will construct a 10-bed residential hospice to serve York Region and surrounding areas, ensuring our community has the means to support those living out their final days in peace, dignity and comfort.

To date, the *love lives here* campaign has raised \$3 million against the \$12 million campaign goal.



3

NUMBER OF HOSPICE
BEDS CURRENTLY
AVAILABLE TO
PALLIATIVE PATIENTS
IN YORK REGION

250

APPROXIMATE NUMBER
OF PATIENTS AND
FAMILIES WE EXPECT TO
USE THE HOSPICE
FACILITIES EACH YEAR

ANESTHESIA MACHINES

(Operating Room Equipment)



- Southlake currently will replace 24 anesthesia machines for use throughout our hospital over the next 3 years.
- Our current anesthesia machines are reaching the end of their life-cycle and urgently need to be replaced.
- In addition, our surgical department needs new and replacement equipment across the program, from scopes, lights, saws, drills, and more.

BED REPLACEMENTS



- Southlake will replace over 350 beds over the next three years.
- Beds are the most overlooked piece of equipment across the hospital and ours are aging. From a trauma patient in the ER, to an elderly and immobile patient on a long-term care floor, beds are a building block of care that ensure safety, comfort and wellbeing.
- New beds offer not only increased comfort for our patients, but several new upgrades including improved infection control and better patient lift options.

WE DEPEND ON DONORS LIKE YOU

- Southlake depends on community donations to fund all the capital and program expansions that keep us on the cutting-edge of care.
- Hospitals do not receive funding for new or replacement equipment .We depend on our donors to fund these vital upgrades across the hospital.
- We believe that everyone should have access to the care they need, when they need it, close to home, and your support allows us to provide that.



WAYS TO GIVE

- Philanthropic gifts
- Employee Giving Programs
- Corporate Matching Programs
- Cause Related Marketing
- Community Events
- Participate in:
 - The Run or Walk for Southlake
 - The Southlake Golf Tournament



RUN OR WALK FOR SOUTHLAKE TEAM CHALLENGE



CALLING ALL TEAM CAPTAINS!

Leading a team of runners/walkers has never been easier! We've put together a handy Team Captain Tool Kit at runforsouthlake.ca to help you make your team's experience fun, successful and rewarding.

7 Team Challenge Categories:

BANKS | FRIENDS & FAMILY | MAYORS & MUNICIPALITIES
COMMUNITY GROUPS & SPORTS TEAMS | SCHOOLS
CORPORATE & BUSINESS | HOSPITAL FAMILY

"We're running for: **SOLIDARITY**" Team Pete was a force to be reckoned with at the 2015 Run or Walk for Southlake, presented by Nature's Emporium. At 100+ members strong, they raised more than \$18,000 in support of Southlake. Team Captain, Amanda, rallied the group together in support of their friend Pete, who was undergoing cancer treatment at the Stomach Regional Cancer Centre. It was Pete's determination to fight the disease that inspired Amanda to form the team. Having access to world class health care, close to home makes all the difference to people like Amanda and Pete.

Follow Amanda's lead and register your team today! Special support is available to team captains - step up to the plate today!

2015 Spotlight:

TEAM PETE



WHY PARTICIPATE IN THE RUN OR WALK FOR SOUTHLAKE AS A TEAM?



SHOW SUPPORT FOR A LOVED ONE,
CO-WORKER OR SOUTHLAKE HEALTHCARE WORKER

ENGAGE EMPLOYEES FOR TEAM-BUILDING



HELP KEEP EVERYONE MOTIVATED

TEACH YOUTH ABOUT THE IMPORTANCE OF
PHILANTHROPY AND COMMUNITY SUPPORT



REGISTER | PLEDGE
runforsouthlake.ca

Run or Walk for
SOUTHLAKE
presented by Nature's
EMPORIUM



THANK YOU



Deputation and Further Notice Request Form

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Name: Ms. Jiji O'Brien and Ms. Stacy Ryder	
Organization / Group/ Business represented: Multiple Sclerosis Society of Canada York Region Chapter	
Address: 9350 Yonge Street, Richmond Hill	Postal Code: L4C 0C9
Daytime Phone No: 905-252-1380	Home Phone:
Email:	Date of Meeting: February 29, 2016
Is this an item on the Agenda? <input type="checkbox"/> Yes x <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input 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 invite Mayor and Members of Council to participate in the MS Walk on May 1, 2016.	
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.	

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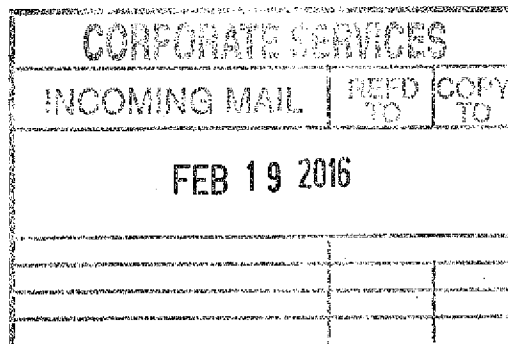


York Region MS Chapter
9350 Yonge Street, P.O. Box 61528
Richmond Hill, Ontario, L4C 0C9

February 18, 2016

Re: Proclamation of May as MS Awareness Month

Dear Mayor Van Bynen



I am sending you this letter to put forth a Proclamation to council of making May 2016 Multiple Sclerosis Awareness Month. The York Region MS Chapter assists hundreds of our members with financial and equipment subsidies, education and support. As you know, York Region is one of Canada's fastest growing regions and every week our membership grows with someone else being diagnosed with Multiple Sclerosis.

Our chapter will be celebrating MS Awareness Month with the MS Walk on May 1st in Newmarket, Markham, Richmond Hill and Woodbridge and our Carnation Campaign on Mother's Day weekend. The Proclamation would boost the MS Awareness Campaign in Newmarket and allow us to reach out to more of our members and accomplish our mission of being a leader in research for a cure and enabling people affected by MS to enhance their quality of life.

Thank you for your consideration,

Stacy Ryder
York Region MS Chapter
Director of Communications
stacyaryder@gmail.com
905-252-1380

The meeting of the Council was held on Monday, February 8, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Sponga
Councillor Broome-Plumley
Councillor Bisanz

Absent: Councillor Hempen

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
C. Finnerty, Council/Committee Coordinator
J. Patel, Business Support Analyst

Open Forum

None.

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

1. Additions & Corrections to the Agenda

The Chief Administrative Officer advised that adoption of the addendum items will require a 2/3 majority as the motion regarding Bill 42, being Item 8 of the agenda, will be considered directly by Council. He further advised of the addendum item, being a deputation by Mr. John Blommestein regarding Election of a Regional Chair, related to Item 8 of the agenda and summarized corrections to the agenda, being an administrative correction to Item 13 of the Committee of the Whole Minutes of February 1, 2016 regarding Development Coordination Service Arrangement, an amendment to Item 8 of the agenda, being a Motion by Councillor Bisanz regarding Bill 42 to replace the word 'govern' with 'presides over' in Recital #4 and advised that a Motion by Councillor Hempen regarding Davis Drive/Longford Drive entrance sign will be considered at the Committee of the Whole meeting of February 22, 2016.

Moved by: Councillor Twinney
 Seconded by: Councillor Kerwin

THAT the addendum items be included on the agenda.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
 (8 in favour, 0 opposed)

Carried by 2/3 majority

Declarations of Pecuniary Interest

- a) Councillor Vegh declared an interest in Item 2 of the Agenda, being a deputation by representatives from Inn from the Cold as he is an employee of the organization. He advised that he will not take part in the discussion or voting of the matter.
- b) Deputy Mayor & Regional Councillor Taylor declared an interest in Item 14 of the Committee of the Whole Minutes of February 1, 2016 being Development and Infrastructure Services – Planning and Building Services Report 2016-04 dated January 21, 2016 regarding an Application for Official Plan and Zoning By-law Amendment – 260 Eagle Street as he owns property in close proximity to the subject lands. He advised that he will not take part in the discussion or voting of the matter.

Presentations & Recognitions

2. Mr. Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority addressed Council with a PowerPoint presentation and provided a summary of the Lake Simcoe Region Conservation Authority 2016-2020 Strategic Plan and provided an overview of the vision, mission, values and goals of the plan. He further provided information on potential partnerships and reporting mechanisms.

Moved by: Councillor Kerwin
 Seconded by: Councillor Sponga

THAT the presentation by Mr. Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority regarding the Conservation Authority's Strategic Plan be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

Deputations

3. Mr. Dan Kuzmyk, Chair and Ms. Martha Berry, Volunteer Coordinator, Inn From the Cold addressed Council with a video and PowerPoint slide regarding Inn From the Cold's work in the past year to address homelessness and the Coldest Night of the Year Event. Members of Council were invited to participate in the Coldest Night of the Year event on February 20, 2016.

Moved by: Councillor Sponga
 Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. Dan Kuzmyk, Chair and Ms. Martha Berry, Volunteer Coordinator, Inn From the Cold regarding homelessness and the "Coldest Night of the Year" event on February 20, 2016 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (7 in favour, 0 opposed)

Carried

Councillor Vegh did not take part in the discussion or voting of the foregoing matter.

4. Mr. John Blommestein addressed Council with a PowerPoint presentation summarizing the advocacy work of the York Region Taxpayers Coalition as it relates to accountability. He advised that the group is generally supportive of Bill 42; however he recommended that it be amended to provide for ranked balloting, should this option be approved by the Province, and that York Region have the same accountability offices as required by the City of Toronto Act.

Moved by: Councillor Kerwin
 Seconded by: Councillor Twinney

THAT the deputation by Mr. John Blommestein regarding Electing Regional Chair be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried**Approval of Minutes**

5. Council Minutes of January 18, 2016.

Moved by: Councillor Sponga
 Seconded by: Councillor Kerwin

THAT the Council Minutes of January 18, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor provided an update on the Waste Free Ontario Act, which looks to significantly change blue box collection province wide and summarized some of the potential impacts of the Act, including service level concerns, and mitigation of issues that may result from the RFP process.
- b) Deputy Mayor & Regional Councillor Taylor advised that he has put forward a motion at Council requesting that staff report back on the potential for audio and video live streaming and archiving of Committee of the Whole and Council meetings in order to enhance access for residents to Regional Council matters.

Reports of Committees and Staff

- 6. Council Workshop Record of January 25, 2016.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Bisanz

THAT the Council Workshop Record of January 25, 2016 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)

(8 in favour, 0 opposed)

Carried

- 7. Committee of the Whole Minutes of February 1, 2016.

Moved by: Councillor Kerwin

Seconded by: Councillor Sponga

THAT the Committee of the Whole Minutes of February 1, 2016 be approved and the following recommendations be adopted:

- 8. THAT the PowerPoint presentation by the Director of Public Works Services regarding the Northern Six Waste Collection Contract be received.
- 9. Development and Infrastructure Services Report - Public Works Services PWS 2016-08 dated January 18, 2016 regarding Northern Six Waste Collection Contract - 2017-2027 - Request for Proposal Preparation Update # 3.

a) THAT Development and Infrastructure Services Report - Public Works Services – PWS 2016-08 dated January 18, 2016 regarding Northern Six Waste Collection Contract 2017-2027 – Request for Proposal Preparation Update be received and the following recommendations be adopted:

i) THAT staff be directed to work collaboratively with the Northern Six municipalities on the preparation of the Request for Proposal (RFP) for a Northern Six Waste Collection Contract for up to a 10-year term beginning September 1, 2017;

ii) AND THAT Council authorize the Mayor and Clerk to execute a Memorandum of Understanding between Newmarket and the Towns of Aurora, Georgina, East Gwillimbury, Whitchurch-Stouffville and the Township of King that provides for the administration of the joint waste collection contract between the Northern Six Municipalities and a future waste collection contractor successful in an RFP selection process;

iii) AND THAT the Service Level Criteria for Customer Service and other performance objectives as noted in this Report be included in the Request for Proposal, as well as inclusion of Customer Service call reporting and monitoring, noting best management practices.

10. THAT the PowerPoint presentation by the Business Performance Coordinator regarding the Asset Management Policy and Strategy be received.

11. Development and Infrastructure Services - Commissioner Report 2016-01 dated January 11, 2016 regarding Asset Management Policy and Strategy.

a) THAT Development and Infrastructure Services - Commissioner Report 2016-01 dated January 11, 2016 regarding Asset Management be received and the following recommendation be adopted:

i) THAT Council adopt Corporate Policy CAO.4-01 'Asset Management' attached as Appendix A.

12. THAT the presentation by Mr. Andrew Tedford, Wickedly Sinful Truck Eats & 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.

13. Development and Infrastructure Services - Planning and Building Services Report 2016-03 dated January 21, 2016 regarding a technical amendment to the Town's comprehensive Zoning By-law 2010-40.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-03 dated January 21, 2016 regarding a technical amendment to the Town's comprehensive Zoning By-law 2010-40 be received and the following recommendation be adopted:

i) THAT the proposed zoning amendment for the subject lands re-establishing the 45 metre setback be approved and that staff be directed to prepare the necessary Zoning By-law Amendment.

14. Correspondence dated January 18, 2016 from Ms. Andrea McKechnie, Support Committee, Queen's York Rangers 2799 Army Cadet Corps requesting permission to conduct tag days on April 16, 2016 and September 15 to September 18, 2016.

a) THAT the correspondence from Ms. Andrea McKechnie, Queen's York Rangers 2799 Army Cadet Corps be received and the following recommendations be adopted:

i) THAT permission be granted to conduct tag days in the Town of Newmarket on April 16, 2016 and September 15 to September 18, 2016;

ii) AND THAT Ms. McKechnie be notified in this regard.

15. Accessibility Advisory Committee Minutes of November 19, 2015.

a) THAT the Accessibility Advisory Committee Minutes of November 19, 2015 be received.

16. Main Street District Business Improvement Area Board of Management Minutes of December 15, 2015.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of December 15, 2015 be received.

17. Audit Committee Minutes of October 13, 2015.

a) THAT the Audit Committee Minutes of October 13, 2015 be received.

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

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

19. List of Outstanding Matters.

a) THAT the List of Outstanding Matters be received.

20. Development and Infrastructure Services - Planning and Building Services Report 2016-01 dated February 1, 2016 regarding the Development Coordination Service Arrangement.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-01 dated February 1, 2016 regarding the Development Coordination Service Arrangement be received and the following recommendations be adopted:

i) THAT the Town continue with the best practice model of the Development Coordination Committee with an outsourced 'Development Coordinator' role at a 'preferred client discounted rate' for all residential subdivision developments outside of the Urban Centres Secondary Plan area;

ii) AND THAT the current Professional Consulting Services Agreement with HBR Planning Centre as the Town's Development Coordinator be extended for a period of three years, plus two one-year renewal options subject to Council approval;

iii) AND THAT the two one-year renewal options be subject to Council approval to ensure clarity of Council's direction;

iv) AND THAT the following be advised of this action: Mr. Howard Friedman, HBR Planning Centre, 66 Prospect Street, Newmarket ON L3Y 3S9.

21. Corporate Services - Legislative Services Report 2016-04 dated January 21, 2016 regarding Ward 2 Egg Laying Hens Pilot Project.

a) THAT Corporate Services Report – Legislative Services 2016-04 dated January 21, 2016 regarding “Keeping of Hens” be received and the following recommendations be adopted:

i) THAT Council endorse a 12 month pilot project in Ward 2 for up to five (5) residential properties regarding the keeping of egg laying hens in backyards commencing March 1, 2016;

ii) AND THAT regulations for the keeping of backyard hens and coops be put in place, (attached as Appendix “A”) to come into effect on March 1, 2016;

iii) AND THAT Schedule "A" of the Animal Control By-law 2008-61 prohibiting chickens be waived within the scope and for the duration of the pilot project;

iv) AND THAT staff report back to Council regarding the outcome of the Ward 2 egg laying hens pilot project.

22. Community Services Report - Recreation and Culture - Corporate Services - Finance Joint Report 2016-08 dated January 27, 2016 Potential Hollingsworth Arena Replacement Next Steps.

a) THAT the Community Services Report - Recreation and Culture - Corporate Services - Finance Joint Report 2016-08 dated January 27, 2016 Potential Hollingsworth Arena Replacement Next Steps be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

23. Development and Infrastructure Services – Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan and Zoning By-law Amendment – 260 Eagle Street.

Moved by: Councillor Sponga
 Seconded by: Councillor Twinney

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street 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. Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

In Favour: Mayor Van Bynen, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (7 in favour, 0 opposed)

Carried

Deputy Mayor & Regional Councillor Taylor did not take part in the discussion or voting of the foregoing matter.

24. Committee of the Whole (Closed Session) Minutes of February 1, 2016.

Moved by: Councillor Vegh
 Seconded by: Councillor Bisanz

THAT Committee of the Whole (Closed Session) Minutes of February 1, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz
 Opposed: (None)
 (8 in favour, 0 opposed)

Carried

By-laws

25. By-law 2016-05.

2016-05 A By-law to amend By-law 2010-40 being a Zoning By-law. (East side of Leslie Street south of Kingdale Road)

Moved by: Councillor Vegh
 Seconded by: Councillor Broome-Plumley

THAT By-law 2016-05 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Notices of Motions

None.

Motions

26. Councillor Bisanz provided an overview of her motion related to Bill 42 and advised of the rationale behind the timing.

Moved by: Councillor Bisanz
Seconded by: Councillor Sponga

THAT the Town of Newmarket express its support for Bill 42 and request the Province of Ontario to pass Bill 42 to enable the election of the Regional Chair by general voting beginning with the 2018 Municipal Election;

AND THAT this motion be sent to The Honourable Kathleen Wynne, Premier of Ontario, The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, Patrick Brown, Leader of the Opposition, Andrea Horwath, Leader of the NDP, All York Region MPP's and all York Region Municipalities.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: Mayor Van Bynen
(7 in favour, 1 opposed)

Carried

Announcements & Community Events

- a) Councillor Bisanz provided an overview of the Say My Name Canada event, which is a 30-day kindness challenge culminating on Pink Shirt Day February 24, 2016 with the international release of a video for Say My Name. For more details visit www.saymynamecanada.com

- b) Councillor Broome-Plumley advised that Clearmeadow Public School, 200 Clearmeadow Boulevard will be hosting their 4th Annual Winterpalooza event on Saturday, February 20, 2016. Enjoy horse drawn wagon rides, indoor and outdoor games, a barbecue and many more fun events.
- c) Councillor Broome-Plumley invited Ward 6 residents to attend a one-on-one meeting on Wednesday, February 17, 2016 from 7:00 p.m. to 9:00 p.m. at the Newmarket Public Library, 438 Park Avenue. For more information call 905-716-1756 or email kbroome-plumley@newmarket.ca
- d) Councillor Sponga invited residents to get an early start on registering for Town of Newmarket summer camps. Registration opens on February 24, 2016 at 6:30 a.m. for Newmarket residents and March 2, 2016 at 8:30 a.m. for non-residents. Register online at www.newmarket.ca or in person at the Municipal Offices or the kiosks at the Magna Centre, Ray Twinney Recreation Complex, Newmarket Seniors Meeting Place, and the Recreation Youth Centre. For further information call 905-895-5193.
- e) Councillor Sponga invited residents to enjoy Family Day fun on February 15, 2016 at the Magna Centre, 800 Mulock Drive. Families are invited to enjoy swimming, skating and various activities in the gym. The general admission cost is \$2.00 or less per person per activity. A full schedule is available online at www.newmarket.ca/recreation or by calling 905-895-5193.
- f) Councillor Vegh invited residents to attend the Elman W. Campbell Museum, 134 Main Street South for Family Day on February 15, 2016 from 11:00 a.m. to 3:00 p.m. to enjoy old-fashioned wooden toys and activities and see the model train, Nursery Rhyme and Fairy Tale displays. The event is suitable for ages 4-10 and is \$3.00 per participant with the donation of a non-perishable food item for the Newmarket Food Pantry. For more information call 905-953-5314.
- g) Councillor Kerwin invited residents to attend the Newmarket Seniors' Meeting Place, 474 Davis Drive for a Shrove Tuesday breakfast on February 9, 2016 from 9:00 a.m. to 11:30 a.m. Enjoy pancakes, sausages, tea and coffee for a fee of \$3.00 for members and \$5.00 for non-members. Tickets can be purchased at the Newmarket Seniors' Meeting Place, or for more information call 905-953-5325.
- h) Councillor Kerwin thanked Chris Simon, Newmarket Era, for his tribute to Mr. Ivan Prokopchuk, who recently passed away at 77 years.

- i) Councillor Twinney invited the public to attend a Public Information Centre (PIC) on February 9, 2016 from 6:00 to 8:00 p.m. at the Lake Simcoe Region Conservation Authority Offices at 120 Bayview Parkway. The purpose of the PIC is to allow for public comment on an application for site plan approval to permit a parking lot expansion at 120 Bayview Parkway. Project drawings will be on display and representatives from the Lake Simcoe Region Conservation Authority, Town officials and staff will be available to answer questions and provide information. For more details call the Town of Newmarket Planning & Building Services Department at 905-895-5193 or Steve Auger, Stormwater Management Specialist at Lake Simcoe Region Conservation Authority at 905-895-1281. Should you be unable to attend but wish to provide comments please email Linda Traviss, Planning at ltraviss@newmarket.ca
- j) Deputy Mayor & Regional Councillor Taylor encouraged residents to stay connected and sign-up for the 'Newmarket Now!' e-newsletter at www.newmarket.ca in order to receive current updates about your community. New for 2016, 'Newmarket Now!' features a Council Highlights section. Be sure to sign up today and watch for the February 2016 edition.
- k) Deputy Mayor & Regional Councillor Taylor advised that the Town of Newmarket has received the Smart Commute Gold Award, which is the highest designation possible.
- l) Deputy Mayor & Regional Councillor Taylor advised that the Character Community Awards deadline has been extended. For further information on the awards, which recognize people who demonstrate exemplary character attributes, being compassion, inclusiveness, perseverance, courage, initiative, respect, fairness, integrity, responsibility, honesty and optimism visit www.charactercommunity.com
- m) Mayor Van Bynen advised that the Town of Newmarket's Economic Development department was presented with the Innovative Community Award at the 2015 Economic Developers Council of Ontario (EDCO) conference on February 4, 2016 for Newmarket's Collaborative Community Ecosystem (CCE) Initiative. A video was developed that demonstrates the successful collaboration efforts with community partners, enabling innovation and growth in the Town of Newmarket. The overall goal of the Collaborative Community Ecosystem is to improve sustainability, technology and the quality of life in Newmarket through unique and creative initiatives to make Newmarket an even better community. The Innovative Community Award is the first of its kind, and is presented to a community that has embraced innovation.
- n) Mayor Van Bynen advised that he will be at "Mayor in the Square" at the Newmarket Public Library on Friday, February 26, 2016 from 11:00 a.m. until noon.

- o) Mayor Van Bynen advised that the Municipal Offices will be closed on Monday, February 15, 2016 to observe Family Day.
- p) Mayor Van Bynen advised that the next Council meeting is Monday February 29, 2016 at 7:00 p.m.

New Business

- a) Councillor Bisanz advised that she attended a working session hosted by Councillor Thompson and Councillor Mrakas of Aurora this past weekend. The purpose of the session was to discuss increasing pressures related to development applications. A summit will be organized with the intent of bringing together municipalities from across the Golden Horseshoe and representatives from the Association of Municipalities of Ontario to develop a position on meaningful and proactive reform of the Ontario Municipal Board.
- b) Mayor Van Bynen recognized Mrs. Anita Moore, Commissioner of Corporate Services and advised that this is her last meeting of Council as she will be retiring at the end of the month. On behalf of Council, the Mayor thanked Mrs. Moore for her thoughtful insight, foresight and commitment to the Town.

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

Confirmatory By-law

27. Confirmatory By-law.

2016-06 A By-law to confirm the proceedings of Council - February 8, 2016.

Moved by: Councillor Kerwin

Seconded by: Councillor Broome-Plumley

THAT By-law 2016-06 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Adjournment

28. Adjournment.

Moved by: Councillor Twinney

Seconded by: Councillor Sponga

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Broome-Plumley, Councillor Bisanz

Opposed: (None)
(8 in favour, 0 opposed)

Carried

There being no further business, the meeting adjourned at 8:08 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

**LEGISLATIVE SERVICES****Town of Newmarket**

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MEMORANDUM

TO: Mayor Van Bynen & Members of Council

FROM: Lisa Lyons, Deputy Town Clerk, Legislative Services

DATE: February 25, 2015

RE: Code of Conduct for Members of Council

This memo provides further information regarding the proposed By-law to establish a Code of Conduct for Members of Council. During the Committee of the Whole meeting held on February 22, 2016, Council provided feedback on the draft Code as presented. A deputation from a member of the public was also received providing feedback related to a Lobbyist Registrar and Social Media provisions.

The following amendments as requested by Council have been made to the Code and are also highlighted in the attached By-law:

Amended Section	Comments
Section 2.1 (i)	Further clarification that the definition of gifts pertains to those received and retained by Members.
Section 12.1 (c) and 12.2 (c)	Further clarity around receiving funds for charitable organizations and how resources can be used. Clarify the concept of Members being able to solicit donations for external community groups and organizations (including use of resources to do so) from the restriction that requires that the money/funds not be received or processed using Town resources.
Section 17.1	Further clarification of who can file a complaint, specifically naming Members of Council.
Section 17.1 (c)	Amend six months to 60 days
Section 17.3	Separation of requirement for Integrity Commissioner to advise complainant from the specific jurisdictional references.

Consideration and discussion was also provided concerning the following items:

Gifts

Council adopted staff's recommendation of no gifts as this was a recommended best practice noted by the Town's consultant and public feedback supported the view that gifts should not be permitted. There are exceptions which permit Members to accept token items in connection to their official duties that accompany the responsibilities of elected office.

Lobbyist Registrar

Further public feedback was provided regarding the implementation of a Lobbyist Registrar. As recommended in Corporate Service Report – Legislative Services – 2016-05, there is no jurisdiction to mandate lobbyists with the Code.

The *Municipal Act, 2001* allows municipalities to pass a lobbying by-law setting out definitions of lobbying and lobbyists and to provide for a lobbyist registry framework and appointment of a lobbyist registrar responsible for registration functions, education and enforcement. Many public institutions have adopted related policies or practices which support similar lobbying rules or guidelines envisioned in the lobbying legislation. Currently, Council has put in place measures which respond to lobbying large dollar value procurement of goods and services. This was recently implemented for the Northern Six Waste Collection Contract RFP and these measures will continue to be considered as required.

Social Media

As noted by the Town's consultant, there is no accepted best practice about social media rules specifically for Members of Council. Council requested that Social Media provisions be included in the Code to provide immediate guidance for Member's behavior. Other guidelines or policies can be considered and brought forward in the future.

For further information, please contact me at 905-953-5300, ext. 2203 or llyons@newmarket.ca.



Lisa Lyons, Deputy Town Clerk

The meeting of the Council Workshop was held on Monday, February 22, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh (9:04 to 11:17 a.m.) (11:25 to 11:31 a.m.)
Councillor Kerwin
Councillor Twinney (9:10 to 11:31 a.m.)
Councillor Sponga
Councillor Sponga
Councillor Broome-Plumley (9:17 to 11:31 a.m.)
Councillor Bisanz

Staff Present: R. N. Shelton, Chief Administrative Officer
P. Noehammer, Commissioner of Development and Infrastructure Services
M. Mayes, Acting Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
C. Service, Director of Recreation and Culture
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 9:02 a.m.

Mayor Van Bynen in the Chair.

Notice

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions will be made but rather this meeting is an opportunity for Council to have an informal discussion regarding various matters.

Declarations of Pecuniary Interest

None.

Items

1. Framework for Future Facilities and Land Use.

The Commissioner of Community Services addressed Council with a PowerPoint presentation outlining the purpose of the workshop and related background information. He advised that the exercise was important as there are many wide impacting, long term strategic decisions pending and upcoming related to land, facilities and community development and summarized the scope, key considerations, proposed service enhancements and Council philosophies, funding sources, future parkland and public space considerations, timing and Recreation Playbook direction. The Commissioner also provided the rationale for the Closed Session, being an overview of property and facilities of strategic interest and summarized the next steps, being a staff report to Committee of the Whole, public consultation and budget and capital recommendations. Discussion ensued regarding timing and cash in lieu of parkland considerations.

Closed Session

2. Proposed or pending acquisition/disposition of land by the municipality and a local board as per Section 239, 2 (c) of the Municipal Act, 2001 - Framework for Future Facilities and Land Use.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Broome-Plumley

THAT the Council Workshop convene into Closed Session regarding a proposed or pending acquisition/disposition of land by the municipality and a local board as per Section 239, 2 (c) of the Municipal Act, 2001 - Framework for Future Facilities and Land Use.

Carried

The Council Workshop resolved into Closed Session at 9:19 a.m.

The Council Workshop (Closed Session) Minutes are recorded under separate cover.

The Council Workshop (Closed Session) resumed into Public Session at 11:30 a.m.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Broome-Plumley

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 11:31 a.m.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

The meeting of the Committee of the Whole was held on Monday, February 22, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga
Councillor Broome-Plumley
Councillor Bisanz

Staff Present: R.N. Shelton, Chief Administrative Officer
M. Mayes, Acting Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
R. Nethery, Director of Planning and Building Services
C. Service, Director of Recreation and Culture
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:30 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being the BIA 'Year in Review' Information Script, a deputation request by Mr. John Heckbert regarding Code of Conduct, a deputation request by Ms. Lauren Capilongo of Malone Given Parsons Ltd. regarding Development and Infrastructure Services – Planning and Building Services Report 2016-08 being an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South, a deputation request by Mr. Vince Naccarato of Kindwin Markham Limited regarding Rita's Avenue/Yonge Street Walkway, Development and Infrastructure Services Report – Planning and Building Services 2016-05 regarding Development Charge Credits and

Tri-Party Agreements, a proclamation request of March 2016 as 'Epilepsy Awareness Month and March 26, 2016 as 'Purple Day', Central York Fire Services – Joint Council Committee Minutes of January 12, 2016, Item 2 of the Central York Fire Services – Joint Council Committee Minutes of January 12, 2016 regarding Fire Services Report 2015-08 and Central York Fire Services – Joint Council Committee (Closed Session) Minutes of January 12, 2016.

Mayor Van Bynen advised that the order of the agenda be altered to accommodate the deputation requests.

Moved by: Councillor Broome-Plumley
Seconded by: Councillor Bisanz

THAT the addendum items be included on the agenda.

Carried

Declarations of Pecuniary Interest

None

Deputations

1. Mr. Vince Naccarato of Kindwin Markham Limited addressed the Committee with his concerns related to construction timing associated with the proposed Rita's Avenue/Yonge Street Walkway.

Moved by: Councillor Kerwin
Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. Naccarato regarding construction timing associated with the proposed Rita's Avenue/Yonge Street Walkway be received and referred to staff.

Carried

2. Ms. Lauren Capilongo, Malone Given Parsons Ltd. addressed the Committee regarding the scheduling associated with a statutory public meeting and the importance of timing to coincide with an aggressive construction timetable with respect to an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the deputation by Ms. Lauren Capilongo, Malone Given Parsons Ltd. regarding the scheduling associated with a statutory public meeting and site plan review process with respect to an Application for Official Plan and Zoning By-law Amendment for the properties known as 429/445 Harry Walker Parkway South be received.

Carried

3. 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.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

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 to be scheduled at the earliest possible opportunity;

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 staff be authorized to proceed in tandem with the statutory public meeting and the Site Plan Review process;

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

Carried

4. Mr. Glenn Wilson and Ms. Anne Martin, Chair and Co-Chair of the Main Street District Business Improvement Area Board of Management addressed the Committee with a slide show 'BIA Year in Review'.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome-Plumley

THAT the deputation and photograph slide show by Mr. Glenn Wilson and Ms. Anne Martin, Chair and Co-Chair of Main Street District Business Improvement Area Board of Management regarding 'BIA Year in Review' be received.

Carried

Consent Items

Moved by: Councillor Vegh

Seconded by: Councillor Sponga

THAT the following items be adopted on consent:

5. Corporate Services Report - Legislative Services 2016-07 dated February 8, 2016 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall.
 - 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.
6. Corporate Services Report - Financial Services 2016-07 dated February 22, 2016 regarding the delegation of authority for a tax relief application.
 - 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.
7. 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.
- 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.
8. Newmarket Public Library Board Minutes of December 16, 2015.
- a) THAT the Newmarket Public Library Board Minutes of December 16, 2015 be received.
9. Appointment Committee Minutes of February 8, 2016.
- a) THAT the Appointment Committee Minutes of February 8, 2016 be received.
10. Item 2 of the Appointment Committee Minutes of February 8, 2016 regarding Resignation from the Newmarket Environmental Advisory Committee.
- a) THAT staff be directed to advertise the vacancy on the Newmarket Environmental Advisory Committee in accordance with the Committee Public Appointment Policy.
11. Item 3 of the Appointment Committee Minutes of February 8, 2016 regarding Accessibility Advisory Committee.
- a) THAT staff be directed to advertise the vacancy on the Accessibility Advisory Committee in accordance with the Committee Public Appointment Policy.
12. Item 4 of the Appointment Committee Minutes of February 8, 2016 regarding Heritage Newmarket Advisory 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.

13. 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'.

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

14. 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.

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

15. Development and Infrastructure Services - Planning and Building Services Report 2016-05 dated February 22, 2016 regarding Development Charge Credits and Tri-Party Agreements.

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.

16. 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.
 - 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
17. Central York Fire Services Joint Council Committee Minutes of January 12, 2016.

THAT the Central York Fire Services Joint Council Committee Minutes of January 12, 2016 be received.
18. 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)
 - 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.
19. Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016.

THAT the Central York Fire Services Joint Council Committee (Closed Session) Minutes of January 12, 2016 be received.
20. List of Outstanding Matters.
 - a) THAT the list of Outstanding Matters be received.

Carried

Presentations & Recognitions

21. The Director of Legislative Services/Town Clerk addressed the Committee with a PowerPoint Presentation 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. Discussion ensued regarding management of the costs associated with the appointment of a municipal ombudsman, complaint reporting structure, appeal mechanisms within the appointment agreement and possible re-examination of the matter within a certain timeframe.

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

THAT the 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 be received.

Carried

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

An alternate motion was presented and discussion ensued.

Moved by: Councillor Hempen
Seconded by: Councillor Twinney

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, 2020;

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, 2020 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 staff provide an information update report after a 6 month period once the agreement has been executed;

v) 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.

Carried

23. The Deputy Clerk addressed the Committee with a PowerPoint Presentation regarding Corporate Services Report - Legislative Services 2016-05 dated February 11, 2016 with respect to the Code of Conduct for Members of Council.

Discussion ensued regarding recommended options contained within the draft Code of Conduct for Members of Council. Further discussion ensued regarding word definitions and specifics.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the 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 be received.

Carried

24. Mr. John Heckbert addressed the Committee regarding the Code of Conduct and his concerns related to social media account privileges. Discussion ensued regarding methods of communication, the management and justifications of social media account privileges.

Moved by: Councillor Bisanz
Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. John Heckbert regarding the Code of Conduct be received.

Carried

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

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Broome-Plumley

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, as presented in Appendix B of the report, amended to reflect further housekeeping/editorial revisions intended to clarify wording; and to initiate a Code of Conduct complaint the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;

ii) AND THAT 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.

Carried

26. 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.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome-Plumley

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.

Carried

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

27. Welcome Entrance Sign.

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional Councillor Taylor

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;

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

Carried

New Business

Carried

- a) Councillor Twinney advised she has been made aware of increased coyote sightings in the neighborhood of St. Elizabeth Seton School as well as George Richardson Park area and she requested the public be informed.
- b) Regional Councillor Taylor introduced the following motion with respect to federal infrastructure funding.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Sponga

THAT staff report back within 90 days outlining directions and potential priorities for anticipated federal infrastructure funding applications.

Carried

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

Public Hearing Matters

None.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Broome-Plumley

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 4:17 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-07

A BY-LAW TO APPOINT A MUNICIPAL OMBUDSMAN FOR THE TOWN OF NEWMARKET. (ADR CHAMBERS, INC.)

WHEREAS the Municipal Act, 2001 (S.223.13) provides the authority for the Municipality to appoint a municipal ombudsman for the Town of Newmarket, applicable local boards and Newmarket-Tay Power Distribution Ltd.

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

THAT ADR Chambers, Inc. is hereby appointed Municipal Ombudsman for the Corporation of the Town of Newmarket, for the period of March 1, 2016 through December 31, 2020.

ENACTED THIS 29TH DAY OF FEBRUARY, 2016

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-08

A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

WHEREAS Section 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to pass a by-law to prohibit and regulate noise in the municipality;

AND WHEREAS Council enacted By-law 2004-94, being a By-law to Prohibit and Regulate Unusual Noises or Noises Likely to Disturb the Inhabitants of the Town of Newmarket, on July 19, 2004;

AND WHEREAS Council amended Schedule 'A' to By-law 2004-94 with the enactment of By-law 2005-158 on November 28, 2005;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to provide an exemption to By-law 2004-94, as amended, to facilitate the Canadian Cancer Society, Holland River Unit, Relay for Life event at Pickering College.

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

THAT the Canadian Cancer Society, Holland River Unit be exempted from the Noise By-law 2004-94, as amended, from 11:00 p.m. on June 24, 2016 to 12:00 a.m. on June 25, 2016 to permit their 2016 Relay for Life event at Pickering College, subject to notification being provided to area residents.

ENACTED THIS 29TH DAY OF FEBRUARY, 2016

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-09

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 Corporate 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 Municipal Council of the Corporation of the Town of Newmarket as follows:

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



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-10

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;
- (d) **"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.
- (e) **"complainant"** means a person who has filed a complaint in accordance with this Code;
- (f) **"complaint"** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (g) **"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.

- (h) **“Council”** means the Council of the Corporation of the Town of Newmarket;
- (i) **“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 and retained by a Member**, that could be seen to be connected directly or indirectly to the performance of the Member’s duties;
- (j) **“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.
- (k) **“Integrity Commissioner”** means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;
- (l) **“meeting”** means any legally-constituted meeting of Council or a Committee;
- (m) **“Member”** means a Member of Council of the Town and includes the Mayor, Deputy Mayor and Regional Councillor;
- (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.

5. 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.

6. ACCESS TO INFORMATION AND CONFIDENTIALITY

6.1 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.

6.2 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.

7. UNDUE USE OF INFLUENCE

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.

8. STAFF RELATIONS

8.1 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.

8.2 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.

9. GIFTS

9.1 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.

9.2 Notwithstanding Section 9.1 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.

10. USE OF TOWN PROPERTY

10.1 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".
- (c) no member shall obtain any personal financial gain or advantage from the use of town property.

11. POLITICAL ACTIVITY

- 11.1 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.

12. PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS AND THEIR EVENTS

12.1 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;

- (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 with regard to 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.

12.2 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 organized by the Member 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 for external or non-Member organized community groups or organizations are not received or processed using Town staff, Town email, or other Town resources;
- (d) ensure that any funds, goods, or services received for community group or charitable events are not used for any other purpose;
- (e) 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.

13. HARASSMENT

- 13.1 No Member shall harass any other member, any staff, or any member of the public.
- 13.2 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 17 of this Code.

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

- 14.1 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.
- 14.2 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.

15. SOCIAL MEDIA

15.1 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.

15.2 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.

16. ROLE OF THE INTEGRITY COMMISSIONER

16.1 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.

16.1 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.

16.2 Notwithstanding the services in Section 16.1 above, the Integrity Commissioner shall not provide advice or opinions to any Member with respect to the Municipal Conflict of Interest Act.

17. COMPLAINT PROCESS

17.1 A complaint that a member has contravened the Code may be initiated by **any person, any Member of Council, or by Council 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 **sixty (60) days** 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.

17.2 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, 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 under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
- (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.

17.3 If the Integrity Commissioner determines they do not have jurisdiction as described in Section 17.2 the Integrity Commissioner shall advise the complainant in writing accordingly.

17.4 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.

17.5 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.

17.6 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.

- 17.7 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.
- 17.8 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.
- 17.9 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.
- 17.10 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.

18. PENALTIES

- 18.1 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.

19. INTERPRETATION

- 19.1 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

20. ATTESTATION

- 20.1 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.
- 20.2 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.
- 20.3 With my signature, as a Member of Council, I confirm that I have read, understood and accept this Code of Conduct.

Signature

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 2015-50
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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**Appendix A to By-law 2016-10 Code of Conduct for Members of Council
Code Complaint Form**

I _____ hereby request the Integrity Commissioner for the Town of Newmarket to conduct an inquiry pursuant to Part V.1 of the *Municipal Act, 2001* about whether or not the following member(s) of Council has (have) contravened the Council Code of Conduct applicable to the member(s):

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Council Code of Conduct by reason of the following (please insert date, time and location of conduct, including the Rules contravened, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached, (if more space is required, please attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the *Municipal Act, 2001* with respect to the above conduct.

Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax, e-mail, or otherwise deliver this request to:

Robert J. Swayze
Integrity Commissioner
Town of Newmarket
20736 Mississauga Road
Caledon, Ontario L7K 1M7

Phone: 519 942 0070
Fax: 519 942 1233
E-mail: robert.swayze@sympatico.ca

Date: _____

(Signature of Requester)

Name: _____

Address: _____
Telephone: _____

Fax: _____

Cell: _____

E-mail: _____



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-11

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– FEBRUARY 29, 2016.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 29TH DAY OF FEBRUARY, 2016

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk