



The Corporation of the Municipality of Leamington

Meeting of Municipal Council

Agenda

Monday, August 25, 2014

Commencing at 6:00 PM

In Leamington Council Chambers

(A) **Call to Order:**

(B) **National Anthem:**

(C) **Prayer:**

(D) **Disclosures of Pecuniary Interest:**

(E) **Adoption of Council Minutes:**

1. Minutes of the Council Meeting (including Public Meeting for Zoning By-law Amendments, ZBA #94 for 129 and 132 Elliott Street, ZBA #95 for 459 and 465 Talbot Road West and ZBA #96 for 302 Sherk Street and Public Meeting Drainage for East Marsh Drainage Scheme Dyke Repairs) held August 11, 2014
Pages 4 to 22
2. Minutes of the Special Meeting of Council held August 6, 2014
Pages 23 to 24
3. Minutes of the Special Closed Meeting of Council held August 15, 2014
Pages 25 to 26

(F) **Business Arising Out of the Minutes:**

(G) **Public Meetings/Court of Revision:**

1. Public Meeting for Zoning By-law Amendments ZBA #98 for 410 Mersea Road 5 (Penner)

(H) Reports of Staff and Delegations:

1. Delegation, South Essex Community Council regarding results of a research project examining the welcoming capacity of Windsor-Essex County
 - Carolyn Warkentin, Executive Director of the South Essex Community Council
2. Report REC 16/14 dated July 8, 2014 regarding Policy to Prohibit Solicitation at the Leamington Kinsmen Recreation Complex (R00 Prohibit Solicitation)
Pages 27 to 30
 - Robert Lavoie, Owner, Swim 2 Win, Competitive Training & College Recruitment Services
3. Report REC 17/14 dated August 11, 2014 regarding Leamington Library, Building Steering Committee Terms of Reference
Pages 31 to 34
4. Report LWS 03/14 dated August 1, 2014 regarding Leamington Distribution System (Union Supply System), Distribution System Inspection Report dated July 31, 2014
Pages 35 to 37
5. Report ENG 21/14 dated August 7, 2014 regarding Erie Street South Outfall Sewer Improvements, Step 2 Tender Award
Pages 38 to 40
6. Report ENG 22/14 dated August 7, 2014 regarding 2014 Sidewalk Tender Award
Pages 41 to 45
7. Report CAO 11/14 dated July 7, 2014 regarding Policy Review, Summary
Pages 46 to 49
8. Report CAO 12/14 dated July 7, 2014 regarding Policy Review
Pages 50 to 83
9. Report LLS 12/14 dated August 15, 2014 regarding Essex Power Corporation, Appointment of Proxyholder for the 2014 Annual Meeting of Shareholders
Pages 84 to 85

(I) Matters for Approval: None

(J) Other Matters for Consideration: None

(K) Report on Closed Session: None

(L) Consideration of By-laws:

By-law 412-14 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #98 , 410 Mersea Road 5 and S/S Mersea Road 5

By-law 414-14 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held August 25, 2014

(M) **Notices of Motion:** None

(N) **Open Session:**

(O) **Announcement of Upcoming Meetings/Events:**

Wednesday, August 27, 2014

- Leamington Municipal Heritage Advisory Committee, 3:00 PM, Ante Room
- SCYTL Demonstrations, 7:00 PM, Council Chambers

Thursday, August 28, 2014

- SCYTL Demonstrations, 2:00 PM, Council Chambers

Wednesday, September 3, 2014

- Essex County Council, 7:00 PM, County Council Chambers

Monday, September 8, 2014

- Skateboard Park Meeting, 3:30 PM, Kinsmen Recreation Complex
- Tax Court of Revision, 6:00 PM, Council Chambers
- Council Meeting, 6:00 PM, Council Chambers

(P) **Statement of Members:** non-debatable

(Q) **Adjournment:**

The Corporation of the Municipality of Leamington

Minutes of Council Meeting

Held Monday, August 11, 2014 at 6:00 PM

In Leamington Council Chambers

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Brian Sweet
Director of Finance and Business Services Cheryl Horrobin
Director of Infrastructure Services Robert Sharon
Director of Community & Development Services Tracey Pillon-Abbs
Manager of Engineering Services Allan Botham
Manager of Planning Services Danielle Truax
Drainage Superintendent Lu-Ann Barreto
Planning Technician Denise McGregor
Engineering Project Supervisor Alexander Del Brocco
Council Services Assistant Mary Ann Manley

Disclosures of Pecuniary Interest:

None

Adoption of Council Minutes:

No. C-276-14

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the Minutes of the Council Meeting held July 21, 2014 be adopted.

Carried

No. C-277-14

Moved by: Councillor MacDonald
Seconded by: Deputy Mayor Wright

That the Minutes of the Special Council Meeting held July 29, 2014 be adopted.

Carried

Business Arising Out of the Minutes:

None

Public Meetings - Zoning By-law Amendments:

1. Zoning By-law Amendment ZBA #94 for 129 and 132 Elliott Street
 - A copy of the minutes is attached.
2. Zoning By-law Amendment ZBA #95 for 459 and 465 Talbot Street West and Consent Application B/09/14
 - A copy of the minutes is attached.

No. C-278-14

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/09/14 for a lot addition of 0.29 ha (0.71 acres) from 459 Talbot Road West to 465 Talbot Road West be supported by Council subject to the conditions listed in "Schedule A" of Report;

And that Zoning By-law Amendment Application ZBA#95 to change the zone of the severed lands from A2 to A5-45, the resulting residential lot from A5 to A5-45 and the zone of the retained greenhouse farm from A2 to A2-9 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #407-14 to Council for its consideration.
(PLA-29-14)

Carried

3. Zoning By-law Amendment ZBA #96 for 302 Sherk Street
 - A copy of the minutes is attached.

Public Meeting - Drainage Act Application:

1. East Marsh Drainage Scheme:

- A copy of the minutes is attached.

No. C-279-14

Moved by: Councillor Atkin
Seconded by: Deputy Mayor Wright

That the report provided by Dillon Consulting dated January 17th, 2013, for the preparation of a report together with the necessary plans and profile for the repairs and improvements to the East Marsh Dyke pursuant to the provisions of Section 78 of the Drainage Act be adopted;

And that By-law 410-14 authorizing the work be presented to Council for 1st and 2nd reading;

And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 8th day of September, 2014;

And that Jerome Trudell, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works;

And that all costs be charged to Account #10-7-0680-7680-923500-200011, East Marsh Dyke Repairs;

And that the Essex Region Conservation Authority be advised of the drainage works. (Report DR/6/14)

Carried

Reports of Staff and Delegations:

1. Report PLA 37/14 dated July 25, 2014 regarding Development Charges Five Year Review Request for Approval of the 2014 Background Study Report

Director of Community and Development Services, Tracey Pillon-Abbs, presented the report providing background information on the process to date and general public comments received.

Gary Scandlan, Director, Watson and Associates, was in attendance to answer questions of Council.

In response to a question from Council, the Director of Finance and Business Services, Cheryl Horrobin, stated the necessary funds to cover shortfalls in DC charges could be

balanced out from income from new development and approved by Council through the budget process.

In reply to a Council inquiry, Mr. Scandlan provided further explanation of the charts on page 9 of Report PLA 37/14.

In response to a question from Council, Ms. Horrobin noted the reserve funds and contingency funds are not intended for the purpose of supplementing DC charges and they are not renewable.

Council discussed the advantages and disadvantages of reducing DC charges to stimulate the economy and increase tax revenue.

There was a Council discussion on several DC charge options, greenhouse development charges as well as greenhouse water charges.

No. C-280-14

Moved by: Deputy Mayor Wright
Seconded by: Councillor MacDonald

That Council receives the information pertaining to the Development Charges Five Year Review;

And that the Development Charges Background Study, dated June 30, 2014, prepared by Watson and Associates be approved, as amended by the draft By-law attached to PLA-37-14;

And that the DC discount rate for residential and non-residential development be 100% with the exception of greenhouse development;

And that the DC discounted rate for greenhouses be \$4,204.00;

And that the discount rate be for the period between August 12, 2014 to August 11, 2017 and will revert back to the DC rate as set out in Schedule "B" of the by-law, in addition to annual indexing;

And that the Development Charges By-law #409-14 be forwarded to Council for its consideration;

And that the discount rate for residential and no-residential be funded using contingency reserves and the discount rate for greenhouses be funded using water reserves;

And that in January 2017 staff bring forward a report in regard to the status discounting has had on development, and whether the DC bylaw needs to be further amended;

And that the DC deferral program be discontinued effective August 12, 2014. (PLA-37-14)

NOTE: Councillor Verbeke requested a recorded vote:

In Favour: Councillors: Atkin, Chopchik, Jacobs, MacDonald
Deputy Mayor Wright, Mayor Paterson

Opposed: Councillor Verbeke

Carried

2. Report PLA38/14 dated July 28, 2014 regarding Proposed Amendments, Development Agreement, Destiny Estates Plan of Subdivision, 37-T-11002, Larry Santos Construction Ltd. (390-00100)

Manager of Planning Services, Danielle Truax, presented the report.

Suzanne Balzer, agent for the owner, stated her client was satisfied with the report recommendation about phasing the required payment for the pumping station but expressed her client's concern with the payment options for securities for the proposed subdivision.

Council discussion occurred on the risk factor involved with accepting performance bonds for subdivisions.

The Chief Administrative Officer, Mr. Neufeld, suggested if Council decided to accept an alternate form of security that it could be limited to the same time period as the discount for development charges.

The Director of Legal and Legislative Services advised Council the Municipality would treat Mr. Santo's request as a policy change. In response to a question from Council, the Director noted if Council wished to use "past practice" as a basis for determining eligibility for accepting performance bonds, then a rating system would need to be adopted and each developer would need to be rated upon completion of every project.

No. C-281-14

Moved by: Councillor Jacobs
Seconded by: Deputy Mayor Wright

That the request to amend Section 7 of the approved development agreement to allow the owner to provide a subdivision performance bond as the required securities be approved. (Report PLA/38/14)

Carried

No. C-282-14

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That the request to amend Section 17.1 of the approved development agreement for Destiny Estates Plan of Subdivision (37-T-11002) regarding the required sanitary sewer buy-in be approved.(PLA/38/14)

Carried

3. Report PLA 39/14 dated July 30, 2014 regarding Application for Site Plan Control Approval Proposed Greenhouse, Phase 1 Approval under Section 65 of The Drainage Act, Vine Fresh Acres Ltd., 420 Essex Road 14 Roll No. (800-05000)

Planning Technician, Denise McGregor, provided a summary of the report noting the owner, Henry Neufeld, was present in the audience.

No. C-283-14

Moved by: Councillor Verbeke
Seconded by: Councillor Atkin

That the Change of Use Report dated June 30, 2014 for the Silver Creek Drain for Vine Fresh Acres Ltd., be adopted by Council pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3); and

That the site plan for the proposed greenhouse development, Phase 1, located at 420 Essex Road 14 (Vine Fresh Acres Ltd.) be approved;

And further, that the Mayor and Clerk be authorized to execute the site plan agreement. (Report PLA 39/14)

Carried

4. Report PLA 40/14 dated July 30, 2014 regarding Application for Site Plan Control Approval Proposed Greenhouse Expansion, Phase 3 Hope Lane Farms, 560 Hope Lane Roll No. (690-04200)

Planning Technician, Denise McGregor, presented the report noting the owner, Abe Friesen, was present in the audience.

No. C-284-14

Moved by: Councillor Verbeke
Seconded by: Councillor MacDonald

That the site plan for the proposed greenhouse expansion, Phase 3, located at 560 Hope Lane (Hope Lane Farms) be approved;

And further, that the Mayor and Clerk be authorized to execute the site plan agreement. (Report PLA 40/14)

Carried

5. Report PLA 41/14 dated July 30, 2014 regarding Application for Site Plan Control Approval Proposed Building Addition 1382335 Ontario Limited (Langeman Manufacturing) 56 Oak Street East, Roll No. (280-00400) 60 Oak Street East, Roll No. (280-0050)

Planning Technician, Denise McGregor, summarized the report noting the owner, Gary Langeman, was present in the audience.

No. C-285-14

Moved by: Councillor Jacobs
Seconded by: Councillor Chopchik

That the site plan for the proposed building expansion, located at 56 Oak Street East (Roll No. 280-00400) and 60 Oak Street East (Roll No. 280-00500) (1382335 Ontario Limited) be approved;

And further, that the Mayor and Clerk be authorized to execute the site plan agreement. (Report PLA 41/14)

Carried

- 6. Report PLA 42/14 dated July 31, 2014 regarding Application for Site Plan Control Approval Proposed Building Demolition and Renovations Proposed Pad Site for New Building County Fair Mall (Leamington) Holdings Inc. 250 Erie Street South, Roll No. (320-00600)**

Planning Technician, Denise McGregor, presented the report.

In response to question from Council, Gordon Driedger, Agent for owner, advised approximately one-third (1/3) of the building will be demolished.

No. C-286-14

Moved by: Councillor MacDonald
Seconded by: Councillor Verbeke

That the site plan for the proposed renovations and addition, located at 250 Erie Street South, Roll No. 320-00600 (County Fair Mall (Leamington) Holdings Inc.) be approved;

And further, that the Mayor and Clerk be authorized to execute the site plan agreement. (Report PLA 42/14)

Carried

- 7. Report LLS 10/14 dated July 30, 2014 regarding Request To Sell Wine at the Leamington Sunset Tomato Festival, Seacliff Park Concession Stand**

Director of Legal and Legislative Services, Brian Sweet, presented the report.

Angela Jitani, Jitani Enterprises Inc., suggested the Municipality could do more to promote Seacliff Park, for example, by alternating Movie Night between the Leamington Marina and Seacliff Park.

No. C-287-14

Moved by: Councillor Atkin
Seconded by: Councillor Jacobs

That the lease agreement between Jitani Enterprises Ltd. and the Municipality of Leamington dated May 30, 2012 for the operation of the Seacliff Park Concession Stand be amended to permit the sale of wine in addition to beer and cooler sales. (LLS 10/14)

Carried

8. Report PLA 28/14 dated July 2, 2014 regarding Planning Consultant Services

Manager of Planning Services, Danielle Truax, summarized the report.

In response to a question from Council, Ms. Truax noted Essex County would be undertaking a farm lot study so all municipalities in the County will be consistent. As well, Ms. Truax anticipates the Natural Heritage policy will be reviewed.

No. C-288-14

Moved by: Deputy Mayor Wright
Seconded by: Councillor Atkin

That a Request for Proposals be sent out for the 5 year review of the Official Plan for the Corporation of the Municipality of Leamington. (Report PLA 28/14)

Carried

9. Report PLA 35/14 dated July 18, 2014 regarding Second Dwelling Agreement for 394 Seacliff Drive West (530-04300)

Manager of Planning Services, Danielle Truax, summarized the report.

No. C-289-14

Moved by: Councillor MacDonald
Seconded by: Councillor Verbeke

That the second dwelling agreement with the owner of 394 Seacliff Drive West (ARN 530-04300) to allow two residential dwellings on one property for a period of one year from the date of the issuance of a building permit be approved;

And that the Mayor and Clerk be authorized to execute the agreement with Helen Peters. (Report PLA/35/14)

Carried

10. Report ENG 19/14 dated July 29, 2014 regarding Tender Award for the Multi-use Trail Expansion Phase 6, Trans Canada Trail

Manager of Accounting Services, Allan Botham, summarized the report noting the project will be completed this year. As directed by Council, Mr. Botham will contact the individual who expressed an interest in purchasing land on Mersea Road 8 to inform him the Municipality will be constructing a trail parking lot at that location.

No. C-290-14

Moved by: Councillor Atkin
Seconded by: Councillor Chopchik

That the Multi-use Trail Expansion Phase 6 / Trans Canada Trail construction tender be awarded to Jeff Shepley Excavating Inc., 2964 Malden Road 8, Essex, Ontario, N8M 2X6, in the amount of \$654,438 plus all applicable taxes and charged to account 10-7-0650- 8105-306200-700011;

And that an addition to the contract in the amount of \$100,000 plus all applicable taxes to build three trailheads be approved and charged to account 10-7-0650- 8105-306200- 700011. (Report ENG/19/14)

Carried

11. Report ENG 20/14 dated July 29, 2014 regarding Tender Award for the 2014 Resurfacing Program

Manager of Engineering Services, Allan Botham provided a summary of the report for Council.

In response to a question from Council, Engineering Project Supervisor, Alexander Del Brocco, suggested restricting the demolition trucks to utilizing the Erie Street exit only in order to prevent damage to Pulford Avenue.

No. C-291-14

Moved by: Councillor Atkin
Seconded by: Deputy Mayor Wright

That; the 2014 Surface Treatment Program tender be awarded to Jeff Shepley Road Maintenance, 2964 Malden Road 8, Essex, Ontario, N8M 2X6 for \$886,331.88 plus all applicable taxes and be charged to accounts:

Mersea Road 2 10-7-0620-8050-301430-600019-7650
Mersea Road 8 10-7-0620-8050-301490-600019-7650
Mersea Road 10 10-7-0620-8050-301500-600019-7650
Bruner Lane 10-7-0620-8050-300230-600019-7650

And that; the 2014 Asphalt Program be awarded to The Mill-AM Corporation, 2199 Blackacre Drive, Unit 700 Oldcastle, Ontario, N0R 1L0 for \$420,561.00 plus all applicable taxes and be charged to accounts:

Oak Street 10-7-0620-8050-301730-600019-7650
Pulford Ave 10-7-0620-8050-301890-600019-7650

And further that; the over expenditure of \$49,894.19 be funded from the Federal Gas Tax Reserve Fund (0336). (Report ENG/20/14)

Carried

Matters for Approval:

None

Other Matters for Consideration:

None

Report on Closed Session:

None

Consideration of By-laws:

No. C-292-14

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That the following by-law be read a third time and finally enacted:

By-law 392-14 being a by-law to provide for the construction of bridges over the 8th Concession Branch of the Big Creek Drain, in Parts Lots 9 and 12, Concession 8 in the Municipality of Leamington in the County of Essex

Carried

No. C-293-14

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That the following by-laws be read a first, second and third time and finally enacted:

By-law 406-14 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #94, 29 to 132 Elliott Street;

By-law 407-14 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #95, 459 to 465 Talbot Road West;

By-law 408-14 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #96, 302 Sherk Street; and

By-law 409-14 being a by-law to establish Development Charges in the Municipality of Leamington

Carried

No. C-294-14

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That the following by-law be read a first and second time:

By-law 410-14 being a by-law to provide repairs to East Marsh Dyke in Lots 19 to 21, Concessions A and B in the Municipality of Leamington

Carried

No. C-295-14

Moved by: Deputy Mayor Wright
Seconded by: Councillor Chopchik

That the following by-law be read a first, second and third time and finally enacted:

By-law 413-14 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held August 11, 2014

Carried

Notices of Motion:

None

Open Session of Council and Administration:

Deputy Mayor Wright reported on a very successful Communities in Bloom (CiB) judges' tour that took place at the end of July 2014. The Deputy Mayor thanked everyone responsible for preparing Leamington for the tour. He reminded residents of the different Best Blooming Awards and that nominations can be emailed to cib@communitiesinbloom-leamington.ca with an entry deadline of September 1, 2014. On Saturday, September 13, 2014 the results of the CiB tour will be announced in Thedford, Ontario.

Deputy Mayor Wright reported on the results of St. Clair College Leamington satellite campus survey which received 440 responses. He anticipates an announcement soon.

Deputy Mayor Wright commented on the large turnout for the Folk Festival which took place at Lakeside Park in Kingsville this past weekend.

Deputy Mayor Wright commented on the large number of visitors at the 38th Annual Lady of Lebanon Festival at the Lebanese Club this past weekend. Deputy Mayor Wright said the Communities in Bloom judges were impressed with the gardens around the Lady of Lebanon Shrine. Deputy Mayor Wright asked the public to check out the Communities in Bloom 2014 Leamington Profile Book at www.learmington.ca

Councillor Verbeke suggested when the Council Agenda is prepared placing the "big ticket" item first. Mr. Sweet explained how the agenda was prepared and the factors considered when determining the order of reports on the Council Agenda.

Statement of Members: non-debatable

Director of Legal and Legislative Services, Brian Sweet, noted an internet voting demonstration would be held in the Council Chambers August 27th and 28th, 2014 and further information will follow.

Councillor Verbeke reminded everyone the Leamington Sunset Tomato Festival was taking place this weekend at Seacliff Park.

Mayor Paterson commended Council on the work done this evening, Leamington is open for business, start digging!

Adjournment:

No. C-296-14

Moved by: Councillor Verbeke

Seconded by: Councillor Jacobs

That the meeting adjourn at 10:54 PM.

Carried

John Paterson, Mayor

Brian R. Sweet, Clerk

Minutes approved at Council Meeting held
_____, 2014, Resolution C-____-14,
Confirmation By-law ____-14

The Corporation of the Municipality of Leamington

Public Meeting Minutes - Zoning By-law Amendments

Monday, August 11, 2014 at 6:04 PM
In the Council Chambers

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Brian Sweet
Director of Finance and Business Services Cheryl Horrobin
Director of Infrastructure Services Robert Sharon
Director of Community & Development Services Tracey Pillon-Abbs
Manager of Engineering Services Allan Botham
Manager of Planning Services Danielle Truax
Drainage Superintendent Lu-Ann Barreto
Planning Technician Denise McGregor
Engineering Project Supervisor Alexander Del Brocco
Council Services Assistant Mary Ann Manley

1. Zoning By-law Amendment #94 for 129 and 132 Elliott Street, Cervini Farms Inc.

Manager of Planning Services, Danielle Truax, provided background information on a request for a zoning amendment for lands at 129 and 132 Elliott Street noting the purpose of the public meeting was to receive comments from the public on the application.

The Manager received comments from the Essex Region Conservation Authority dated July 23, 2014 regarding this application.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting. No one responded.

2. Zoning By-law Amendment #95 for 459 and 465 Talbot Road West, Sterling Acre Farms Ltd and A. Mastronardi and Consent Application B/09/14

Also in Attendance: Chris Todorovski, Agent

Manager of Planning Services, Danielle Truax, provided background information on the request for a zoning amendment for lands at 459 to 465 Talbot Road West and consent application B/09/14 noting this was the first time this combined process for ZBA and Consents has been presented to Council for consideration. Ms. Truax advised the purpose of the public meeting was to receive comments from the public on the application.

The Manager received comments from the Essex Region Conservation Authority dated July 24, 2014 and from the County of Essex dated July 31, 2014 for this application.

Mayor Paterson invited members of the audience to speak regarding this public meeting.

Rina DiMenna, 477 Talbot Street West, expressed her concern that if the zoning of the property was changed the setback be decreased. The Manager replied the greenhouses will not be any closer to her house then the current allowed setback of 50 metres.

The agent, Chris Todorovski, requested permission for his client to build a fence. The Manager replied that a fence would satisfy the conditions of the application.

In response to a question from Council regarding a change in zoning from agriculture to aggregate, it was Ms. Truax's opinion the process would also require an Official Plan Amendment and involved public meetings.

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/09/14 for a lot addition of 0.29 ha (0.71 acres) from 459 Talbot Road West to 465 Talbot Road West be supported by Council subject to the conditions listed in "Schedule A" of Report PLA/29/14;

And that Zoning By-law Amendment Application ZBA#95 to change the zone of the severed lands from A2 to A5-45, the resulting residential lot from A5 to A5-45 and the zone of the retained greenhouse farm from A2 to A2-9 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #407-14 to Council for its consideration. (PLA/29/14)

Carried

3. Zoning By-law Amendment #96 for 302 Sherk Street, Temporary Use By-law, Roman Catholic Diocese of London

Manager of Planning Services, Danielle Truax, provided background information on a request for a Temporary Use By-law noting the purpose of the public meeting was to receive comments from the public on the request. The Manager received comments from the Essex Region Conservation Authority dated July 25, 2014.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting. No one responded.

In response to a question from Council, Ms. Truax said locating the trailer in the front yard of 302 Sherk Street (St. Joseph's Church) would not decrease available parking and would allow users of the trailer to access bathrooms in the main building by way of the sidewalks.

In response to a question from Council, the Manager noted the trailer would be used for the same purposes as the office space at St. Michael's Church.

The meeting adjourned at 6:29 p.m.

Minutes approved at Council Meeting held
_____ 2014, Resolution C-_____-14,
Confirmation By-law _____-14

The Corporation of the Municipality of Leamington

Public Meeting Minutes - Drainage

Monday, August 11, 2014 at 6:30 PM
In the Council Chambers

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Brian Sweet
Director of Finance and Business Services Cheryl Horrobin
Director of Infrastructure Services Robert Sharon
Director of Community & Development Services Tracey Pillon-Abbs
Manager of Engineering Services Allan Botham
Manager of Planning Services Danielle Truax
Drainage Superintendent Lu-Ann Barreto
Planning Technician Denise McGregor
Engineering Project Supervisor Alexander Del Brocco
Council Services Assistant Mary Ann Manley

East Marsh Drainage Scheme Dyke Repairs, Engineer's Report

Also in Attendance: Jerome Trudell, P. Eng, Mark Hernandez, P. Eng, and
Nicole Caza, P. Eng from Dillon Consulting.

Drainage Superintendent, Lu-Ann Barreto, presented the report regarding the East Marsh Dyke Repairs and introduced Jerome Trudell, P. Eng from Dillon Consulting

Mr. Trudell provided a summary of the Engineer's Report dated June 17, 2014 utilizing a power point presentation noting the purpose of the meeting is to consider the technical aspects of the report under the Drainage Act.

Mayor Paterson invited the audience to address Council regarding this public meeting.

Ken Hamm, 1608 Mersea Road 2, informed Council he is not in favour of the proposed project due to the costs. Mr. Hamm does not feel the risk is as great as presented in the report. Mr. Hamm has concerns with the cost assessment and would like to see a distinction between flood protection and drainage costs.

In response to Mr. Hamm's concerns regarding assessments, Mr. Trudell advised Schedule C-1 (page 32 of the Engineer's Report) and C-2 (page 34 of the Engineer's Report) reflects the costs.

Bill Petryschuk, 1721 Mersea Road 1, felt an assessment formula should be established before the project begins. Mr. Petryschuk noted it has been 10 years since the report and there has not been a breach yet. Mr. Trudell responded there is potential risk which cannot be predicted.

Mr. Petryschuk only requires that an access be maintained to get to his property.

Tom Dick, 1110 Mersea Road 1, was of the opinion the dyke repairs are not necessary. In the past any concerns have been handled with sandbagging and stone.

Mayor Paterson explained the Municipality has a responsibility to protect its residents.

Mr. Dick was concerned the next administration will push the report through. Also, it was Mr. Dick's opinion the ditch requires cleaning. Mr. Dick requested confirmation that there was no seepage from the dyke. Mr. Dick did not want the report to be adopted.

John Landschoot, 2035 Mersea Road B, suggested the dyke be moved or widened to the north. Mr. Landschoot suggested many marshes involve a dyke with a pumping system to maintain water level and prevent wave action. Mr. Trudell replied due to the laws protecting species at risk, the project cannot impact the Hillman Marsh at all.

In response to a question, the Drainage Superintendent said the land was dredged out to be used as farmland and, as a result, the Municipality needs to protect the land. Mr. Trudell stated the dyke was constructed to protect the land under the Drainage Act as, in its original state, the area was probably a marsh.

In response to a question from Council, the Drainage Superintendent noted there is a large amount of sediment in the drain. Currently, Ms. Barreto does not have a request on file to clean the ditch.

In response to a question from Council, Mr. Trudell stated because there is no direct benefit to Hillman Marsh, the owners are not assessed.

Manager of Engineering Services, Allan Botham, clarified if Council does not accept the report tonight the project will not proceed.

Mr. Sweet suggested if it is Council's intention to apply for funding from other levels of government and be "shovel ready," the recommendation presented is the best way for Council to proceed.

Director of Infrastructure, Robert Sharon, offered further explanation on the advantages and disadvantages of adopting or not adopting the report. The window of opportunity is narrow and the process can be lengthy.

Council discussion occurred on possible wording to be added to the recommendation or included in the by-law.

Moved by: Councillor Atkin
Seconded by: Deputy Mayor Wright

That the report provided by Dillon Consulting dated January 17th, 2013, for the preparation of a report together with the necessary plans and profile for the repairs and improvements to the East Marsh Dyke pursuant to the provisions of Section 78 of the Drainage Act be adopted;

And that By-law 410-14 authorizing the work be presented to Council for 1st and 2nd reading;

And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 8th day of September, 2014;

And that Jerome Trudell, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works;

And that all costs be charged to Account #10-7-0680-7680-923500-200011, East Marsh Dyke Repairs;

And that the Essex Region Conservation Authority be advised of the drainage works. (Report DR/6/14)

Carried

The meeting adjourned at 7:55 p.m.

Minutes approved at Council Meeting held
_____ 2014, Resolution C-_____-14,
Confirmation By-law _____-14

The Corporation of the Municipality of Leamington

Minutes of Special Council Meeting

Held Wednesday, August 6, 2014 at 1:00 PM

Bus to Arrive at Municipal Office at 12:45 PM

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald and Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Infrastructure Services Robert Sharon
Director of Community & Development Services Tracey Pillon-Abbs
Drainage Superintendent Lu-Ann Barreto

Disclosures of Pecuniary Interest:

None.

Reports of Staff and Delegations:

Mayor Paterson called the meeting to order and advised the purpose of the meeting was to review the East Marsh Drainage scheme.

The bus tour visited the following sites:

- 1) Cross Section (East Marsh Dyke that separates the land from Hillman Marsh)
- 2) Hillman Cut (north end of East Beach Road)
- 3) East Marsh Pumphouse
- 4) Marentette Beach
- 5) Mersea Road C (between East Beach Road and Road 19)
- 6) Marentette Dyke

Tim Byrne, ERCAs Director of Watershed Management Services was in attendance and provided information regarding the history of the East Marsh Drainage Scheme.

During the tour, there were some general questions of administration; however, there was no decision or direction provided to staff. Attendees were reminded the purpose of the meeting was for fact finding only. Attendees were also encouraged to attend the public meeting scheduled for August 11, 2014 to voice their concerns.

The Mayor noted any decision or direction to staff would be provided during the Council meeting of August 11, 2014.

Adjournment:

No. S-67-14

Moved by: Councillor Verbeke

Seconded by: Councillor Jacobs

That the meeting adjourn at 3:35 PM

Carried

John Paterson, Mayor

Brian Sweet, Clerk

Minutes approved at Council Meeting held
August _____, 2014, Resolution C--14,
Confirmation By-law _____-14

**The Corporation of the Municipality of Leamington
Minutes of the Special Closed Meeting of Council
Held Friday, August 15, 2014 at 12:00 PM
In the Ante Room**

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Brian Sweet

Director of Legal and Legislative Services Brian Sweet advised that the procedural by-law required 48 hours notice for a special meeting and that only 44 hours notice was given to the public. The procedural by-law provides that Council can pass a motion waiving the notice requirement provided the motion is carried unanimously.

No. S-68-14

Moved by: Councillor Atkin
Seconded by: Councillor Jacobs

That the forty-eight hour notice requirement for scheduling a special meeting of Council be waived.

Carried Unanimously

Disclosures of Pecuniary Interest:

None

Moving into Closed Session:

No. S-69-14

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That Council move into closed session pursuant to Subsections 239(2)(b) of the Municipal Act, 2001 to discuss two (2) personnel matters.

Carried

Matters for Consideration:

Confidential Report LLS 11/14 dated August 11, 2014 regarding a Personnel Matter

Director of Legal and Legislative Services, Brian Sweet, reviewed his report

No. S-70-14

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That administration be directed to undertake the proposed action described in Confidential Report LLS/11/14.

Carried

Mr. Sweet left the meeting prior to the Chief Administrative Officer presenting his report.

Confidential Report CAO 14/14 dated August 13, 2014 regarding a Personnel Matter

Chief Administrative Officer, Peter Neufeld, reviewed his report. Council discussion occurred on the issues contained in the report and direction was given to the Chief Administrative Officer.

No. S-71-14

Moved by: Councillor MacDonald
Seconded by: Councillor Atkin

That administration be directed to undertake the proposed action described in Confidential Report CAO 14/14 dated August 12, 2014.

Carried

Adjournment:

No. S-72-14

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That the meeting adjourn at 12:55 PM.

Carried

John Paterson, Mayor

Brian Sweet, Clerk

Minutes approved at Council Meeting held
_____, 2014, Resolution C-_____-14,
Confirmation By-law ____-14

Report

To: Mayor and Members of Council
From: Amanda Smith, Manager of Culture & Recreation
Date: July 8, 2014
Re: Policy to Prohibit Solicitation at the Leamington Kinsmen Recreation Complex (R00-Prohibit Solicitation)

Aim:

To recommend that Council adopt a new policy to prohibit solicitation, including private coaching activities, at the Leamington Kinsmen Recreation Complex.

Background:

During the Council meeting on June 9, 2014, the original REC 16/14 was presented outlining the policy to prohibit solicitation at the Leamington Kinsmen Recreation Complex. Council deferred the approval of said policy and requested that the policy be expanded to address local community non-profit groups (Council Resolution C-206-14).

For many years, the Leamington Kinsmen Recreation Complex (LKRC) has had an unwritten practice that prevents organizations and individuals from solicitation activities at the Complex. These activities include private coaching, private personal training services, and prohibits individuals and organizations from fundraising activities in public areas, such as seeking donations, selling apples/cookie dough or hosting bakesales, etc.

Administration has determined that is prudent to have written policy so that these private coaching activities and other forms of solicitation can be officially prohibited at the Complex.

Comments:

The purpose of R00 - Prohibit Solicitation will be to prohibit solicitation by individuals and organizations, as well as prohibit private coaching activities. The policy will apply to all patrons, participants, guests/spectators, municipal employees and volunteers. Use of the LKRC for personal gains will be prohibited and face to face direction, instruction and guidance deemed as private coaching, private personal training or other related activities, regardless if payment is being accepted, will be prohibited. This policy will also apply to fundraising activities (ie: bakesales, selling apples/cookie dough etc.).

Organizations defined as a Registered Charity or as an Incorporated Not for Profit are permitted to solicit funds through various fundraising campaigns. There will be a maximum

of one organization per month and fundraising efforts will only be permitted inside the Complex lobby and cannot impede patrons from entering or exiting the facility. Organizations will be required to complete an application form.

Organizations or individuals that rent a facility at the Complex and host fundraising events such as skateathons or walkathons would be exempt from this policy. Private coaching and personal training services would only be provided through the recreation department and may include pilates training, aquatherapy, personal training and private swim lessons, etc.

Implementing this policy will strengthen Administration's ability to control various coaching and training activities and fundraising efforts each year at the Complex. In addition, prohibiting unauthorized coaching and training activities will reduce potential liability claims.

Attachment #1 is the recommended policy: "R00-Prohibit Solicitation".

Financial Impact:

There is no net financial impact related to implementing this policy.

Recommendation:

That R00 - Prohibit Solicitation policy related to private coaching and solicitation at the Leamington Kinsmen Recreation Complex be approved. (REC 16/14)

Respectfully submitted,

Amanda Smith
Manager of Recreation, Tourism
& Culture

Tracey
Pillon-Abbs
Tracey Pillon-Abbs
Director, Community & Development Services

Digitally signed by Tracey Pillon-Abbs
DN: cn=Tracey Pillon-Abbs,
o=Municipality of Leamington,
ou=Community and Development
Services, email=tpillon-
abbs@cojeco.ca, c=CA
Date: 2014.08.11 14:04:05 -04'00'

Peter
Neufeld, CAO
Peter
Neufeld, CAO

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Neufeld, CAO
Date: 2014.08.21
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Attachment #1 - R00 Prohibit Solicitation



| | |
|----------------------|-----------------------------|
| Policy No.: | R00 - Prohibit Solicitation |
| Date Enacted: | XXX XX, 2014 |
| Amended By: | #C-XXX-XX |

Subject

Prohibit Solicitation and Private Coaching activities at the Leamington Kinsmen Recreation Complex

Purpose

The Leamington Kinsmen Recreation Complex provides residents and visitors with opportunities to participate in recreational and community-based activities. This policy will set parameters to prohibit solicitation by individuals or organizations, as well as prohibit private coaching activities.

Definitions

Registered Charity - a not for profit corporation that is registered as a charity pursuant to the Income Tax Act.

Incorporated Not for Profit - a corporation without share capital and which has been incorporated pursuant to either the Federal or Provincial Not-For-Profit Corporations Act or predecessor legislation.

Scope

This policy applies to all patrons, participants, guests/spectators, municipal employees and volunteers.

Use of the Leamington Kinsmen Recreation Complex for personal gain violates this policy and is prohibited at the Complex. Face to face direction, guidance and instruction activities are deemed as private coaching, personal training or other related activities are prohibited at the Complex, regardless if payment is being accepted. Private coaching is allowed only through programs run through the Recreation Department such as private Pilates Training, Aquatherapy, Personal Training and Swim Lessons.

This policy also prohibits individuals from fundraising activities (ie: bake sales, selling apples/chocolate bars/cookie dough etc.).

Registered Charities and Incorporated Not-for Profit organizations are exempt from this policy and are permitted to host fundraising activities/solicit donations; however, a maximum of one organization is permitted per month. These activities are permitted only in the lobby of the Complex and cannot impede patrons from entering or exiting the facility. Examples may include, but not limited to, Royal Canadian Legion (Poppy Days), Canadian

Cancer Society (Daffodil Sales), and Lions Club (Fruitcake Sales). Organizations will be required to submit an application to the Department of Recreation, Tourism & Culture.

Organizations or individuals that rent a facility at the Complex and host fundraising events, such as walkathons or skateathons are exempt from this policy.

Procedures

This policy prohibits all forms of solicitation (excluding exemptions as noted above), private coaching/instruction, private personal training and related activities at the Leamington Kinsmen Recreation Complex.

If these activities do occur, the Manager of Recreation, Culture and Tourism or designate will meet with the individual(s) and explain the policy prohibits these activities. If the activities continue, steps will be taken to restrict or ban the individuals from attending the Complex.

Report

To: Mayor and Members of Council
From: Amanda Smith, Manager of Recreation, Tourism & Culture
Date: August 11, 2014
Re: Leamington Library Building Steering Committee - Terms of Reference

Aim:

To request that Council approve the Terms of Reference for the Leamington Library Building Steering Committee and support the call for interested persons to apply for the Committee.

Background:

During the Council Meeting on February 10, 2014 report, REC 05/14 was presented. This report provided a high-level review of the recent history of the Leamington Library and recommended that in order to move forward with an expanded facility, a study should be developed. Council Resolution #C-65-14 supported \$30,000 to fund a Leamington Library Location Study to be included in the 2014 budget request and that funding be provided from the Collins Estate Reserve Fund.

The report further stated that a secondary report will be brought to Council outlining the terms of reference for a Steering Committee. Community input is fundamental to the process of identifying a preferred location for the Leamington Library building.

Comments:

The Library Building Steering Committee will have a mandate “to support the consultant hired to conduct the Leamington Library Building Master Plan”. With their mandate, the Committee is to:

- Assist the consultant to gather community input, through a variety of tools;
- Gauge level of community support;
- Comment on the recommendations, including preferred location and site;
- Provide input as a valuable stakeholder/user of the Leamington Library.

Membership on the committee will be comprised of two Council representatives, an Essex County Library representative, Leamington Chamber of Commerce representative, a member appointed from the business community at large who is broadly reflective of the business community, a student representative (possibly from the Mayor’s Youth Advisory

Committee) and one member appointed from the community at large. A call for applications will be posted in a local newspaper.

Attachment #1 is the recommended terms of reference: “Leamington Library Building Steering Committee”.

The “Request for Proposal for the Library Building Master Plan” requires the project scope to include:

- An on-site visit of the current Library building;
- Review of alternative municipal/private properties within the Municipality and to make preferred recommendations and list alternatives
- Identify “ideal” building size based on current statistics, potential use and service levels
- Provide estimated cost of preferred recommendation and alternatives
- Community consultation plan must be included in the project proposal.

Financial Impact:

Should the Terms of Reference be supported, the only costs to initiate this Committee in 2014 are the advertising costs for the “Call of Applications” for interested parties to participate. Advertising expenses will be charged to account #10-5-0300-7130-002030 and not to exceed \$500.00, net hst.

This Committee may have additional financial impact on future year budgets.

Recommendation:

That the Terms of Reference presented for the Leamington Library Building Steering Committee be adopted;

And further, that Administration be directed to advertise the positions available on the Committee and charge expenses to account #10-5-0300-7130-002030, not to exceed \$500.00 net HST;

And further, that two Council representatives be appointed to the Leamington Library Building Steering Committee. (REC 17/14).

Respectfully submitted,

Amanda Smith
Manager of Recreation, Tourism
& Culture

Tracey
Pillon-Abbs

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DN: cn=Tracey Pillon-Abbs,
o=Municipality of Leamington,
ou=Community and Development
Services, email=tpillon-
abbs@colegeo.ca, c=CA
Date: 2014.08.11 14:15:39 -04'00'

Tracey Pillon-Abbs
Director of Development & Community
Services

Peter Neufeld,
CAO

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Attachment #1 - Terms of Reference

NAME OF COMMITTEE:

Leamington Library Building Steering Committee

MANDATE:

To support the consultant hired to conduct the Leamington Library Building Master Plan.

FUNCTIONS:

With their mandate, the Committee is to:

- Assist the consultant to gather community input, through a variety of tools;
- Gauge level of community support;
- Comment on the recommendations, including preferred location and site;
- Provide input as a valuable stakeholder/user of the Leamington Library.

MEMBERSHIP:

Membership on the Committee shall consist of the following:

- 2 members of Municipal Council;
- 1 member appointed by the following organizations or representative groups
 - Essex County Library
 - Leamington Chamber of Commerce
- 1 member appointed from the business community at large who is broadly reflective of the business community;
- 1 member representing students, under the age of 19 years; or a member appointed from the Mayor's Youth Advisory Committee;
- 1 member appointed from the community at large
- 1 member of Municipal Administration, who will be a resource to the committee.

Membership on the Committee shall reflect the desired experience, knowledge and enthusiasm necessary to fulfill the Committee's mandate.

Members shall serve on the Committee without remuneration.

The Mayor will be an ex-officio member of the Committee.

The Mayor shall appoint the Council Representatives to the Committee.

MEETINGS:

Meetings of the Committee shall be held as needed at the discretion of the Committee. Meetings may also be called at the discretion of the Chair.

Support staff will be provided by the Department of Legislative & Legal Services.

REPORTING:

The minutes of each meeting will highlight key discussion points and record any decisions, actions or recommendations of the Committee. Minutes will be circulated to members of the Committee and Council.

Reports will be brought to Council at key stages in the feasibility review for information or direction from Council.

Recommendations will be presented to Council.

Report

To: Mayor and Members of Council

From: Nelson Carvalho, Supervisor of Water Services

Date: August 1, 2014

Re: Leamington Distribution System - (Union Supply System) -
Distribution System Inspection Report dated July 31, 2014

Aim:

To advise Council that the Ministry of Environment Drinking Water System Inspection Report for the distribution (Union) system has been completed and is available for public review.

Background:

The Leamington Water Distribution System is comprised of two sub-systems; the Leamington (Union) Distribution System, system number 220004992; and the Leamington (Wheatley) Distribution System, system number 260087048.

The Ministry of the Environment (MOE) has a rigorous and comprehensive annual inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the *Safe Drinking Water Act, 2002*, associated regulations and MOE Certificates of Approval. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

The Leamington (Union) Water Distribution System was inspected on May 21, 2014 and the report issued on July 31, 2014.

The Leamington (Wheatley) Water Distribution System has not yet been inspected. The Ministry of Environment usually conducts such inspection later in the year.

The operator of a water system is required to provide reports to the owner of the system, in this case the Municipality of Leamington through the municipal council. MOE require that the report for the Leamington (Union) Water Distribution System be circulated to each member of council and a council resolution obtained, confirming receipt. The report is also to be made available to the public, and advertised as such.

The Ministry of Environment report is provided to Council under separate cover. It is also posted on the municipal web site and available for review or download by the public.

This public council report will also satisfy an MOE requirement to advertise the fact that the report is available on the municipal web site.

Comments:

Ministry of Environment reports contain two sections that should be noted:

1. *Non-compliance with regulatory requirements and actions required:*

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues.

There were no items of non-compliance noted in the report.

2. *Summary of best practice issues and recommendations:*

This section provides a summary of all best practice issues identified during the inspection period. Best Management Practices are recommendations and not mandatory requirements, but may lead to safe drinking water for the consumer. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following practices and consider measures to implement them so that all drinking water systems continuously improve their processes.

Three recommendations for best practices were made, with which Administration agrees. They will be implemented:

1. That the Leamington Operational Plan be revised to more explicitly describe OCWA's role in responding to adverse water quality incidents for samples and tests undertaken by them on behalf of Leamington. The Operational Plan (033-401) forms part of the Drinking Water System Licence authorized by the Director under Part V of the Safe Drinking Water Act.
2. That similar wordings used in the scope of standard operating procedures SOP ID#10 "Watermain Break-Repairs to Dewatered Mains" and SOP ID #11 "Watermain Break - General Repairs", included in error, be revised.
3. That the operating authority establish separate log books, or some other measure of distinguishing operational activities recorded, pertaining to each of the Leamington (Union) Water Distribution, and Leamington (Wheatley) Distribution System, rather than the existing

combined log book, and that the Operational Plan be revised to ensure that Table 1 under Element 5 refers to such separated log books.

The **Inspection Summary Rating Record (IRR)** generated by the inspection indicates a Risk Rating of 0%, and a Final Inspection Compliance Rating of 100%.

Recommendation:

That the Ontario Ministry of the Environment Drinking Water System Inspection Report for the Leamington Distribution System - (Union Supply System) dated July 31, 2014 be received;

That the report be placed on the Municipality's website and also be made available for public inspection at the Municipal Clerk's office, during normal business hours.

(Report LWS/03/14)


Respectfully Submitted

Nelson Carvalho
Supervisor of Water Services

Robert Sharon
Director of Community Services

Kit Woods
Manager, Environmental Services

Peter
Neufeld, CAO



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Peter Neufeld, CAO
Date: 2014.08.21
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Report

To: Mayor and Members of Council

From: Joseph Dattilo, P. Eng., Project Engineer

Date: August 7, 2014

Re: Erie Street South Outfall Sewer Improvements - Step 2 Tender Award

Aim:

To award the Erie Street South Outfall Sewer Improvements - Step 2 contract to Dean Construction Company Limited, 2720 Front Road, LaSalle, Ontario, N9J 2N5.

Background:

As noted in previous report to Council, ENG/03/14, regarding the condition and recommendations for temporary improvements to the Erie Street South storm outfall, Stantec Consulting proposed the following short term repairs and improvements (Step 2 of the Environmental Assessment):

- MH#5 - Raise the manhole to grade and replace the frame and cover with a watertight frame and cover.
- MH#6 - Remove existing concrete lid, raise the manhole structure above grade, install a water tight frame and cover, and an emergency overflow.
- Raise the diffusers and add “duckbill” check valves.
- Partial flushing of outfall

Step 2 works would have an expected useful life of 20 years with reliable operation while we move forward with sewer separations (Step 3A) to achieve our final goal of Step 3B “Relocating the Outfall to the Marina”. See Schedule A for the location of Storm Sewer Outfall.

As the project entails “in water works”, it is considered and must be completed by qualified contractors. Requests for tender were posted with the Windsor Construction Association, Daily Commercial News and the Leamington Website.

On August 7, 2014, one package was received and opened with the following results:

| Company | Tender Price (Not Incl. HST) | Total Cost (Incl. HST) |
|-----------------------------------|---------------------------------|---------------------------|
| Dean Construction Company Limited | \$ 159,500.00 | \$ 180,235.00 |

Comments:

Administration is seeking Council approval to award this tender. Despite only receiving one bid, Administration is of the opinion that this is a good price to complete the defined scope of work.

Dean Construction Company Limited has indicated that they would be able to meet the terms of the contract and start work mid September.

Financial Impact:

The approved Sewer Capital budget for the Erie South Storm Outfall is \$253,000 (engineering, other and construction). The total cost of construction following tendering is \$162,307.20 (Incl. Net HST).

Recommendation:

That the Erie Street South Outfall Sewer Improvements - Step 2 contract be awarded to Dean Construction Company Limited, 2720 Front Road, LaSalle, Ontario, N9J 2N5, in the amount of \$159,500.00 (plus applicable taxes) and charged to Sewer Capital account 10-7-0610-8110-300630-500013. (ENG 21/14)

Respectfully submitted;

Joseph Dattilo, P. Eng.
Project Engineer



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Robert Sharon, Director
of Infrastructure Services
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Robert Sharon, CMO
Director of Community Services

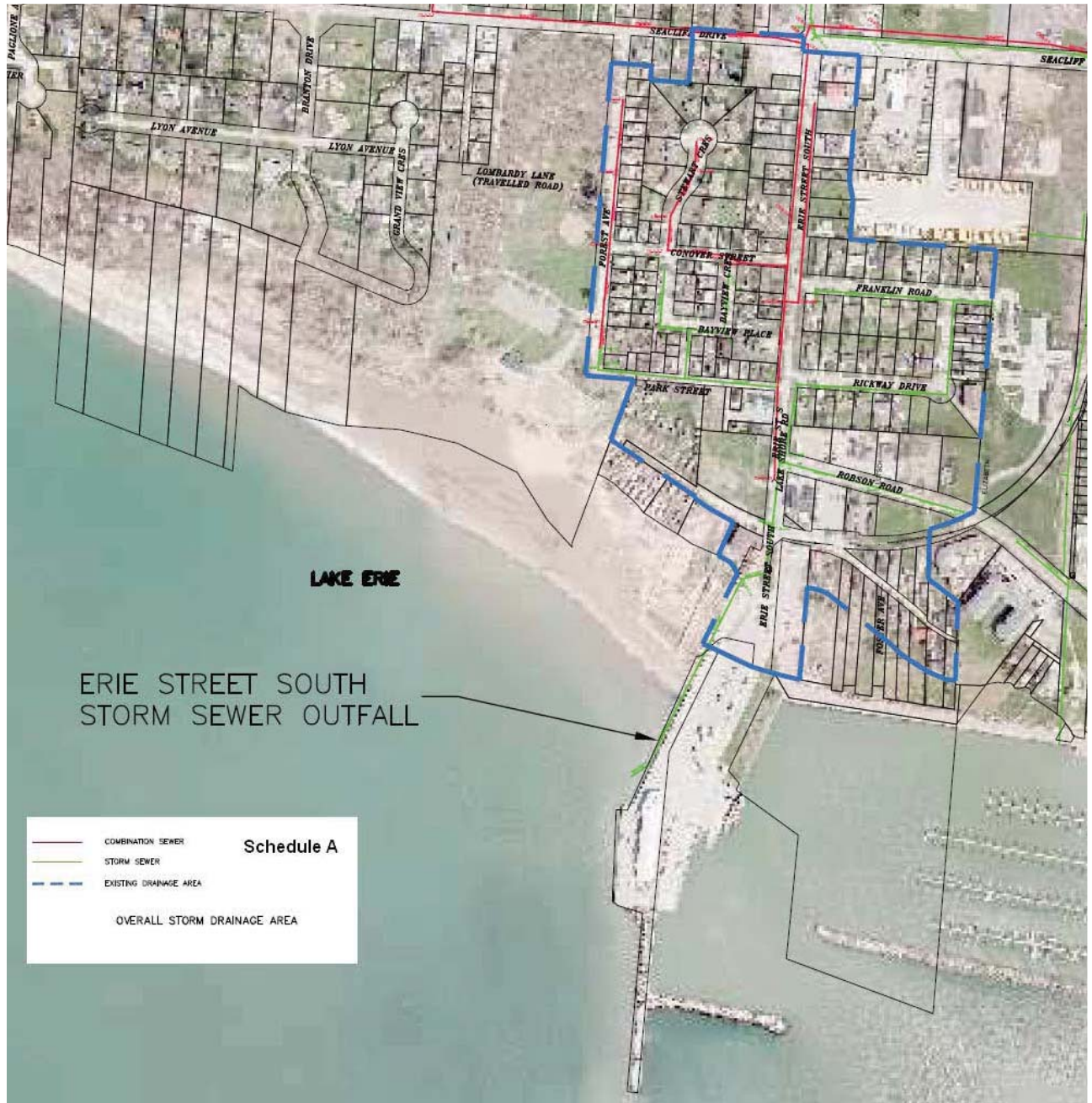
Allan Botham, P.Eng.
Manager of Engineering Services

Peter
Neufeld, CAO

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SCHEDULE "A"

Service Area for the Erie South Storm Sewer Outfall (SSO) and outfall location.



Report

To: Mayor and Members of Council
From: Alexander N. Del Brocco C.E.T, Engineering Project Supervisor
Date: August 7th 2014
Re: 2014 Sidewalk Tender Award

Aim:

To award the 2014 sidewalk program to Pierascenzi Construction Limited, 7405 Broderick Road, Windsor, Ontario, N9H 1W7.

Background:

On Wednesday August 6 2014, two (2) tenders were received for the 2014 sidewalk program.

| Contractor | Amount (excluding taxes) | Amount (including HST) |
|-------------------------------|--------------------------|------------------------|
| Pierascenzi Construction Ltd. | \$ 102,161.50 | \$ 115,442.50 |
| Giorgi Bros (1994) Inc. | \$ 111,769.50 | \$ 126,299.54 |

Comments:

The low tender, Pierascenzi Construction, has worked for the Municipality in the past and has performed well.

The 2014 work plan generally calls for:

Section A: New Sidewalk (See attached Schedule A)

- The construction of 265 square metres of new sidewalk on Pickwick from the existing sidewalk to Plumbrook, and on Plumbrook from Pickwick to Alderton. This portion of the works is funded through the Engineering Capital budget.

Section B: Remove and Replace (See attached Schedule B)

- The removal of 400 square meters of interlocking brick pavers along Talbot Street West between Erie and Fox. This portion of the works is funded through the annual Public Works budget.

Section C: Bus Stops (See attached Schedule C)

- The construction of seven (7) transit pads at:
 - Stop #1 - 24 Seacliff Drive (East of Trail) Lutsch at Mill
 - Stop #9 - Sherk Street - North of Pulford Cherry Lane at Bruce
 - Stop #15 - Camelot Avenue - North of Oak
 - Stop #16 - Lutsch Ave- South of Mill
 - Stop #22- 125 Talbot West
 - Stop #26- 134 Talbot West
 - Stop #37- 36 Pulford Avenue

This portion of the works is funded through the Transit Capital budget.

Financial Impact:

The 2014 Sidewalk Program is intended to be funded from three areas: Engineering, Public Works and Transit.

| Account | Funding Source | Budget | Tendered Amount (incl. Net HST) |
|--------------------------|-------------------------|---------------|---------------------------------|
| 2014 Engineering | Net From Revenue | \$ 50,000.00 | \$ 28,365.60 |
| 2014 Public Works Budget | Net From Revenue | \$ 50,000.00 | \$ 57,255.26 |
| 2014 Transit | Ontario Transit Gas Tax | \$ 20,000.00 | \$ 18,338.68 |
| Total | | \$ 120,000.00 | \$ 103,959.54 |

Engineering and Public Works sidewalk work are both funded from taxation and administration recommends that the over expenditure in the Public Works area be mitigated by the under expenditure in the Engineering area. Further, Transit works are funded by Ontario Transit Gas Tax under two accounts: Transit Bus Shelters (\$5,000), and Bus Stop Improvements (\$15,000).

Recommendation:

That the 2014 Sidewalk Construction tender be awarded to Pierascenzi Construction Ltd., 7405 Broderick Rd., Windsor, Ontario, N9H 1W7, in the amount of \$102,161.50 (plus applicable taxes) (Report ENG/22/14).

Respectfully submitted,

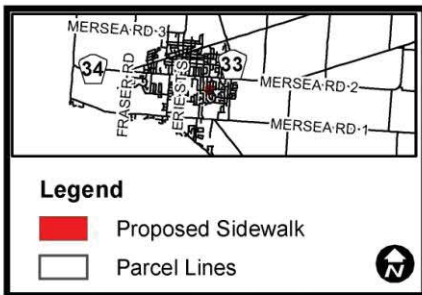
Alexander N. Del Brocco, C.E.T
Engineering Project Supervisor

Allan Botham, P.Eng.
Manager of Engineering Services

Robert Sharon, CMO
Director of Infrastructure Services

Peter Neufeld, CAO
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Schedule A

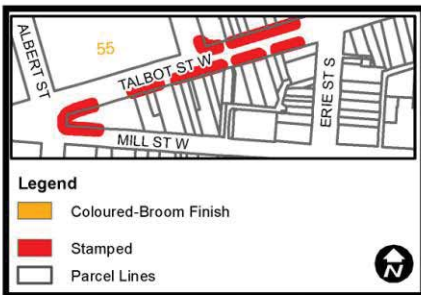



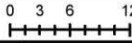
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|---|----------------------------|
| Title: SECTION A NEW SIDEWALK | |
| | Scale: 1:600 |
| Prepared For: Eng | Date: June 19, 2014 |
| Prepared By: GIS Services | File No.: N/A |
| Notes: This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. 111 Ene Street North, Leamington, Ontario N8H 2Z9 TEL: (519) 326-5761 FAX: (519) 326-2481 | |

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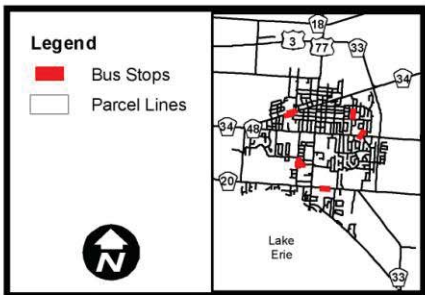
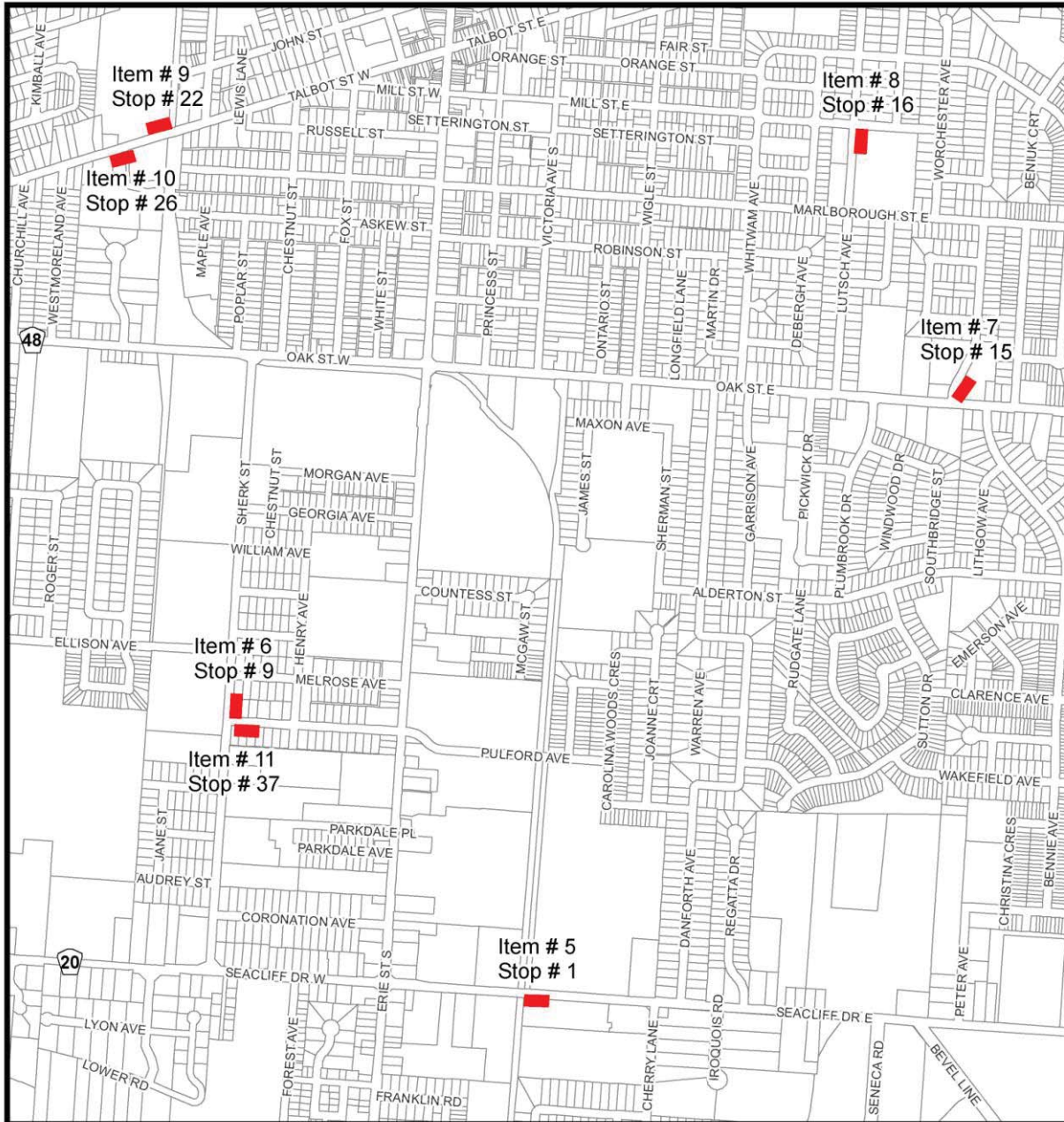
Schedule B


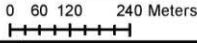


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| Title: | | SECTION B REMOVE AND REPLACE | |
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| Prepared For: Eng | | Date: June 19, 2014 | |
| Prepared By: GIS Services | | File No.: N/A | |
| Notes: This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. 111 Erie Street North, Leamington, Ontario N8H 2Z9 TEL: (519) 326-5761 FAX: (519) 326-2481 | | COPYRIGHT This document is not a Legal Plan of Survey and the user of this map assumes all risks associated with it. All efforts have been made to ensure completeness and accuracy, however no guarantees can be made. | |

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Schedule C



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| Title: SECTION C BUS STOPS | |
|  | Scale: 1:12,000  |
| Prepared For: Eng | Date: July 9, 2014 |
| Prepared By: GIS Services | File No: N/A |
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Report

To: Mayor and Members of Council
From: William J. Marck, Municipal Advisor
Date: July 7, 2014
Re: Policy Review - Summary

Aim:

To provide Council with an update as it relates to a review of the municipal policy manual.

Background:

Over the last year, policies have been collected from area municipalities and the municipal policy manual has been reviewed and a master work plan developed and distributed to Directors. The policies collected from other municipalities were compared to Leamington policies. At present, there are 119 policies in the municipal policy manual.

The master work plan was created which outlines policies that each individual department is responsible for updating, and provides a sample policy template.

Comments:

One of the main goals of reviewing the policy manual was to standardize its format and to ensure all policies are written so they are accessible (see attached sample).

The Ontario Municipal Records Management System (TOMRMS) is used to identify specific subject matters and is the master filing system for the Corporation. The identifiers utilized in the TOMRMS are the same identifiers applied to the policies which will be reviewed over time by Council.

A series of reports will be forwarded under the signature of the CAO outlining policies that have been reformatted or updated.

The Corporation has a number of policies in its manual that are not necessarily policies, but matters related to application of construction methods, and as such, will be removed from the municipal policy manual and incorporated into the municipal development manual. Staff is near completion of the new development manual and it is expected that document will be placed before Council for consideration this fall.

There are also a number of sub-policies grouped under one policy that will be separated into their own policies for ease of reference. Explanations will be provided for those policies that require additional or new detail in regard to scope, procedure and/or value. However, in the majority of cases the policies are simply being reformatted so they comply with accessibility standards.

At the beginning of the term of each Council, elected members are presented with an electronic copy of the policies. However, it is beneficial to place the policies before Council (even if there has been no change) for review to ensure Council are familiar with the contents of the policies of the Corporation. A number of the policies were approved by previous Councils. It is noted that going forward, any new policy presented by staff will reflect the new format.

Financial Impact:

There is no financial impact per se for updating the policy manual; however, some of the policies that required expenditures of the Corporation will now be more specific in regard to the value of the expenditure.

Conclusion:

Having clear and concise policies will assist administration in properly applying and administering the policies to ensure the intention of Council direction is adhered to.

Recommendation:

For Council's information (CAO 11/14)

Respectfully submitted,

William J. Marck
Digitally signed by William J. Marck
 DN: cn=William J. Marck,
 o=Municipal Advisor,
 ou=Municipality of Learnington,
 email=wmrck@learnington.ca, c=CA
 Date: 2014.07.31 08:47:07 -0400'

William J. Marck
 Municipal Advisor

kms

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Attch.

Peter Neufeld, CAO
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 Peter Neufeld, CAO
 Date: 2014.08.21
 14:20:37 -04'00'



Policy No.: A00 - Example
Date Enacted: September 4th, 2013
Amended By: #C-111-11

This document is meant to act as a template for the development of policy documents. The titles and format are not meant to be changed.

Subject

Think of this as the title of the policy.

Purpose

A concise summary of the objectives can be given if it helps to clarify the subject matter. The purpose statement should inform readers why the section was issued and what information they will find there.

Example:

While the cent remains the smallest unit for pricing goods and services, the Royal Canadian Mint will no longer distribute pennies as of fall 2012.

With the gradual withdrawal of the penny from circulation the price rounding of transactions will be required.

The Municipality of Leamington will round its goods and services in a fair, consistent, and transparent manner. This policy will set the parameters for municipal price rounding.

Scope

What is the policy's range of view? Who does the policy apply to?

Example:

This policy applies to all municipal employees, including but not limited to regular, temporary and contract employees, and to consultants, volunteers, trainees and students.

Definitions

When the subject matter requires a precise understanding of terms, include them here. This allows a reader to approach the content in a more knowledgeable manner, and to easily refer back to the definition as needed when the term is used frequently throughout the policy section. When a term has more limited use, it can be defined in the body of the section and Definitions may be omitted.

Example:

Municipality: The Corporation of the Municipality of Leamington.

Procedures

Procedures describe how the policy is implemented. The action steps included here should clearly and accurately describe the process and responsibilities for accomplishing tasks governed by the policy. Procedures are the required process for the specific situation. In addition to supplying procedures, you may want to include guidelines. Guidelines provide suggested methods for accomplishing tasks governed by the policy, but are not mandatory procedures and may be maintained on the department's Web site rather than in the policy. The procedures should be organized for ease of use. Some policy sections may require multiple procedure headings for the different tasks addressed. Some policy sections may find it useful to include individual responsibilities as a separate heading rather than within the procedures. While procedures are organized as a chronological series of steps required to accomplish a task, responsibilities are organized as lists of tasks that must be completed by an individual or department.

Subtitle

The use of subtitles is encouraged in order to effectively organize potentially lengthy policy statements.

NOTE: - the page number headings will be changed to reflect each policy.

- It might be worth exploring the option that a general definitions section be included at the beginning of the policy manual in order to eliminate the 'Definitions' section altogether. Alternatively, such a section could be included in order to cover the most common definitions, such as "Municipality".

Report

To: Mayor and Members of Council
From: William J. Marck, Municipal Advisor
Date: July 7, 2014
Re: Policy Review

Aim:

To request Council confirm a series of policies as they relate to the municipal policy manual.

Background:

As noted in previous report CAO 11/14 administration is undertaking a comprehensive review of the corporate policy manual to ensure policies are accessible, formatted in the same nature and contain adequate information in order to make decisions that reflect the spirit of the policy adopted by Council.

Comments:

The following policies are attached and comments are as follows:

A00-Christmas Decorations - BIA

This policy has been amended to include that the timing of installation and/or removal of Christmas decorations in the BIA area would be at the discretion of the Manager of Public Works, and any costs incurred as a result of replacing or repairing the decorations would be borne by the BIA.

A00-Flowers

This policy has been expanded to include a fruit basket or monetary donation. It has also been amended to include the total donation or cost is not to exceed \$75.00.

A00-Hours of Operation

This policy has been amended to include the hours of business for administration at the Leamington Municipal Building, Fire Services Building, Pollution Control Centre and Leamington Kinsmen Recreation Complex. The previous policy only addressed hours of operation at the municipal building.

A09-Flags

There have been no changes to this policy except for the fact that it has been reformatted.

C00-Accountability and Transparency

There have been no changes to this policy except for the fact that it has been reformatted.

C00-Code of Conduct - Council

There have been no changes to this policy except for the fact that it has been reformatted.

H00-Code of Conduct - Municipal Staff

A definition section was added and the policy reformatted.

H00-Gifts- Retirement

This policy has been expanded to include procedures to be followed when employees retire and are to be presented with a gift.

H00-25 Years Service

This policy has been expanded to include a procedure to be followed. The original policy reflected that the employee was to receive a quartz Bulova watch which costs approximately \$500.00 and a gift certificate for a restaurant (no capping). In the past 30 years, the value of the gift has been set at a maximum limit of \$500.00 and the restaurant certificate has been capped at \$75.00.

The policy now includes caps as they relate to the value of the retirement gift and gift certificate.

H02-Council Benefits

This policy has been amended to reflect that at the beginning of each new term of Council, administration will prepare a report outlining health benefit coverage and costs related with same, and request that Council enact a resolution that it agrees to the Municipality providing 50% coverage. The policy further includes a procedure to provide the coverage.

H05-Succession Plan

There have been no changes to this policy except it has been reformatted.

H09-Honourarium

There were a series of policies in the manual in regard to boards and committees and employee wages that are now combined into one policy as the methodology in all cases was that the increase granted to the salary grid for non-union staff would also be applied to the various groups outlined in the policy. The policies have now been combined for ease of reference.

H11-Hiring of a CAO or Director

The Corporation has a policy in regard to the composition of the selection committee for Directors. The policy has been amended to include the composition of the selection committee for Chief Administrative Officer.

M02-Awards Program

The awards program has been amended to specify in greater detail the procedure to be followed in administering the program.

Conclusion:

Other than reformatting and making the document accessible, there have been some minor revisions to some of the policies noted in this report to provide greater clarification how the policy is to be applied.

Recommendation:

That the policies outline in Report CAO 12/14 dated July 7, 2014 be confirmed.

Respectfully submitted,

**William
J. Marck**
Digitally signed by William J. Marck
 DN: cn=William J. Marck,
 o=Municipal Advisor,
 ou=Municipality of Leamington,
 email=wmrck@leamington.ca,
 c=CA
 Date: 2014.07.31 08:42:00 -04'00'

William J. Marck
Municipal Advisor

**Peter
Neufeld, CAO**
Digitally signed by Peter Neufeld, CAO
 Date: 2014.08.21 14:19:57 -04'00'

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Policy No.: A00 - Christmas Decorations - BIA
Date Enacted: February 22, 1999
Amended By:

Subject

To establish that Leamington will be responsible for the installation, removal and storage of Christmas decorations purchased by the Uptown Business Improvement Area (BIA).

Purpose

To develop a policy that Christmas decorations are to be installed, removed or stored at the expense of the Corporation of the Municipality of Leamington.

Scope

The Municipality of Leamington will install, remove and store Christmas decorations that have been purchased by the BIA.

Definitions

‘Christmas decorations’ shall mean those decorations installed on light standards within the Uptown Leamington Business Improvement Area.

‘BIA’ shall mean the Leamington Uptown Business Improvement Area.

Procedures

Each year, municipal forces will test and install BIA Christmas decorations and remove and store same after the holiday season. The timing of the installation and removal of the Christmas decorations will be at the discretion of the Manager of Public Works.

The cost to install, remove and store the Christmas decorations will be borne by the Corporation of the Municipality of Leamington.

The cost associated with the purchase or repair of Christmas decorations will be borne by the BIA.



Policy No.: A00 - Flowers
Date Enacted: February 22, 1999
Amended By:

Subject

Terms and conditions when providing a cash donation, gift basket, fruit or flower arrangement in the death or illness of a member of Council or staff member.

Purpose

The purpose of this policy is to establish the criteria that Leamington Council will forward a donation, flower arrangement or fruit basket in the death or illness of a member of Council or staff member and to establish the value of the contribution.

Scope

This policy applies to all current and past members of municipal council, municipal employees, current and past MPs and MPPs representing Leamington, and the spouse, child, parents or in-laws of a member of the current Council or staff.

Definitions

‘Contribution’ means either cash donation or cost associated with the floral or fruit arrangement.

‘Value’ means the value of the contribution, not to exceed \$75.

Procedures

Upon being made aware of the illness or death of an individual who falls within the scope of this policy, Human Resources will make arrangements on behalf of the Council of the Corporation of the Municipality of Leamington to the appropriate cash donation or forward a floral or fruit arrangement.



Policy No.: A00 - Hours of Business Operation
Date Enacted: April 12, 1999
Amended By:

Subject

To standardize the business hours for the operation of the Municipality of Leamington.

Purpose

This policy is to establish standardized business hours for the Municipality of Leamington wherever hours are not dictated by conditions of a collective agreement

Scope

This policy applies to the hours of operation at the Leamington Municipal Building, Fire Services, and the administrative offices at the Leamington Kinsmen Recreation Complex and Pollution Control Centre.

Definitions

'Municipal offices' shall mean those administrative offices located at 111 Erie Street North, 7 Clark Street, 249 Sherk Street and 435 Seacliff Drive East.

Procedures

Regular Business hours are for management staff located at the Municipal Offices shall be Monday through Friday 8:30 AM to 4:30 PM. Individuals located in these buildings whose hours are different than the standard business hours shall have prior approval of their Director to work the different hours for the betterment of providing services of the Corporation.



Policy No.: A09 - Flags
Date Enacted: May 2, 2005
Amended By:

Subject

Mandatory half-mast flags flown at the Leamington municipal facilities.

Purpose

To establish that flags flown on properties owned by the Corporation of the Municipality of Leamington will be flown pursuant to the rules applied by the Federal Government as established by the Department of Canadian Heritage and to establish when flags are to be flown half-mast to bestow an honour and express the collective sense of sorrow on behalf of the Municipality of Leamington.

Scope

This policy applies to all municipally controlled flags.

Definitions

'Half-mast' shall mean the lowering of the Canadian Flag until funeral services are completed.

Procedures

Flags flying at municipal buildings will be lowered at half-mast upon notice of death of the following:

- 1) Current members of Parliament and/or the Ontario Legislature *
- 2) Current or past members of Leamington Council *
- 3) Current or past members of Leamington employees **
- 4) As national and provincial protocol dictates.

* Municipal Building only

** Municipal Building where employee was employed.

Discretionary Authority and Provisions

Upon approval of the Chief Administrative Officer or Mayor, flags may be flown at half-mast for circumstances not provided for in this policy.



Policy No.: C00-Accountability and Transparency
Date Enacted: June 9, 2008
Amended By: C-23-13

Subject

Accountability and Transparency

Purpose

The Municipal Act, 2001 Section 270, requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein.

Scope

This Accountability and Transparency policy applies to all members of Leamington Council and municipal staff.

Definitions

'Accountability' shall mean the principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

'Transparency' shall mean the principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

Procedures

1. Policy Statement

The Municipality of Leamington will promote accountability and transparent municipal governance guided by the following principles:

- (a) Decision-making will be open and transparent.
- (b) Municipal operations will be conducted in an ethical and accountable manner
- (c) Financial resources and physical infrastructure will be managed in an efficient and effective manner.
- (d) Municipal information will be accessible so that it is consistent with legislative requirements.
- (e) Inquiries, concerns and complaints will be responded to in a timely manner.
- (f) Financial oversight, service standards and performance reporting and all other accountability documents will be made available and accessible to the public in an easily understood format, to increase the opportunity for public review and involvement in municipal operations.
- (g) Every new delegation of power authority will have a corresponding accountability mechanism
- (h) Except during a properly constituted council meeting, a majority of council members acting together, whether in person or by electronic means such as group emails, should not discuss or debate topics that further the business of Council. This policy is not intended to limit the use of electronic communication by council members for municipal purposes including, but not limited to, sharing information without debate, communicating with the public, providing updates and scheduling meetings.

2. Policy Requirements

The Municipality of Leamington demonstrates a commitment to accountability and transparency by providing a sound governance framework, comprised of a system of policies, procedures and practices.

A. Legislative Requirements

The Municipality of Leamington and its operations/governance are accountable and transparent to stakeholders by fulfilling various legislative responsibilities. The following are some of the provincial statutes that govern the Municipality and how it conducts its business:

Municipal Act 2001, Planning Act, Development Charges Act, Assessment Act, Building Code Act, Drainage Act, Safe Drinking Water Act; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act; Public Salary Disclosure Act; Cemeteries Act; Vital Statistics Act, Marriage Act; Fire Protection and Prevention Act; Emergency Management and Civil Protection Act; Municipal Elections Act; Gaming Control Act; Employment Standards Act; and Occupational Health and Safety Act.

B. Fiscal Accountability, Oversight and Reporting

The Municipality of Leamington in its operations/governance are accountable and transparent to stakeholders by identifying the source of funding for municipal operations. The following are examples of some of the policies, procedures and practices in place to ensure fiscal accountability.

- 1) Production of annual and interim (new) financial status reports;
- 2) Internal and external audits;
- 3) Production of a comprehensive budget document that incorporates previous years' budgets and actuals, as well as five year forecasts for capital requirements;
- 4) Purchasing policy;
- 5) Investment Policy;
- 6) Policy governing the sale of land;
- 7) Overexpenditure Policy;
- 8) Commodity Price Hedging Policy; and
- 9) Sale of Used Municipal Equipment Policy.

C. Performance Measurement and Reporting

The Municipality of Leamington in its operations/governance are accountable and transparent to stakeholders by using various results/orientated tools to measure performance and the achievement of corporate services standards and goals. The Municipality of Leamington is committed to producing performance information that measures how the Municipality is doing in all areas which it has responsibility, from financial reporting to human resource management to service delivery, including:

- 1) Developing Strategic Plans
- 2) Municipal Performance Measurement Program
- 3) Participating in the yearly BMA Municipal Study

D. Open Government

The Municipality of Leamington is open and accountable to stakeholder by providing governance in an open manner through communication, consultation and collaboration. The following are policies, procedures and practices that ensure the municipality is transparent in its operations and residents are aware of how decisions are made and carried out and are able to participate in the decision making process.

- 1) Council Procedural By-law;
- 2) Public distribution of council and special meeting agendas which include previous minutes and reports which can all be found on the municipal website;

- 3) There is a public process to recruit lay members for advisory committees, boards and task forces;
- 4) There is a public notice by-law;
- 5) Records retention by-law;
- 6) Records destruction by-law;
- 7) Appointment of a meeting investigator;
- 8) Broadcasting of Council meetings;
- 9) Weekly Municipal Information Page in the local newspapers; and
- 10) Information included in tax invoice

E. Internal Accountability and Ethical Standards

The Municipality of Leamington has established policies, procedures and practices that govern internal accountability and ethical standards for the municipality, including:

- 1) A Conflict of Interest Policy for Employees;
- 2) A Hiring and Employment of Family Members Policy;
- 3) A Student Hiring Policy;
- 4) An Information Technology Use Policy;
- 5) An Employee Harassment in the Workplace Policy;
- 6) A Workplace Violence Policy;
- 7) An Employee Assistance Program;
- 8) Health and Safety Policies;
- 9) Staff Performance Measurement Policies; and
- 10) Professional development and training.

3. Policy Responsibilities

The Municipal Council and staff are responsible for adhering to this policy and for ensuring accountability for their actions and the transparency of municipal operations.

4. Monitoring/Contraventions of Policy

The Director of Corporate Services/Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Director of Corporate Services/Clerk shall notify:

- In the case of staff, the Department Head responsible for the area and the Human Resources Officer and Chief Administrative Officer;
- In the case of a closed meeting, the Meeting Investigator and/or Ombudsman; and
- In the case of Council, the Head of Council.

(CAO 12/08)

(CAO 01/13)

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Policy No.: C00-Code of Conduct - Council
Date Enacted: June 9, 2008
Amended By: C-37-13

Subject

To establish a code of conduct that sets out basic principles for members of Council to follow in fulfilling their responsibility to conduct themselves accordingly.

Purpose

A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which members must operate. These standards should serve to enhance public confidence that elected representatives operate from a base of integrity, justice and courtesy

Scope

This Code of Conduct applies to all members of Leamington Council.

This Code of Conduct also applies, subject to any necessary modification, to Council appointments to local boards as defined in section 1(1) of the *Municipal Act*, and to all other appointments to committees, agencies, boards and commissions.

Definitions

A. General Integrity

The key statements of principle that underline the Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office;

- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Leamington Council.

B. Confidential Information

Confidential information includes information in the possession of the Corporation that the Corporation is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

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

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of municipal property or assets.

In accordance with the Procedure By-law, a matter that has been discussed at any in-camera closed meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- (a) items under litigation, negotiation, or personnel matters;
- (b) information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- (c) price schedules in contract tender or Request For Proposal submissions if so specified;

- (d) information deemed to be "personal information" under the *Municipal Conflict of Interest Act*, and
- (e) statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the Corporation unless it is necessary for the performance of their duties and not prohibited by Council policy.

C. Gifts and Benefits

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as a member of Council, except compensation authorized by law.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$200 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$200 shall be the property of the Corporation of the Municipality of Leamington.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not consequent to his or her official duties.

D. Conduct at Meetings

During meetings, members of Council shall conduct themselves with decorum. Respect for delegations and fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations and when other members have the floor.

Members of Council are also bound by the provisions of the Municipality's Procedure By-law with respect to conduct at meetings.

E. Election Campaign Work

Members are required to follow the provisions of the *Municipal Elections Act*, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the Municipality for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on municipal property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

F. Incompatible Activity

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Corporation except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

No member shall borrow money from any person who regularly does business with the Municipality unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall use the influence of his or her office for any purpose other than for the exercise of her or his official duties.

G. Use of Municipal Property, Services and Other Resources

No member of Council shall use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Corporation. Nor shall any member obtain financial gain from the use or sale of municipal developed intellectual property, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Corporation.

H. Conduct Respecting Staff

Members shall be respectful of the fact that staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Corporation.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including duty to disclose improper activity.

Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the Corporation, and are required to do so without any undue influence from any individual member or group of members of Council.

I. Discreditable Conduct

All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies as does the Municipality of Leamington Workplace Harassment Policy & Procedures - H00-Harrasment and the Workplace Violence Policy - Section 4 of the Health & Safety Manual.

J. Communications and Media Relations

Members of Council should accurately and adequately communicate the attitudes and decisions of Leamington Council, even if they disagree with a majority of the decisions or Council, so that:

- There is respect for the decision making process of Council
- The official information related to the decision and resolutions made by Council would normally be communicated in the first instance to the community and the media in an official capacity by the Mayor
- Information concerning adopted policies, procedures and decisions Council conveys openly and accurately
- Confidential information will be communicated only when and after determined by Council.

K. Procedure

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Chief Administrative Officer.

Upon adoption by Council, and subsequently at the beginning of each term of Council, Members of Council shall be requested to sign a copy of the Code of Conduct Schedule 'A' (attached).

Members are expected to review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

(CAO 11/08)

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Schedule 'A'

The Corporation of the Municipality of Leamington

Council Code of Conduct

Statement of Commitment

I, _____, a member of Leamington Council have

read and understand the Corporation of the Municipality of Leamington Council Code of

Conduct and I am committed to observing the provisions of the Code as set out therein.

Signature



Policy No.: H00-Code of Conduct - Municipal Staff
Date Enacted: January 7, 2013
Amended By:

Subject

To establish a code of conduct that sets out basic principles for municipal staff to follow in fulfilling their duties to conduct themselves accordingly.

Purpose

A written code of conduct helps ensure that municipal staff carry out their duties on an impartial and objective basis, such that the public has confidence in their integrity and their dedication to Leamington's best interest. The code of conduct clarifies Leamington's expectations of its employees and provides a guide for consistent behaviour in delivering service.

Scope

This Code of Conduct applies to all employees (full and part time) of the Corporation of the Municipality of Leamington.

When applying the code of conduct, focus will be placed on the core values of integrity, impartiality and confidentiality.

Definitions

'Staff' shall mean any full or part time staff employed by the Corporation of the Municipality of Leamington.

'Outside Employment' shall include self employment, paid employment or service as a volunteer or a member of a board, council or committee.

'Investigation Officer' shall mean the Chief Administrative Officer save and except, when a complaint has been lodged against the Chief Administrative Officer, then the Mayor should fulfill the obligation of the investigation officer.

Procedures

- 1) Every employee must perform their duties in an impartial manner.
- 2) Every employee shall avoid situations in which the employee has a personal interest sufficient to influence, or appear to influence, the objective exercise of that employee's authority.
- 3) Every employee must perform his or her duties to an acceptable level. Without restricting the scope of this rule, the following shall be considered breaches to the code of conduct:
 - (a) Where outside employment or activities reduce to an unacceptable level, the interest or energy an employee devotes to his or her duties.
 - (b) Where the outside employment or activity is performed in such a way as to give the impression, even if done unintentionally, that the employee is acting in an official municipal capacity or holding himself or herself out as representing an official municipal point of view.
 - (c) Where an employee uses his or her position to solicit business on his or her own account during regular working hours for the Municipality.
- 4) Every employee must hold in strict confidence all information of a confidential nature acquired in the course of his or her employment with the Municipality. Without restricting the scope of this rule, the following shall be considered breaches to the code of conduct:
 - (a) To use confidential information which is not available to the general public and to which the employee has access by reason of his/her employment with the Municipality to further his/her personal interest or the interest of others.
 - (b) To disclose to unauthorized persons confidential information to which the employee has access by reason of his/her employment with the Municipality.
- 5) Every employee shall refrain from taking a direct interest in local government political campaign in the municipality during regular working hours where they are employed.
- 6) Employees will not use municipal property for activities not associated with the discharge of their official duties.
- 7) Every employee shall display the reserve inherent in their position with the Municipality when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed municipal policy or administration.

8) Staff/Council Relations

- (a) Employees shall deal with all members of Council in an objective and impartial manner.
- (b) Employees must recognize that elected officials are responsible for the establishment of policy and the employees are responsible for implementation of the directives originating from Council and conduct themselves accordingly.
- (c) Municipal employees, when requested to provide information to elected officials, should endeavour to provide that same information to all members of Council.
- (d) Employees have the authority to refer elected officials to their manager if they are made to feel uncomfortable with any request for information, opinion or assistance by, or on behalf of, the elected official.

Reporting/Investigation Officer

Complaints or inquiries concerning the ethical conduct of any municipal employee shall be made in writing to the Chief Administrative Officer.

Upon receiving a written complaint, the Chief Administrative Officer shall:

- 1) Investigate the complaint or inquiries concerning the ethical conduct of the employee;
- 2) Investigate the conduct of a municipal employee where it is determined an investigation is warranted;
- 3) Summarize findings of the investigation;
- 4) Determine whether the conduct referred to the Chief Administrative Officer is a breach of the code of conduct after which, the Chief Administrative Officer may:
 - (a) Instruct the employee to divest themselves of the outside interest;
 - (b) Take disciplinary action in accordance with the normal progressive discipline system:
 - i. An oral or written reprimand.
 - ii. Suspension with or without pay.
 - iii. Dismissal.

(CAO 22/12)

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Policy No.: H00-Gifts-Retirement
Date Enacted: July 5, 1999
Amended By: C-155-05

Subject

To recognize those employees who retire from the Corporation of the Municipality of Leamington

Purpose

To provide recognition to those employees who have achieved over ten (10) years worth of service and are retiring from the Municipality of Leamington.

Scope

A corporate gift to recognize employees retiring from the Corporation will be provided to those employees who are eligible to receive an OMERS pension and have worked for the Corporation a minimum of ten (10) years.

Definitions

‘Awards Banquet’ shall mean the Corporation’s Annual Awards Banquet.

‘Gift’ shall mean a gift selected by the Director of the department from which the employee was employed.

Procedures

Human Resources will advise the Director that an employee is retiring and eligible for a gift pursuant to this policy because they have worked for the Corporation for a minimum of ten years and will be in receipt of an OMERS pension. Prior to the Awards Banquet, the Department Head in conjunction with Human Resources will purchase an appropriate gift and draft a brief history of the employee’s background and forward same to Human Resources.

Human Resources will arrange for the Mayor to present the selected gift and read the background information at the Awards Banquet.

The employee receiving the retirement gift will receive two complimentary tickets to the Awards Banquet at which the employee is receiving the gift.

The value of the gift will be as follows:

- 1) Ten (10) to fourteen (14) years of service - \$100
- 2) For each five (5) years of service completed in excess of fifteen (15) years - \$20.

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Policy No.: H00-25 Years Service
Date Enacted: April 12, 1999
Amended By: C-155-05, C-76-10

Subject

To recognize those employees who have worked for the Municipality for 25 years.

Purpose

The Municipality of Leamington is proud of the dedication and contribution of its employees and wishes to recognize those employees who have worked for the Corporation for 25 years.

Scope

The 25 years service award program will apply to all full time and part time employees who have accumulated 25 years of service with the Corporation.

Definitions

‘Full time employees’ or ‘Part time employees’ means employees who have been employed by the Municipality of Leamington, the Town of Leamington, Mersea Township or the Leamington Public Utilities Commission - Water Division.

‘Award’ shall mean a quartz watch, a time piece, artwork or piece of jewelry of similar value (brooch, earrings, bracelet, etc.)

‘Gift Certificate’ shall mean a gift certificate for dinner at an area restaurant.

Procedures

Municipal employees whether full time or part time who have accumulated 25 years of service with the Corporation, will be recognized at the annual recognition awards banquet.

The Human Resources Officer will confirm with the employee the type of gift the employee would like to receive. The Director of the employee receiving the 25 years service award will be responsible for preparing a background information piece on the employee and forward same to the Human Resources Officer. The Human Resources Officer will be responsible for purchasing the appropriate gift and preparing speaking notes for the Mayor. The Mayor will present to the employee a gift (not to exceed \$500) and a gift certificate for a restaurant (not to exceed \$75) at the annual recognition banquet.

Those receiving the 25 years service award will also be provided with two complimentary banquet tickets for the annual recognition awards banquet at which they are being recognized.

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Policy No.: H02-Council Benefits
Date Enacted: July 19, 1999
Amended By:

Subject

To provide benefits to members of Council.

Purpose

The Council benefit policy will provide for policy coverage to members of Council during their term of office provided the said coverage is agreed to at the beginning of each term by Council.

Scope

This policy will allow for Council to be eligible to enroll in the municipal benefit plan during their term of Council provided the Council member contributes 50% of the premium.

Definitions

'Benefit Plan' shall mean the benefit plan provided to full time non-union municipal employees.

'Premium' shall mean the premium the Corporation pays for single coverage for a member of Council to be enrolled in the benefit plan.

Procedures

At one of the first meetings of the new term of Council, administration will provide a report to Council in regard to the benefit program.

Should Council support the enrollment plan during its term of Council, then the individual members of Council will be canvassed by Human Resources who will then enroll the member into the said benefit plan provided the Council member pays 50% of the premium cost.

Human Resources will advise the member of Council of the monthly cost of the premium and make appropriate arrangements with Finance and Business Services to ensure the 50% contribution is deducted on a monthly basis from the Councillor's stipends.



Policy No.: H05-Succession Planning
Date Enacted: January 19, 2009
Amended By: C-22-09

Subject

Succession Planning - Staff Development

Purpose

The primary focus of succession planning is to identify key and critical positions within the Corporation and to identify, develop and track the progress of employees who through performance reviews and management feedback, have been identified as having an interest and potential to compete for key positions in the future.

Scope

This policy applies to all employees within the Corporation (full and part time).

Definitions

‘Senior Management Team’ shall mean the Chief Administrative Officer and Directors

‘Full time employees’ shall mean those employees employed by the Corporation year round in a full time capacity.

‘Part time employees’ shall mean those part time employees employed by the Corporation year round.

Procedures

On an annual basis, the senior management team (with the assistance of the Human Resource Officer) will:

- 1) Identify key critical positions. Critical positions are key positions that could leave the organization or department vulnerable should an incumbent leave or retire or where it is projected that there will be a shortage of candidates in the future to be considered for the said position.
- 2) Track the development programs of those employees who have been identified as having the interest and potential to fill future vacancies in these positions.

- 3) The Human Resource Officer will provide in the spring of each year, a summary report to the Chief Administrative Officer advising of activities and future plans for succession planning.
- 4) In June of each year, the Chief Administrative Officer will provide Council with a report identifying positions and the number of staff who are within the succession planning program (names will not be provided) cost of the program, etc.

Areas of Responsibility

- Senior management will continuously plan for and support measures in identifying and developing respective successors to key positions within the Corporation.
- Employees and senior management will participate and contribute to the development of goals/objectives and active learning plans.
- Succession planning goals and objectives will be incorporated into employee performance reviews and management review process.

Budget Consideration

The Chief Administrative Officer's report that is submitted to Council in June of each year will identify the costs for the succession planning program, future cost for training and career development. The said costs outlined in the Chief Administrative Officer's report will be incorporated into the following year's budget document for Council's consideration.

Not all development activities will require stand alone funding, as the assessment will also include those corporate or departmental wide training programs that are offered from time to time. Such programs will factor into the development of the employee targeted in the succession planning program.



Policy No.: H09-Honourarium
Date Enacted: February 22, 1999
Amended By:

Subject

Application of an economic adjustment to honourariums and rates of pay.

Purpose

To provide for an economic adjustment to the honourariums and rates of pay to certain committees, board members and work groups.

Scope

The policy applies to the following:

- Leamington Committee of Adjustment
- Council
- Crossing Guards
- Leamington Police Services Board
- Property Standards Committee
- Union Water Supply System Joint Board of Management (Leamington representatives)

Definitions

‘Council’ shall mean all members of Leamington Council.

‘Crossing Guards’ shall mean crossing guards hired by the Municipality of Leamington.

‘Leamington Committee of Adjustment’ shall mean members appointed by Council to the Leamington Committee of Adjustment.

‘Leamington Police Services Board’ shall mean all members of the Leamington Police Services Board appointed by Council/Province.

‘Property Standards Committee’ shall mean members of the Property Standards Committee appointed by Council.

'Union Water Supply System Joint Board of Management' shall mean those members of Leamington Council who are appointed to the Union Water Supply System Board of Management by Council.

'Annual cost of living adjustment' shall mean the percentage value applied each year to the salary grid for full time non-union employees

Procedures

In December of each year, the Chief Administrative Officer presents to Council a report recommending a cost of living adjustment effective January 1st in the following year to the salary grid as per the non-union salary administration program.

The cost of living adjustment granted to the non-union salary grid will be applied to the honorarium/stipends of those defined in this policy.

Upon approval of the adjustment, the Department of Legal and Legislative Services will advise the Department of Finance and Business Services of the adjustments who will make the appropriate changes to the honorarium/stipends.



Policy No.: H11-Hiring of CAO and Directors
Date Enacted: July 5, 1999
Amended By:

Subject

To appoint a Selection Committee when hiring a Chief Administrative Officer (CAO) or Director.

Purpose

To develop the composition of a Selection Committee to hire a CAO or Director.

Scope

When developing the Selection Committee for hiring a Director, the CAO shall include as part of the Selection Committee, two (2) members of Council as appointed by the Mayor.

When developing the Selection Committee for hiring the position of CAO, the Mayor will appoint three (3) members of Council to the Selection committee.

Definitions

Selection Committee for the Position of Director

The Selection Committee for the position of Director shall consist of the CAO, two (2) members of Council as appointed by the Mayor and other nonelected individuals as appointed by the CAO.

Selection Committee for the Position of CAO

The Selection Committee for the position of CAO shall consist of three (3) members of Council as appointed by the Mayor plus other nonelected individuals as agreed to by the Mayor in consultation with the Human Resources Officer.

Procedures

When developing a Selection Committee to recommend a candidate for the position of Director, the Mayor will appoint two (2) members of Council to the Selection Committee. The CAO will select the remaining members of the Selection Committee. The Selection Committee will complete its interview process and recommend to the CAO a candidate for the position of Director.

When developing a Selection Committee for the position of CAO, the Mayor will appoint three (3) members of Council. The Mayor in consultation with the Human Resources Officer will also appoint other nonelected officials to the Selection Committee. The Selection Committee will recommend to Council a candidate for the position of CAO.

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Policy No.: M02-Awards Program
Date Enacted: July 7, 2003
Amended By: C-294-13

Subject

To provide recognition to local volunteers

Purpose

To develop a program that would provide recognition to volunteer groups and citizens who through their volunteerism provide a direct/indirect benefit to the citizens of Leamington

Scope

The policy applies to the following:

- 1) Municipal, Sub-Steering, Boards and Advisory Committees;
- 2) Municipal programs;
- 3) Service Clubs (two representatives per club);
- 4) Non-Profit organizations and/or volunteer groups who in the opinion of the Organization Committee, volunteer their time for the betterment of the citizens of Leamington;
- 5) Organizations, groups or individuals whose single project brings comfort and hope to the citizens of Leamington;
- 6) Any service/fraternal or other non-profit organization.

Definitions

‘Organization Committee’ shall be composed of the Chief Administrative Officer, Deputy Clerk, Deputy Mayor and appropriate support staff.

‘Service to the Community Award’ shall be the award presented to a group or individuals whose single project brought benefit, comfort and hope to the citizens of Leamington.

‘Citizen of the Year Award’ was established by Margaret and Peter Tombs (previous Mayor of Leamington Spa, England) to honour an individual who resides in Leamington and who has contributed their time for the betterment of the community.

Procedures

Each year, the Municipality of Leamington will host an event to recognize volunteer groups and citizens who have participated in activities that have directly or indirectly benefited the citizens of Leamington. The Organization Committee will develop a budget, select a token of Council's appreciation, issue invitations and make any other appropriate arrangements in connection with the awards program. The Committee will also be responsible for receiving nominations and recommending to Council the appropriate recipients for the Service to the Community Award and Citizen of the Year Award.

Service to the Community Award

In order to be considered as a recipient for the Service to the Community Award, the following conditions must be met:

- 1) The organization must be a deserving group or individuals who have participated in a single project that brought the greatest benefit, comfort or hope to the citizens of Leamington.

The selection criteria for this award are reflective of the following:

- a) The honour is available to any service, fraternal or any non-profit organization.
- b) Projects must not be self-serving, but rather, essentially charitable in nature. They may be fundraising, personal service or educational, and may be undertaken in conjunction with affiliated neighbouring groups, but must confer at least some of their direct benefit within the Municipality of Leamington.
- c) Groups may be nominated or may apply for consideration directly.
- d) Projects may have extended over more than one year, but may only be proposed in a year during which demonstrated benefit within the Municipality is being realized.

The Organization Committee will request nominations for the Service to the Community Award and make appropriate recommendation to Council for its consideration. The Organization Committee will arrange for the group to attend the recognition awards event and prepare the appropriate background information, press release, and awards to be presented the evening of the recognition event.

Citizen of the Year Award

The Organization Committee will solicit nominations for the Citizen of the Year Award. In order to be considered for the Citizen of the Year Award, the individual must reside in Leamington and prove they have committed their time and effort for the betterment of the community. The Organization Committee will recommend to Council for its consideration, the recipient of the Citizen of the Year Award and will prepare the appropriate background information, press release, invitation and awards to be presented the evening of the recognition event.

* Each year, Legal and Legislation Services shall on behalf of Council nominate the previous year's recipient of the Citizen of the Year Award to the Ontario Honours and Awards Program through the Ministry of Citizenship and Immigration.

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Report

To: Mayor and Members of Council
From: Brian R. Sweet, Director of Legal & Legislative Services
Date: August 15th, 2014
Re: Essex Power Corporation - Appointment of Proxyholder for the 2014 Annual Meeting of Shareholders

Aim:

To recommend the appointment of proxyholders to cast the municipality's vote at Essex Power Corporation's 2014 annual meeting of shareholders.

Background:

The Municipality of Leamington, together with the Towns of Tecumseh, Lasalle and Amherstburg are the shareholders of Essex Power Corporation. Essex Power is required to hold an annual meeting of shareholders and occasionally requires a special meeting of shareholders.

Leamington's two directors appointed to the Essex Power Board, Mayor John Paterson and Mr. Frank Ricci, vote on behalf of the municipality at board meetings but that appointment does not authorize them to vote on behalf of the municipality at a shareholders' meeting.

Essex Power Corporation and its related companies are incorporated pursuant to the Ontario Business Corporations Act (OBCA). Section 110 of the OBCA provides that a shareholder may appoint a proxyholder to vote by proxy for the shareholder at any shareholders' meeting. The section provides:

110. (1) Every shareholder entitled to vote at a meeting of shareholders may by means of a proxy appoint a proxyholder or one or more alternate proxyholders, who need not be shareholders, as the shareholder's nominee to attend and act at the meeting in the manner, to the extent and with the authority conferred by the proxy.
R.S.O. 1990, c. B.16, s. 110 (1)

(2.1) A proxy appointing a proxyholder to attend and act at a meeting or meetings of shareholders of an offering corporation ceases to be valid one year from its date.

Comments:

The only practical way for a municipal council to cast its shareholder vote at a shareholders' meeting is by proxy. It is suggested that Council appoint Mayor Paterson as its proxyholder to vote on behalf of the municipality at the 2014 shareholders' general meeting. It is also suggested that Mr. Frank Ricci be appointed as an alternate proxyholder if Mayor Paterson is absent from that meeting.

Since a proxy is not valid for more than one year, the appointment of a proxyholder will have to be made every year prior to the annual meeting of shareholders which is usually held in September. This year the meeting is scheduled for Wednesday, September 24th, 2014.

The agenda will be circulated prior to the annual meeting and often the matters to be voted on are routine business matters. If the Mayor determines there is a matter on the annual meeting agenda of special importance, then the Mayor can seek direction from Council on how the municipality's shareholder vote should be cast on that issue.

This proposed proxy appointment is only for the 2014 shareholders' annual meeting. If at any time there is a need for a special shareholders' meeting to vote on an issue, then the matter should be brought before council. For example, if Essex Power wanted to purchase the shares or assets of another power company, a special meeting of shareholders may be required to approve the transaction. In that case, Council would consider the proposed purchase at a council meeting and appoint a proxyholder to attend the special meeting and Council would instruct the proxyholder on how to cast the municipality's shareholder vote on that issue.

Recommendation :

That Mayor John Paterson be appointed proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2014 shareholders' annual meeting.

And that Frank Ricci be appointed as an alternate proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2014 shareholders' annual meeting if Mayor John Paterson is absent from the meeting;


And further, that the Director of Legal & Legislative Services be authorized to sign and forward to Essex Power all necessary proxy forms to implement this resolution. (Report LLS/12/14)

Respectfully submitted,

**Brian Sweet, Director of Legal
and Legislative Services**

Brian Sweet
Director of Legal & Legislative Services

BRS/jb

Peter Neufeld, CAO  Digitally signed by Peter
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