



## **ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AGENDA**

Thursday, May 16, 2019, 4:30 pm  
Committee Room

Pages

1. ROLL CALL
2. DECLARATION OF CONFLICT OF INTEREST
3. ELECTION OF COMMITTEE CHAIR
4. REVIEW OF CITY OF ELLIOT LAKE POLICIES, BY-LAW AND COMMITTEE MANDATE
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  - 4.6 EDAC's Role in Projects  
EDAC's Roles and Responsibilities  
EDAC Limitations  
Members Expectations of EDAC
5. MINUTES OF THE PREVIOUS MEETINGS
  - 5.1 September 5, 2018  
None Available
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7. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS
8. PRESENTATION OF COMMITTEE REPORTS
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## THE CORPORATION OF THE CITY OF ELLIOT LAKE WORKPLACE VIOLENCE AND HARASSMENT POLICY

Policy: 1.2	Effective Date: 2017.08.10	Re-evaluation Date: August 2018
Issued By: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">             Nicole Ottolino, Manager of Human Resources         </div> <div style="width: 35%; text-align: right;"> <i>August 24, 2017</i>            Date         </div> </div>		
Approved By: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">             Michael Humble, Interim CAO         </div> <div style="width: 35%; text-align: right;"> <i>24 August 2017</i>            Date         </div> </div>		

### **POLICY STATEMENT**

The Corporation of the City of Elliot Lake (the "City") is committed to the prevention of workplace violence and harassment and is ultimately responsible for worker health & safety. This Workplace Violence and Harassment Policy (the "Policy") shows the City's commitment to take all reasonable steps to protect our workers from workplace harassment and workplace violence from all sources and will provide a work environment in which all individuals are treated with respect and dignity.

### **KEY TERMS**

**Workplace harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. This definition includes workplace sexual harassment.

**Workplace sexual harassment** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

**Workplace Violence** is an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker and a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker. Workplace violence includes domestic violence that could enter our workplace and then cause physical injury to a person in the workplace.

Workplace harassment and workplace violence is unacceptable and will not be tolerated from any person in the workplace including workers, supervisors, volunteers, contractors, customers, elected officials or members of the public. Every worker must work in compliance with this policy, to prevent workplace harassment and violence.

The City has a Workplace Violence and Harassment Program (the "Program") that implements this policy. It includes measures and procedures to protect workers, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

Workers are encouraged to raise any concerns about workplace violence and/or harassment and to immediately report any incidents of workplace violence or threats to your supervisor, Human Resources, or another member of management in accordance with this Policy and the Program. There shall be no reprisal against any individual who, in good faith, reports an incident of violence or participates in an investigation.

Management will investigate and deal with all incidents and complaints of workplace harassment or violence in a timely and fair and manner, respecting the privacy of all concerned to the extent possible. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Related Standards: Occupational Health and Safety Act (R.S.O. 1990)



## THE CORPORATION OF THE CITY OF ELLIOT LAKE WORKPLACE VIOLENCE AND HARASSMENT PROGRAM

### **1. PURPOSE**

The Workplace Violence and Harassment Program (the "Program") forms part of the City's Workplace Violence and Harassment Policy (the "Policy"). This Program includes measures and procedures to protect workers, a means of summoning immediate assistance, processes for workers to report incidents or raise concerns and for supervisors who are expected to deal with a complaint.

### **2. SCOPE**

The Policy and Program apply to all employees of the City (including part-time, casual/temporary, and full-time employees) as well as to contractors, student co-op placements or internships, consultants, elected officials (Mayor / Council), members of boards and committees in their relations to each other, and volunteers.

The Policy and Program apply in any location which you are engaged in work-related activities which includes but is not limited to:

- The workplace
- During work related travel
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In company owned or leased facilities
- During telephone, email or other communications
- At any work – related social event, whether or not it is company sponsored
- Any other locations where the prohibited behaviour may have a subsequent impact on the work relationship, environment or performance.

This Program and Policy also applies to situations in which workers are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers, clients, suppliers, members of public and domestic partners.

### 3. **DEFINITIONS & EXAMPLES**

**3.1. Workplace:** Any land, premises, location or thing at, upon, in or near which a worker works.

#### **3.2 Workplace Violence:**

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- c) A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to a worker.

Examples of workplace violence include, but are not limited to:

- Physically threatening behaviour such a shaking a fist at someone, finger pointing, destroying property or throwing objects
- Bullying, which is repeated, persistent and aggressive behaviour intended to cause fear, distress or harm to another person's body, emotions, self-esteem or reputation
- Verbal or written threats to physically attack a worker
- Leaving threatening notes or sending threatening email
- Wielding a weapon at work, or an object with the intent to use it as a weapon to inflict physical harm
- Stalking someone
- Any kind of physically aggressive behaviour including hitting, shoving, kicking, throwing an object at someone, any other form of physical or sexual assault.

#### **3.3 Domestic Violence in the Workplace:**

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. It may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and use of electronic devices to harass and control.

Domestic violence is considered workplace violence where a worker has a personal relationship with an individual (such as a spouse or former spouse, current or former intimate partner, or family member) who may cause physical harm, or attempt or threaten to physically harm, the worker at work.

Examples of domestic violence in the workplace:

- Making / leaving threatening calls on the worker's telephone

- Coming directly into the workplace to cause harm to the worker
- Stalking or waiting for the worker to leave the workplace

### **3.4 Workplace Harassment:**

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace harassment includes sexual harassment (see next section)

Harassment may result from an incident or a series of incidents. It may be directed at specific individuals or groups but may also include any comments or conduct which creates an environment that is hostile, intimidating or offensive.

Examples of workplace harassment include:

- Verbally abusive behaviour such as yelling, humiliating and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism, bullying or hazing
- Gossiping or spreading malicious rumours
- Excluding or ignoring someone, persistent exclusion of a particular person from work-related social gatherings
- Undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable the person to do their job
- Providing only demeaning or trivial tasks in place of normal job duties
- Sabotaging someone else's work
- Offensive or intimidating phone calls
- Making false allegations about someone in memos or other work related documents

Any legitimate, reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace should **not** be confused as workplace harassment. This includes for example:

- Changes in work assignments, scheduling, job assessment, and evaluation
- Workplace inspections
- Implementation of dress codes
- Disciplinary action for work infractions

### **3.5 Workplace Sexual Harassment:**

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or

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

Both men and women can be victims of sexual harassment, and someone can harass someone else who is of the same sex as the harasser.

Examples of sexual harassment include:

- Sexual advances or demands that the recipient does not welcome or want
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange of a sexual favour
- Leering (persistent sexual staring)
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, or erotic web sites
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- Persistent, unwanted attention after a consensual relationship ends
- Physical contact of a sexual nature, such as touching or caressing

### **3.6 Gender Identity and Gender Expression**

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

## **4. ROLES & RESPONSIBILITIES**

### **4.1 Employer Responsibilities**

The City will post the Policy and Program in a conspicuous location, review the policy annually and ensure compliance throughout the organization.

To help ensure that potential risks are identified, the City will establish a process involving members of management, workers, Joint Health & Safety Committee members and Human Resources to assess any potential risks of violence throughout the workplace on a periodic basis. Assessment will consider any past incidents, common risks at other similar workplaces and risks specific to the City of Elliot Lake in general.

The Manager or Department Head will be responsible for initiating this process and conducting an investigatory assessment of their area. A written report will then be produced that will be made available to all employees. The City will reassess the risk of violence within the workplace as often as it deems necessary (or at least every 5 years).

### **4.2 Employee Responsibilities (All Levels)**

Employees have a duty under the *Occupational Health & Safety Act* to report workplace violence and harassment promptly in order to protect themselves and their co-workers. All employees are expected to:

- Comply with the Policy and this Program
- Participate in education and training programs to be able to respond appropriately to any incident of workplace harassment or violence
- Report any early warning signs of a potentially threatening situation which arouse concern and any instances of threatening statements or threatening behaviour directed at them or any other employee to their supervisor or Human Resources
- Should their concern involve the immediate supervisor, the worker's Department Head or Director shall be contacted
- Co-operate fully in any fact gathering interviews which are designed to assess the risk of violence in the workplace and keep all information concerning the matter or to any investigation confidential to the fullest extent possible

### 4.3 Manager / Supervisor Responsibilities

Managers and supervisors have specific responsibilities to create and maintain a workplace which is free from harassment and violence. They are responsible for ensuring that workplace harassment and violence is not allowed, condoned or ignored and may be subject to disciplinary measures if they fail to take corrective actions. Managers / Supervisors (including Department Heads, Directors and the CAO) shall:

- Take all reasonable measures to prevent violence and harassment in the workplace from happening and to provide a workplace that is free from violence and harassment.

Report to Human Resources and their Department Head any complaints of workplace violence or harassment received from an employee.

- Ensure that all employees are aware that there is zero tolerance for violence or harassment and their role in helping to prevent it.
- Enforce the policy and procedures; monitor worker compliance
- Provide training, information and supervision to employees to protect their health & safety.
- Take immediate action when necessary, including but not limited to calling the Police, Fire or Ambulance Services, and summoning employees certified in First Aid as needed.
- Immediately report to their Department Head or Human Resources any direct or implied threats of violence made to any employee or any behaviours which may have the potential to lead to workplace violence and any action taken.
- Report to their Department Head or Human Resources where they have reason to believe that an employee is the victim of domestic violence, and that as a result this may expose the employee to physical injury within the workplace.
- Ensure the proper procedures are followed when a report of an incident is received; that the report is investigated promptly and fairly and in accordance with the Policy and Program.
- Ensure that confidentiality is protected to the fullest extent possible and that the rights, dignity and privacy of all parties are respected.

- Keep confidential all discussions and actions where possible and consult with Human Resources prior to disclosing any information to anyone relating to an informal action, a formal complaint, its investigation and/or resolution.

#### **4.4 Department Head Responsibilities**

Department Heads shall:

- Coordinate general and/or specific training for employees, in consultation with Human Resources, when such a need in their department has been identified  
  
Report to Human Resources any complaints of workplace violence or harassment received from an employee under this Policy and Program.
- Provide active support to managers and supervisors in implementing this Program
- Exercise responsibilities as described for supervisors for their department and Human Resources
- Report any threats or behaviours which may lead to workplace violence or harassment to Human Resources, and take any necessary action
- Report to Human Resources where they have reason to believe that an employee is the victim of domestic violence, and that as a result this may expose the employee to physical injury within the workplace
- Report to Human Resources any direct or implied threats of violence made to any employee, and any action taken
- Cooperate with the investigating team and be a member of the investigating team if either the employee who has made or is the subject of a report, works in his/her department.
- Ensure the proper procedures are followed when a report of an incident is received; that the report is investigated promptly and fairly and in accordance with the Policy and Program.
- Ensure that confidentiality is protected to the fullest extent possible and that the rights, dignity and privacy of all parties are respected.
- Keep confidential all discussions and actions where possible and consult with Human Resources prior to disclosing any information to anyone

relating to an informal action, a formal complaint, its investigation and/or resolution.

#### **4.5 Human Resources Responsibilities**

The Human Resources Manager (or designate) shall:

- Provide overall co-ordination of this Program
- Immediately inform the CAO, the appropriate department head and the appropriate supervisor about a report made by a worker under this program and any action taken
- Act as a fact finder and co-ordinate the implementation of this Policy and Program; administer the reporting/investigation procedure, which may include retaining an external investigator
- Take necessary precautions to help protect employees who are believed to be victims of domestic violence from workplace injuries
- Coordinate the provision of assistance to employees who were targets of violence or harassment or witnesses to the violence and who may suffer adverse effects from the situation
- Ensure that all workers receive a copy of this Program and coordinate general and specific training in response to identified needs
- Monitor and report to the CAO on the effectiveness of the Program
- Where a worker has been identified as having a history of violent behavior, ensure that his/her colleagues are provided information, including personal information where necessary, to alert them to the potential risk that they will encounter such an individual in the course of their work, and the risk they may potentially be exposed to
- Act as a resource and shall provide guidance, advice and assistance in the administration of the Policy and Program.

#### **4.6 Confidentiality**

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

While the investigation is ongoing, the worker who has allegedly experienced harassment or violence, the alleged harasser(s) or subject and any witnesses should not discuss the incident, the complaint or the investigation with each other or with other workers or witnesses unless necessary to obtain advice about their rights. An investigator may discuss the investigation and disclose the incident or complaint related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

## **5. INTERNAL REPORTING PROCEDURE FOR WORKPLACE HARASSMENT**

An incident or complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner. A person who believes he or she is being harassed in the workplace should:

1. If the employee is comfortable with doing so, make it known to the harasser that his or her action or behaviour is not welcome and is considered a form of harassment and unless stopped will be reported;
2. Keep written notes about what happened and what he or she did about it, including dates, times, places and any possible witnesses;
3. If the offending behaviour continues the employee can report the problem to his or her supervisor. If the supervisor is the cause of the problem, the employee can report the issue to the next level of uninvolved management within his or her department or directly to Human Resources;
4. If it is not possible for the supervisor to resolve a complaint then the complaint should be put in writing on the Violence/Harassment Report Form. This report is then submitted to the Department Head or Director of the complainant's department.

Note: If the worker's Department Head / Director is the person engaging the workplace harassment, submit the report to the Manager of Human Resources. If the Manager of Human Resources is the person engaging the workplace harassment, the complaint should be sent to the Chief Administrative Officer. If the CAO is the person engaging the workplace harassment, the complaint should be sent to the Mayor. An external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

5. Human Resources shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances.

## **6. INVESTIGATION PROCEDURE FOR HARASSMENT**

Management will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. If the complaint is not resolved within the department, the Manager of Human Resources (or designated external investigator) will respond to complaints of harassment by using the following steps:

1. Inform the complainant and the alleged harasser that an investigation is being conducted;
2. Remind the parties that the investigation is to remain confidential and that identifying information is not disclosed unless necessary to conduct the investigation;
3. If the complainant and the alleged harasser work in close proximity to each other, the investigator will determine if any interim measures are required (e.g. physical or operational separation) while the investigation is ongoing;
4. Interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s) separately, as soon as possible. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker should be given a reasonable opportunity to reply;
5. Interview any relevant witnesses, if such are identified;
6. Advise all parties that interviews must be kept confidential;
7. Collect and review any relevant documentation / evidence. Document the situation accurately and completely; and
8. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker(s) who allegedly experienced the workplace harassment, the response from the alleged harasser(s), the evidence of any witnesses and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

## **7. RESULTS OF INVESTIGATION FOR HARASSMENT**

Within ten (10) days of the investigation being completed, the worker who allegedly experienced workplace harassment and the alleged harasser will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

### **7.1 Complaint Supported**

Where the results of the investigation support a specific complaint of harassment, or where the results suggest the existence of systemic problem(s) in the work environment which caused or contributed to the incident, the following, without limitation, may be recommended forms of remedial action:

- a) education and training;
- b) review and modification of policies, procedures and practices;
- c) disciplinary action up to and including dismissal;
- d) continuous monitoring.

## **7.2 Complaint Unsupported**

Where the results of the investigation do not support the allegations of harassment made by the complainant, the complaint shall not be proceeded with further. Where, as a result of an investigation, it is determined or concluded that the complaint was made maliciously, with a specific and directed intent to harm, or made in bad faith with reasonable knowledge of an intent to harm, formal disciplinary action may be taken against the complainant. Otherwise, the complainant will be assured that there will be no recrimination because of the complaint.

Employees who are covered by a Collective Agreement which contains a harassment-free or discrimination clause may be able to file a grievance if they feel their complaint has not been properly investigated under this Policy and should seek assistance or advice of their union steward or representative.

## **8. WHAT TO DO IF YOU ARE ACCUSED OF HARASSMENT**

If you are asked by a co-worker to stop behaviours which constitute harassment, assess your behaviour seriously. Understand that even if you did not mean to offend, your behaviour has been perceived as offensive. Cease the behaviour that the person finds offensive and apologize. Failure to cease in this behaviour could lead to disciplinary action if a complaint is substantiated.

If you believe the complaint is unfounded and/or made in bad faith, discuss the matter with your union representative, supervisor or Department Head. You are entitled to know the allegations against you and to have an opportunity to respond.

In any event, document your recollection of the alleged incident, including times, places, what happened and any witnesses.

## **9. INTERNAL COMPLAINT PROCEDURE FOR WORKPLACE VIOLENCE**

An incident or complaint of workplace violence should be reported as soon as possible after experiencing or witnessing an incident.

**Note: Employees who experience, suspect or witness imminent, or in-progress incidents of a critical or serious nature such as acts of physical violence by an employee or a non-employee in the workplace are to immediately notify their supervisor or another member of management. If they are not immediately available or if the circumstance warrants it, the worker must immediately call 9-1-1 for the appropriate law enforcement personnel.**

Even if the incident is perceived as non-critical in nature, a person who has witnessed or experienced conduct which they believe to be an incident of workplace violence should:

1. Immediately report the problem to his or her supervisor or if the supervisor is the cause of the problem, report the problem to the next level of uninvolved management within his or her department;
2. Keep written notes about what happened and what he or she did about it, including dates, times, places and any possible witnesses;
3. If it is not possible for the supervisor to resolve the complaint, complete the Violence / Harassment Report Form. This report is then submitted to the Department Head or Director of the complainant's department.

**Note:** If the worker's Department Head / Director is the person engaging the workplace violence, submit the report to the Manager of Human Resources. If the Manager of Human Resources is the person engaging the workplace violence, the complaint should be sent to the Chief Administrative Officer. If the CAO is the person engaging the workplace violence, the complaint should be sent to the Mayor. An external person qualified to conduct a workplace violence investigation who has knowledge of the relevant workplace violence & harassment laws will be retained to conduct the investigation.

4. Human Resources shall be notified of the workplace violence incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances and complete any necessary reporting requirements.

## **10. INVESTIGATION PROCEDURE FOR WORKPLACE VIOLENCE**

Management will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace violence or receives a complaint of workplace violence. If the complaint is not resolved within the department, the Manager of Human Resources (or designated external investigator) will respond to complaints by using the following steps:

1. Advise all parties involved that all information will be kept confidential to the extent possible. Identifying information about any individuals involved will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.
2. Depending upon the circumstances, the Department Head or Human Resources may determine that it is appropriate to physically or operationally separate the complainant and the worker who is the subject of the report until the investigation has been completed. Ensure the safety of those involved by taking every precaution reasonable in the circumstance (e.g. create a safety plan, change employee schedule or job location, contact police etc.) In more serious situations, the City may suspend the worker who is the subject of the report pending investigation.
3. If Police Services request that the City delay its investigation pending the completion of a police (criminal) investigation, the investigator will cease his/her investigation until Human Resources approves of its continuation.
4. As soon as is reasonably practicable, interview the worker who made the report to determine the nature and severity of the incident(s) alleged and the alleged subject (separately).
5. Interview any witnesses identified as soon as possible;
6. Collect and review information from any other sources which may provide additional details about the claim (surveillance video, written documents, etc.);
7. Document the situation accurately and completely;
8. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker(s) who allegedly experienced the workplace violence, the response from the subject, the evidence of any witnesses and the evidence gathered. The report must set out findings of fact and come to conclusions and will recommend corrective action if appropriate.

## **11. RESULTS OF INVESTIGATION FOR WORKPLACE VIOLENCE**

Within ten (10) days of the investigation being completed, the worker who reported workplace violence and the accused will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer as a result of the investigation.

### **11.1 Complaint Supported**

Where the results of the investigation support that a complaint, threat, or act of violence has occurred in the workplace the following, without limitation, may be recommended forms of remedial action:

- a) education and training;
- b) continuous monitoring;
- a) review and modification of policies, procedures and practices;
- b) contact and communication with the police
- c) disciplinary action up to and including dismissal

### **11.2 Complaint Unsupported**

Where the results of the investigation do not support the allegations of violence made by the complainant, the complaint shall not be proceeded with further.

Where, as a result of an investigation, it is determined or concluded that the complaint was made maliciously, with a specific and directed intent to harm, or made in bad faith with reasonable knowledge of an intent to harm, formal disciplinary action may be taken against the complainant. Otherwise, the complainant will be assured that there will be no recrimination because of the complaint.

## **12. DOMESTIC VIOLENCE**

An employer must take every precaution reasonable under the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury.

Domestic violence may put the targeted worker at risk, and may also pose a threat to the safety of co-workers.

A co-worker, another employee, or the targeted worker may choose to bring forward a concern of domestic violence. When there is a concern of domestic violence in the workplace it should be reported to an immediate supervisor.

All domestic violence claims will be handled on a case by case basis. The employer will work closely with the targeted employee to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity of the matter.

Even if a worker does not wish to take any action, the employer may still be required by law to take some form of action to protect the targeted worker and other workers depending on the circumstances.

Actions taken to protect the worker and/or co-workers from domestic violence may include, but is not limited to, some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures
- screening calls or blocking email
- setting up priority parking, providing escorts to/from a vehicle
- adjusting working hours or location

### **13. ADVISING WORKERS OF VIOLENT HISTORY**

Employers and supervisors must provide workers with information, including personal information, about an individual who has a history of violent behaviour if there is a risk of workplace violence occurring as a result of the violent person.

However, this duty is limited and applies only when the:

- worker can be expected to encounter the violent person in the course of his or her work; and
- the risk of workplace violence is likely to expose the worker to physical injury.

Employers and supervisors must also be cautious not to disclose more information than is reasonably necessary for the protection of the worker from physical injury.

Example - two workers are paired up to complete a temporary project. The supervisor advises the one worker not to discuss matters pertaining to money or finance as this topic could trigger the other worker to become violent.

### **14. RIGHT TO REFUSE UNSAFE WORK**

In accordance with the Occupational Health & Safety Act, a worker may refuse to work or to perform particular work if he or she has reason to believe that the performance of his/her job will expose him/her to workplace violence, and that such workplace violence is likely to endanger them.

For example, a worker can refuse unsafe work on the basis of a threat if the threat is or can be reasonably interpreted to be a threat to exercise force which could cause physical injury to the worker.

Note: Certain workers who protect public safety cannot refuse work if:

- the danger is an inherent or normal part of their job OR
- the refusal would endanger the life, health and safety of another person.

These workers are:

- police officers
- firefighters
- workers employed in correctional institutions; and
- workers employed in workplaces such as hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, residential group homes for persons with mental or physical disabilities, ambulance services, first-aid clinics, licensed laboratories or in any laundry, food service, power plant or technical service used by one of the above.

## **15. PROCEDURE FOR REFUSING UNSAFE WORK DUE TO VIOLENCE**

The procedure for refusing unsafe work due to violence is the same process followed when refusing any other type of unsafe work.

1. The Supervisor shall investigate the refusal in the presence of the refuser and if available, an employee representative, a health and safety representative, or a worker who is qualified in performing the refused work;
2. Failing a satisfactory resolve, the Supervisor shall contact his or her immediate supervisor and a certified Health and Safety Representative if one is not already present. These parties shall conduct an investigation forthwith and render a decision;
3. Should the employee continue to refuse, the Department Head and Ministry of Labour Inspector are to be contacted. The Department Head, Ministry of Labour Inspector and the certified H&S Representative will investigate the situation and The Ministry of Labour Inspector shall provide his/her findings in writing to the parties.

Until the investigation is complete the worker shall remain in a safe place near or as near as possible to his or her workstation depending on the circumstances that led to the work refusal.

**16. RECORDS**

Human Resources will keep confidential records of the investigation including:

- a) a copy of the complaint
- b) a record of the investigation including notes, video or audiotapes
- c) a copy of the investigation report
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser(s)
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

These documents will not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

**17. TRAUMA SUPPORT**

Employees who have experienced or witnessed a traumatic event may need special support. These special needs will be acknowledged and accommodated. The Human Resources department (or designate) will coordinate any assistance that may be required.

## **APPENDIX A- MEASURES TO CONTROL VIOLENCE**

### **Working Directly with Individuals**

The following are measure to be taken to control violence when working in direct contact with individuals.

Department procedures may provide additional specific information.

- Keep behind your desk or a safe distance away from the individual so they cannot reach you.
- Position yourself next to the panic button or telephone to call for help if necessary
- Be alert to situations and early warning signs (crying, pacing, avoidance or excessive eye contact, challenging behaviours, yelling, etc).
- Try to provide an early resolution before a situation escalates and an incident occurs (e.g. deal with issues/complaints right away).
- Listen to the other person's entire issue/complaint
- Gather information and determine the reason for the issue/complaint
- Do not downplay or minimize the person's issue/complaint
- Remain calm, speak in a clear, calm and consistent voice
- Maintain normal eye contact but do not stare
- Do not infringe on the person's personal space
- Keep the discussion focussed on the issue, not the individual parties
- Do not set unrealistic goals or make promises that you may not be able to keep
- Set limits and inform the person that the meeting will only continue if they remain calm, inappropriate behaviour is not acceptable.
- Take the dispute to a third party if the matter cannot be resolved (i.e. supervisor)
- Always remain alert to unsafe conditions and react – leave the location if necessary, have another person accompany you or remain close by, telephone for assistance if necessary, use the panic alarm if available etc.

### **Handling Cash**

The following are measure to be taken to control violence when working with cash.

Department procedures may provide additional specific information.

- Provide physical barriers (e.g. counters, windows, etc) that separate employees from the public
- Control access to the workplace with secured doors
- Position cash registers and cash boxes out of reach and out of sight whenever possible
- Develop protocols for keeping a reduced amount of cash on the premises
- Ensure bright lighting and clear sightlines into the work area
- Ensure easy access to telephone, radio, panic alarm or other means to summon help if necessary

- Deliver money deposits during the day time if possible. It's best to avoid a regular schedule time, and travel route
- Post signage that indicates the premises is monitored
- Ensure employees are instructed what to do in case of a robbery
  - o Remain calm
  - o Comply with any requests for money
  - o Get a good look at the suspect if you can
  - o Protect yourself as much as possible
  - o Call 9-1-1 as soon as possible

### **Working Alone and/or In a Remote Location**

The following are measure to be taken when working alone and/or in a remote location.

Department procedures may provide additional specific information.

- Ensure workers have access to communication device at all times (telephone, cell phone, radio etc)
- Notify the supervisor of the type of work being completed and the location before the employee begins work (if different from regular job duties)
- Develop plan for regular contact with isolated employee. Contact can be made by another employee, a supervisor or a call centre to ensure the employee is safe
- Ensure bright lighting and access to natural surveillance.
- Ensure clear sightlines and good visibility of the workplace
- Lock all entrances
- Post signage indicating security surveillance
- Locate the safest place for parking (near the entrance, under a light)
- Ensure vehicles are locked and items are stored in the trunk

### **Working in a Community Based Setting and/or In A Mobile Workplace**

The following are measure to be taken when working in a community based setting and/or in a vehicle

Department procedures may provide additional specific information.

- Ensure workers have access to communication device at all times (telephone, cell phone, radio etc)
- Develop plan for regular contact with isolated employee. Contact can be made by another employee, a supervisor or a call centre to ensure the employee is safe
- When potentially dangerous situations occur in the community employees should avoid those areas
- Ensure pre-start inspections of all vehicles are conducted and vehicle maintenance is performed when necessary
- Ensure all items are stored in the trunk out of sight or secured to prevent theft
- Ensure vehicle windows and doors are closed and locked

- Ensure vehicles are parked in a safe location that is well lit
- Check the vehicle before getting in to ensure it is safe
- Should you encounter aggressive or violent individuals try to remove yourself from that location, call for assistance if necessary.

**APPENDIX B – WHEN AND HOW TO SUMMON IMMEDIATE ASSISTANCE**

The following are general guidelines when it would be appropriate to contact Police.

Department procedures may provide additional specific information.

- When theft occurs
- When property damage or vandalism occurs
- When an individual refuses to leave the premises
- When there are threats of violence of serious nature
- Whenever there is an injury resulting from violent behaviour
- Whenever there is physical assault or a threat of physical assault
- Whenever an employee has reason to believe their personal safety is in jeopardy

The following are a number of various means of summoning immediate assistance.

Department procedures may provide additional specific information.

- Dial 9-1-1 using telephones located within the department
- Co-workers dial 9-1-1 using telephones within the department to call for help.
- Dial 9-1-1 using cell phones if carried by a worker
- Two-way radio contact with supervisor or other workers to telephone for help
- Panic buttons where available
- Code words so that co-workers know to call for help



## **Social Media Policy**

**revised: February 2019**

### **Background**

The City of Elliot Lake (the City) is responsible for the accurate, open, and transparent sharing of information with the public through education and promotion of various programs, services, initiatives, and Council decisions. To effectively share that information, the City uses a combination of traditional communications and online communications to reach the largest number of residents, visitors, and stakeholders as possible.

The popularity of social media sites and/or networks provide the City with a powerful communications tool that allows for information to be shared immediately, effectively and in a cost-efficient manner, while also allowing for engaged discussion with residents and stakeholders.

The CAO's office is the lead authority for the City's online communication strategies. Social media accounts for corporate use will be established and managed by the CAO's office in conjunction with the assistance of appointed senior managers as Social Media Moderators.

### **Purpose**

To provide rules and guidelines on the acceptable participation in social media sites and networks. This policy is to be read in conjunction with other relevant policies such as but not limited to: Code of Conduct, Staff-Council Relations Policy and Workplace Violence and Harassment Policy.

While the City recognizes the popularity of social networking, certain behaviours must be observed to protect both employees' and the corporation's reputation. This policy serves to:

- Safeguard the City's reputation
- Provide employees and members of Council with clear usage guidelines
- Provide protocol around monitoring, administration, acceptable use and privacy.

## Definitions

**Follow** means to subscribe to a social media account of another user and receive their posts as updates.

**Political material** means comments or posts made by politicians, supporters or otherwise, for the purpose of political gain or to drive a political agenda.

**Social media** means the web-based technologies and sites and includes blogging, microblogging (Twitter), photo-sharing (Flickr, Instagram, Snapchat), video sharing or webcasting (YouTube, Facebook Live), and social networking (LinkedIn, Facebook, blogs, discussion boards) which allow users to interact with each other by sharing information, opinions, knowledge, photographs and interests.

**Social Media Moderator** means City staff tasked with posting and reviewing content on City Social Media sites.

**City Social Media Sites** means social media sites created and managed by City staff.

**Senior Management Team (SMT)** means the group of senior City managers assembled under the direction of the CAO to manage and coordinate corporate affairs and workload

## Scope

This Policy applies to all employees of the City (including part-time, casual/temporary, and full-time employees) as well as to contractors, student co-op placements or internships, consultants, elected officials (Mayor / Council), members of boards and committees in their relations to each other, and volunteers. Participating in social media is considered an official corporate act, and therefore must be viewed in the same way as participating in other media, meetings or public forums.

## Procedures

### a) Creating a City Social Media Site

- Departments wishing to use social media sites should work with the CAO's office to discuss specific goals and objectives and identify specific sites and platforms.
- Login and password information will be provided to the CAO and the applicable Department Head / Director.

### b) Administering City Social Media Sites

- All City Social Media Sites are administered by City employees named as Social Media Moderator(s) by the department head or the CAO.
- The CAO's office requires notification when an employee is named as a Moderator.
- When a Social Media Moderator leaves City employment, all passwords should be changed for those City Social Media Sites to which they had access. This will be the responsibility of the relevant Department Head to ensure the CAO's office is notified.

- An appropriate disclaimer or other terms and conditions, as approved by the CAO, should be accessible from each City Social Media site. See item below for disclaimer examples.
- Content of City Social Media Sites will be monitored by Social Media Moderators who are responsible for:
  - Correcting misinformation and ensuring content is up-to-date;
  - Ensuring responses to posts, in-box messages and discussion comments are made in a timely manner;
  - Removing any post that is considered to be false, defamatory, abusive, hateful, obscene, racist, sexually-oriented, threatening or discriminatory
  - Denying access to, or blocking users, who continue to post inappropriate or offensive comments.

#### **c) Internal / External Content Standards:**

- Comments, posts and messages are welcome on City Social Media Sites provided they do not contain:
  - Obscene, racist, or otherwise discriminatory content;
  - Personal attacks, insults, or threatening language;
  - Plagiarized material or copyrighted material
  - Confidential information published without prior consent.
  - Promotion of political candidates or other political material.
- All City Social Media Sites or pages within existing social media services will be required to contain the following terms and conditions / disclaimer:
  - All posts are monitored by municipal staff who may delete any message. If a submission violates guidelines, or is in any other way inappropriate, the submission will be removed in its entirety from the site.
  - If a user continues to post messages that violate the guidelines, the user may be blocked from using the site. If you believe a submission to any municipal social media site violates the guidelines, please report it immediately to the municipality.

#### **d) Employee Personal Use of Social Media**

City employees, including part-time, contract and volunteer firefighters, in their private capacity as citizens, may want to use social media to share information and communicate with friends, family and co-workers. Even though they are using social media for personal purposes, some City policies apply to the use of social media by employees when they are off-duty including but not limited to the City's Workplace Violence and Harassment Policy.

Employees who identify themselves as City employees or who are identifiable as City employees in their personal social media use should adhere to the following guidelines:

- Always conduct themselves in a manner that conforms to the City's Code of Conduct, Health and Safety policies and Human Rights policies.
- City employees are discouraged from discussing City business through personal social media accounts, websites, or networks.
- City employees should make it clear that their position does not officially represent the City's position. Use phrases such as "in my personal opinion" or "Personally..." to communicate that you are expressing your personal views.
- City employees must ensure that they do not reveal anyone's personal information gained through their knowledge or work performance.
- Never identify or comment about other City employees without their express consent. Even positive comments may be inappropriate or unwanted.
- City employees must not use social media in a manner that would harm the City's reputation. Such conduct includes slurs, derogatory comments, or insults.
- City employees are responsible not only for their own social media posts but also any comments made to their social media posts that were reasonably encouraged or welcomed by the employee's post.

Employees are reminded that despite efforts they may take to keep social media posts private, there is a public nature to all social media posts. Furthermore, social media users may be denied an opportunity to delete an ill-advised post completely. Screen shots and cached data can maintain a social media post even after the original post is deleted.

City employees are encouraged to use caution in their personal social media use. City employees who violate the terms of this policy with social media use, including personal social media use may be subject to discipline up to and including dismissal for cause.

#### **e) City Council and Social Media**

- City Social Media Sites will follow any current Member of Council's social media accounts, which are used to promote municipal and community information. For clarity: strictly personal accounts will not be followed.
- At the start of the nomination period for any municipal election or by-election, all accounts owned by Members of Council will be un-followed, and no further material will be shared on City Social Media sites
- Sitting councillors are discouraged from posting or using City Social Media Sites from the beginning of the nomination period until the election results are made official by the clerk.
- The City CAO and/or Social Media Moderators reserve the right to delete posts by sitting councillors on City Social Media Sites during municipal election campaigns.

<b>THE CORPORATION OF THE CITY OF ELLIOT LAKE</b>
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## ***B*Y-LAW NO. 16-6**

### **Being a By-law to establish the Procedures of Council and its Committees and to Repeal By-law No. 07-36**

Office Consolidation - (16-34)(16-58)(17-40)(17-59)(18-11) (19-04)

**WHEREAS** section 238 of the Municipal Act, 2001 as amended (the “Municipal Act”), authorizes Council to pass a procedure by-law governing the calling, place and proceedings of meetings;

**AND WHEREAS** section 23.1 of the Municipal Act provides municipalities with the power to delegate their powers and duties under the Municipal Act or any other Act to a person or body subject to certain restrictions;

**NOW THEREFORE** The Council of The Corporation of the City of Elliot Lake hereby ENACTS as follows:

#### **PART I - INTERPRETATION**

##### **APPLICATION**

1. The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business conducted by the Council.
2. The rules and regulations contained in this by-law shall be observed in the proceedings of any committee of Council. Despite this section, in creating the mandate for any Committee Council may elect to dispense with or alter these rules and regulations with the exception of 81(4) and any prescribed by law.

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## **DEFINITIONS**

### 3. In this By-law:

**“ACTING MAYOR”** [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant;

**“AGENDA”** means the order of proceedings for a meeting setting out the business to be considered at the meeting;

**“CAO”** shall refer to the Chief Administrative Officer of the Corporation of the City of Elliot Lake;

**“CHAIR”** means the person presiding at a meeting, and includes the Mayor, Acting Mayor, or Committee Chair while they preside at a meeting or such other person as may be authorized to preside in their absence;

**“CLERK”** means the City Clerk, or his/her designate;

**“CLOSED SESSION”** means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain;

**“COMMITTEE”** means a committee of Council or an advisory or ad hoc committee established by Council from time to time;

**“COUNCIL”** means the Council of The Corporation of the City of Elliot Lake;

**“COUNCIL FLOOR”** means that part of the Council Chambers in the foreground and between the podium and the seats of the Mayor and Members of Council;

**“HEAD OF COUNCIL”** means the Mayor who shall preside at all meetings of the Council, and who is the Chief Executive Officer of the City;

**“DELEGATION”** means an appearance before City Council or Committee for the purpose of directly addressing an item listed on the agenda as being under consideration at that meeting; (16-34)

**“MAYOR”** means the head of the Council of The Corporation of the City of Elliot Lake;

**“MEETING”** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,  
(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee; (18-11)

**“MEMBER”** means a member of Council or Committee as the context warrants;

**“MOTION”** means a proposal by a Member, received by the Clerk, in writing, moved by a Member and seconded by another member, for inclusion on an agenda of a meeting of Council and includes proposals by a Member moved verbally in a meeting, that Council or Committee resolve and effect a decision;

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

**“POINT OF ORDER”** means a question by a member with the view to calling attention to any departure from the Procedural By-law or in the practiced conduct of the Council's business;

**“POINT OF PERSONAL PRIVILEGE”** means a question by a Member who is concerned and believes that another member has spoken disrespectfully towards that Member, or who considers that his or her integrity has been impugned;

**“POINT OF PRIVILEGE”** means a question affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives;

**“POINT OF PROCEDURE”** means a question to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion;

**“PRESENTATION”** means an appearance before City Council or Committee for the purpose of addressing a new issue or an issue which may be of general interest or concern to a committee or the general public; (16-34)

**“QUORUM”** means the number of Members required to be present at a meeting to validate the transaction of its business;

**“RECORDED VOTE”** means the recording by the Clerk of the name and the vote of each Member present at a meeting on any matter or question;

**“REGULAR ELECTION”** means a regular election as defined in section 1 of the Municipal Elections Act, 1996, as amended from time to time;.

“**SUBCOMMITTEE**” means a committee consisting of at least two (2) Members of the committee establishing the sub-committee, to consider one or more matters;

“**STANDING COMMITTEE**” means a committee established by Council and consisting solely of Members of Council.

## **PART II - COUNCIL MEETINGS**

### **INAUGURAL MEETING**

4. (1) The first meeting of Council shall be held on such date and at such time and place as may be fixed by resolution of the previous Council and not later than thirty-one (31) days after the Council's term commences
- (2) At the first meeting the Council shall organize as a Council, and the first order of business shall be the declarations of office in accordance with the Municipal Act.

### **REGULAR MEETINGS**

5. Regular meetings of the Council shall be held at 7:00 p.m. on the second and fourth Mondays of each month, or such other time and/or interval as determined by the Clerk.
6. When the day for a regular meeting of Council falls on a public, statutory or civic holiday, the meeting shall be rescheduled, or cancelled, with public notice provided by the Clerk.
7. All Meetings of Council and Committees shall be convened at the City Hall unless the notice of meeting stipulates the Meeting shall be held at another location.
8. A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 11:00 p.m. local time. (19-04)

### **SPECIAL MEETINGS**

9. The Clerk shall summon a special meeting of Council:
  - (a) Upon receipt of a request from the Mayor; or
  - (b) Upon the direction given by Council at a regular meeting; or
  - (c) Upon receipt of a petition from a majority of the Members of Council.

10. a) The notice calling a special meeting of Council shall state the business to be considered at the special meeting;  
b) except with the consent of a majority of the Members present and voting no other business other than that stated in the notice shall be considered. (17-56)
11. Written notice of all special meetings of Council must be delivered to the Members of Council, not less than twenty-four (24) hours before the time set for the meeting to all Members of Council by mail or electronically.
12. Despite the provisions of Sections 10 and 11, a meeting of Council may be called by the Mayor, or Acting Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members about the meeting as soon as possible and in the most expedient manner available as so determined by the Clerk.

### **QUORUM – COUNCIL AND COMMITTEES**

13. A majority of Members of Council is necessary to form a quorum at a meeting of Council.
14. A majority of voting members is necessary to form a quorum at a meeting of any committee.
15. As soon as there is a quorum after the time appointed for the start of the meeting, the Mayor or Chair will call the Members to order.
16. If no quorum is present twenty (20) minutes after the time appointed for a meeting of Council or Committee, the Mayor, or the Committee Chair shall call the roll and the Clerk shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
17. (1) Where the Mayor does not attend within ten (10) minutes after the time appointed for the meeting, the Acting Mayor shall call the members to order and, if a quorum is present, preside during the meeting or until the arrival of the Mayor at that meeting.  
  
(2) Where neither the Mayor nor Acting Mayor are in attendance ten (10) minutes after the appointed meeting time, the Clerk shall call the meeting to order, if a quorum is present, and shall preside until a Chair is chosen from amongst the Members present.
18. If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within twenty (20) minutes, the Clerk will record the names

of the Members present and the meeting shall be adjourned to the next appointed time.

19. If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of that body.
20. Despite any other provision in this section, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present, except submissions or information in respect of a hearing or public meeting required by statute.
- 20.1 Electronic Participation: A member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public by conference / teleconference provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. (18-11)

### **CLOSED MEETINGS**

21. All Meetings shall be open to the public; however a meeting or part of a meeting may be closed if the subject matter being considered is:

- (a) the security of the property of the municipality;
- (b) personal matters about an identifiable individual, including a municipal employee;
- (c) a proposed or pending acquisition or disposition of land by the municipality;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (g) a matter in respect of which the Council or Committee may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial or financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- (l) an educational or training session for the members of Council or Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision-making of Council or the Committee;

A meeting or part of a meeting shall be closed if the subject matter being considered is:

- (m) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - (n) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, a municipally appointed Ombudsman or Investigator.
- (79.1) If a report is received from the closed meeting investigator reporting an opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by the investigator appears to have been closed to the public contrary to Section 239 of the Municipal Act, or to this by-law, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report..

(18-11)

## **NOTICE**

22. Official notice shall be provided of meetings of Council by posting the date and time of the meeting on the public bulletin board located at the front of City Hall two business days prior to the meeting. Every effort shall be made to post notice of meetings on the City website but such posting shall be as a matter of convenience, and failure to do so shall not constitute a breach of this notice provision.
- (16-34)

23. Notice shall be provided to the public respecting matters coming before Council for decision in the manner required by the City's Notice By-law or as otherwise required by statute.

## **PART III - RULES OF ORDER AND DEBATE**

24. The Chair shall:
- (1) maintain order and preserve the decorum of the meeting;
  - (2) rule upon points of order, points of procedure, points of privilege and points of personal privilege, without debate or comment;

- (3) rule whether a Motion or proposed amendment is in order;
  - (4) rule upon all other procedural matters;
  - (5) maintain a speaker's list of those members who have signaled the Chair that they wish to speak or ask questions, and recognize such members in the order in which they appear;
  - (6) call a Member to order where appropriate;
  - (7) be permitted to speak both first and last on any matter before Council;
  - (8) adjourn the meeting when the business of the meeting is concluded;
  - (9) adjourn the meeting without question in the case of grave disorder arising in the Council chambers.
25. (1) Any Member may appeal the ruling of the chair according to the following:
- a) The appeal must be lodged immediately following the ruling of the Chair;
  - b) The appeal must be seconded;
  - c) The wording of the question is "Shall the decision of the Chair be sustained?"
  - d) The Chair shall have the right to speak first and last to the motion.
  - e) A majority or tie vote shall sustain the decision of the Chair.
26. No Member shall:
- (1) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any member of Council, any employee of the City, or of any individual;
  - (2) use indecent, offensive or insulting language;
  - (3) speak on any subject other than the subject in debate;
  - (4) where a matter has been discussed in a meeting or part of a meeting closed to the public and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the in-camera meeting;

- (5) disobey the rules of the Council or a decision of the Chair on questions of order or practice or the interpretation of the Rules;
  - (6) fail to represent and support the Council, its procedures and decisions.
27. Where a Member persists in any such disobedience or conduct contrary to the provisions of this section, after having been called to order by the Chair:
- (1) the Chair shall forthwith put the question that the member be ordered to leave his/her seat for the duration of the Meeting, and adjournments, amendments or debates shall not be allowed upon such question;
  - (2) if the question carries, the Chair will order the Member to leave the Council Chamber for the remainder of the Meeting; and
  - (3) if the Member advises the Clerk that the Member wishes to apologize to Council, the Clerk will inform the Chair, who will permit the Member to do so, and with Council's consent, the Member may return to his/her seat.
28. (1) A Member may initially speak on an item of business or motion for five minutes unless otherwise determined by the Chair.
- (2) No Member shall speak more than once on an item of business until every member who desires to speak has spoken. The Chair may, however, permit a Member who has already spoken to respond to a direct question of the Member having the floor.
- (3) Any Member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five minutes, unless determined otherwise by the Chair.

### **PUBLIC AT COUNCIL AND COMMITTEE MEETINGS**

29. Members of the public present during a Council or Committee meeting shall maintain order and quiet.
30. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee.
31. No person shall bring into the Council Chamber or Committee meeting room, food or drinks that are considered by the Mayor or Chair of the Committee to be disruptive to the meeting.
32. No person shall bring into the Council Chamber or Committee meeting room cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced.

33. Audio and videotape recording of public meetings is permitted, under the following guidelines:
- a) Walking on the Council floor for the purposes of a photograph, video-taping, etc. is not permitted;
  - b) Cameras and video cameras can be used in the floor area near the entrances into the Council Chambers;
  - c) All recording equipment must be completely muted and operated in a manner which does not interfere with the ability of the public or the participants to hear or view the meeting proceedings;
  - d) Recording equipment must not interfere with corporate computer/AV systems; and
  - e) Recording must not compromise confidential materials or discussions.
34. When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal or Provincial Governments, any Member of Council, any employee of the City, or of any individual;
35. No person shall enter the Council Floor without the expressed permission of the Chair.
36. Any person, not being a member of Council, who contravenes any provision of this section may be expelled from the Meeting by the Chair.

### **ORDER OF BUSINESS**

37. The Clerk will prepare an Agenda for regular meetings of Council and the business of Council shall be taken up in the order in which it appears on the Agenda, under the following headings:
- a) Call to Order;
  - b) Roll Call;
  - c) Declarations of Conflict of Interest;
  - d) Adoption of Previous Minutes;
  - e) Public Presentations;

f) Introduction and Consideration of Corporate Reports;

g) Presentation of Committee Reports;

Outside Board and Committee Reporting (17-56)

h) Unfinished Business;

i) Petitions;

j) Correspondence;

k) Notices of Motion;

l) Public Question Period;

m) Introduction and Consideration of By-laws;

n) Council Reports and Announcements;

o) Addendum;

p) Closed Session (if applicable);

q) Adjournment.

38. Prior to the posting of the agenda, the clerk shall ensure that the agenda has been reviewed by the CAO.
39. Notwithstanding the Order of Business set out in Section 37, Council may otherwise direct that business be considered in a different order.
40. Where the same or related subject-matters appear in more than one place on the Agenda, Council may deal with all items related to the matter together, deal with such items in the order they appear on the Agenda or refer the items for consolidation into one report.

### **REQUESTS FOR PRESENTATIONS AND DELEGATIONS**

41. Any person wishing to make a Presentation to Council shall submit a request to the Clerk by 4:00 pm three business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
- (16-34)

42. (1) For the purposes of Section 41, the Clerk shall determine the appropriate committee or meeting date that a request for delegation may be listed.
43. Any person wishing to appear as a Delegation to a Council or Committee shall submit a request to the Clerk by 4:00 pm on the business day immediately preceding the meeting at which the person desires to be heard. (16-34)
44. A person granted permission to address Council shall confine their remarks to the stated business. No information pertaining to a third party may be disclosed unless that party is present, or has provided written permission for the disclosure of the information. (16-58)
45. Each delegation to Council shall be limited to speaking not more than ten minutes in total. (16-58)
46. Despite Section 45, a motion passed by a majority of the Council Members present may extend the length of time allotted to a delegation.

### **PUBLIC QUESTION PERIOD**

47. The Agenda for all Council meetings shall include a Public Question Period for Which pre-registration shall not be required, subject to the following provisions:
  - (1) persons invited to address Council during Public Question Period shall be restricted to questions pertaining to subjects that appear on the Agenda for that specific Council meeting;
  - (2) persons invited to address Council with a question shall:
    - i) state their name for the record;
    - ii) identify the specific agenda item(s) being questioned; (17-56)
    - iii) succinctly state the question;
 The chair shall direct more extensive comments or presentations to the Clerk for addition to a future agenda as a delegation; (16-34)
  - (3) Public Question Period shall be limited to a total of 15 minutes; and each individual addressing Council shall be limited to speaking not more than five minutes in total.
  - (4) despite subsection (3), a motion passed by a majority of the Council Members present may extend the length of time allotted to the Public Question Period at any meeting.

### **MOTIONS - COUNCIL AND COMMITTEES**

48. A Notice of Motion shall be in writing accompanied by a report or memo from the contributing Councillor and shall be received by the Clerk by 4:00 p.m. on the Wednesday preceding a regular meeting of Council for inclusion on the Agenda for that meeting of Council. (17-56)
49. The Mover of a Motion submitted under Section 48 may, when the Motion is called by the Chair for Council's consideration, request the matter be deferred to the next regular meeting of Council and if the matter is not deferred, the motion shall be considered by Council.
50. When a Notice of Motion has been on the Agenda for two successive meetings after notice has been given, and not proceeded with, it shall be deemed withdrawn unless Council decides otherwise.
51. A Motion or an Amendment to a Motion shall be moved and seconded before a Member speaks to the Motion.
52. Motions respecting the following matters may be introduced orally without written notice and without leave:
  - (1) a Point of Order or Personal Privilege;
  - (2) a Motion to defer decision on a question;
  - (3) a Motion to refer a matter;
  - (4) a Motion to withdraw a Motion before the Chair;
  - (5) a Motion to recess;
  - (6) a Motion to call the vote on a question;
  - (7) a Motion to divide the question;
  - (8) a Motion to request short reading of a Motion which is provided to Council in written format;
  - (9) a Motion to continue a Council Meeting beyond 10:00 p.m.;
  - (10) a Motion to move into, or out of, Closed Session;
  - (11) a Motion to change the Order of Business;
  - (12) a Motion to Adjourn.
  - (13) a Motion to adopt the Minutes of a meeting.

53. The following are deemed to be procedural Motions and shall be considered in the following order:
- (1) to change the Order of Business;
  - (2) to adjourn or to fix the time to adjourn;
  - (3) that the vote be taken now;
  - (4) Motions to refer;
  - (5) Motions to defer.
54. No Member shall present a Motion on any matter to Council for its Consideration unless:
- (1) the Motion is relevant to a matter that appears on the Agenda for that meeting of the Council; or
  - (2) Leave is granted, through unanimous consent of the Members present, to deal with a matter not on the agenda; or
  - (3) the Motion relates to a matter which for reasons of emergency, health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
  - (4) where the Motion is to be proposed by the Mayor, the Mayor has relinquished the chair to the Acting Mayor.
55. After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn with the leave of Council and only prior to a decision or amendment on such Motion has been rendered by the Council.

#### **REQUIREMENT FOR DISPOSITION**

56. A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
- (1) a motion on procedure has been made to amend, to defer decision on the question, to refer the matter, to call the vote on the question, or to extend the hour of closing proceedings; or
  - (2) the Meeting has failed for lack of a quorum.

**MOTION TO AMEND**

57. (1) A motion to amend the main question shall:
- (a) be relevant to the main question received by the Chair;
  - (b) not be a direct negative to the main question;
  - (c) receive the disposition of Council before any prior motion for amendment; and
  - (d) receive disposition of Council before the main question.
- (2) Only one motion to amend an amendment motion shall be allowed.
- (3) A motion of referral may be amended to identify an alternate body to which the matter be referred, or for the purpose of giving additional instructions to the body to which the matter is referred.

**DIVIDED MOTION**

58. When a question has been divided with the leave of Council, debate shall be restricted to each proposal in its turn.

**MOTION TO CALL VOTE ON A QUESTION**

59. (1) A motion to call the vote on a question shall:
- (a) not be amended;
  - (b) not be proposed when there is a motion for amendment under consideration; and
  - (c) preclude the introduction of any amendments of the main question, once made.
- (2) When a motion to call the vote on a question is resolved in the affirmative, the vote is to be taken without debate or consideration of amendment.

**MOTION TO DEFER**

60. A motion to defer or adjourn debate shall:
- (1) always be in order, except as provided in this Section;

- (2) be put immediately without debate;
- (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
- (4) be deemed not to be in order in any of the following circumstances:
  - (a) when a Member is speaking;
  - (b) during the verification of a vote;
  - (c) immediately following the affirmative vote on a motion to call the vote on a question.

### **MOTION FINALLY PUT**

- 61. After a question is finally put by the Chair:
  - (1) no Member shall speak to the question nor shall any other motion be made, until after the vote is taken and the result declared by the Mayor, Acting Mayor, or Chair; and
  - (2) no Member absent from the Council Chamber when the question is put shall vote on the question.
- 62.
  - (1) On the result of a vote taken pursuant to Section 61 of this by-law, a Member may request that the vote be taken again, provided that the request is made immediately after such declaration of the results.
  - (2) When requested by a Member, the Chair, shall again take the vote on the question.

### **MOTION TO RECONSIDER**

- 63.
  - (1) A Motion to Reconsider may not be made at the same meeting that the decision proposed for reconsideration was made.
  - (2) No discussion of the main question shall be allowed until the Motion for reconsideration is carried.
  - (3) Once the matter is reopened, it is reopened in its entirety unless the Motion to Reconsider specifies otherwise.
  - (4) If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.

**MOTION TO ADJOURN**

64. A motion to adjourn Council shall:
- (1) be in order, except:
    - (a) when a Member is speaking;
    - (b) during the verification of a vote; or
    - (c) immediately following the affirmative vote on a motion to call the vote on a question.
  - (2) be put immediately without debate;
  - (3) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
  - (4) not be amended.

**RULES OF VOTING**

65. (1) Every Member present at a Meeting must vote on all matters unless he or she declares a personal conflict on the matter. If a Member refuses to vote and has not declared a personal conflict, the Member is deemed to have voted in the negative.
- (2) If a motion contains distinct parts, a Member may request separate votes on any or all parts.
- (3) The vote will be recorded when required by law or when any Members requests, and otherwise the manner of determining the decision of council on a Motion shall be by a signal from the voter, and the result of the vote declared by the Chair.
- (4) If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately to require that the vote be retaken.
- (5) Unless provided otherwise, if there is an equality of votes on any question, the vote shall be deemed to be lost.
66. A motion "that the vote be taken" may be moved at any time by the Member who is speaking and will be put to a vote immediately, without debate, and, if carried, the motion will be voted on without further debate.

67. When the Chair calls for a vote on a question, each Member shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair, and during such time no Member shall leave his/her seat or speak to any other Member or make any noise or disturbance.
68. Motions will be voted on in the following order:
  - (1) Receipt motion
  - (2) Referrals
  - (3) Deferrals
  - (4) Amendments, in the order moved.
  - (5) Main motion.

### **MINUTES**

69.
  - (1) Unless otherwise decided by the Council, the Minutes of each Meeting of the Council shall be submitted for confirmation or amendment to the Council at its next regular meeting or as soon thereafter as is reasonably practicable.
  - (2) Minutes shall record;
    - a) the place, date and time of meeting and the hour of adjournment;
    - b) the names of members, staff and resources in attendance; and
    - c) all decisions of the meeting without note or comment.
  - (3) Once adopted by Council, the Minutes shall be signed by the Mayor or Acting Mayor and the Clerk.
  - (4) The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted by Council, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.
  - (5) The Clerk shall make every reasonable effort to maintain audio and/or video recordings of all public meetings of Council and Standing Committees to serve as an official meeting recording. Such recording shall be done in a continuous manner with the exception that recording shall cease during closed sessions.

- a) Notwithstanding the above, a failure to create an audio/video record, regardless of the cause of such failure, shall not in any way invalidate any business conducted at the meeting.

## **PART IV – COMMITTEES OF COUNCIL**

### **STANDING COMMITTEE**

70. (1) There shall be the following Standing Committees of Council:
- (a) Finance and Administration Committee;
  - (b) By-laws and Planning Committee;
  - (c) Public Services Committee;
  - (d) Recreation and Culture Committee;
  - (e) Economic Development Committee.
- (2) Council may establish one or more Advisory Committees subject to the criteria established in Schedule A to this by-law.
- (3) Council may establish one or more Ad Hoc Committees.
- (4) A Committee of Council may establish a Subcommittee.
- (1.1) The Standing Committees may be replaced by a Committee of the Whole, consisting of all members of Council, and the Committee of the Whole meetings shall begin at 6 pm and may continue until 11 pm unless a motion is passed by a majority of the members present to continue beyond 11 pm. (17-40)

### **JURISDICTION**

71. (1) Any Standing Committee established pursuant to subsection 70(1) of this by-law:
- (a) shall be responsible for formulating major and general policies for recommendation to Council;

- (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council;
- (2) Any Advisory Committee established pursuant to subsection 70(2) of this by-law:
  - (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Advisory Committee, adopted by Council from time to time.
  - (d) shall report to the appropriate Standing Committee, as detailed in its mandate.
- (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this by-law:
  - (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
  - (b) shall consider such other matters as may be referred to it by the Council or any Committee of the Council; and
  - (c) shall be subject to any Terms of Reference for the particular Ad Hoc Committee, adopted by Council.
- (4) Unless authorized by by-law, no committee or member of a committee shall:
  - (a) incur any expense or liability in the name of the Corporation;
  - (b) become involved in any of the day-to-day departmental operations or direct any Municipal employee.

## **COMPOSITION**

72. (1) Any Standing Committee established pursuant to subsection 70(1) of this by-law shall consist only of Members of Council.

- (2) Any Advisory Committee established pursuant to subsection 70(2) of this by-law shall consist of such number of Council Members and citizen representatives, as determined by Council.
- (3) Any Ad Hoc Committee established pursuant to subsection 70(3) of this by-law shall consist of such number of Council Members, citizen and staff representatives, as determined by Council.
- (4) Any Subcommittee established, pursuant to subsection 70(4) of this by-law, shall consist of such Members of the parent Committee, as may be determined by such parent Committee and any other member approved by Council.
- (5) The Mayor shall be an *ex officio* (voting) member of any Advisory, Ad Hoc or other Committee struck by Council, however the Mayor's presence shall not be used in determining quorum.
- (6) The CAO shall be an *ex officio* (non voting) member of any Advisory, Ad Hoc or other Committee struck by Council, however the CAO's presence shall not be used in determining quorum.
- (7) The CAO shall render assistance to Council and any committee by attending meetings or assigning appropriate staff to serve in this capacity.

## **APPOINTMENTS**

73. (1) The Members of a Standing Committee established pursuant to subsection 70(1) of this by-law shall be appointed by Resolution of Council.
- (2) The Members of an Advisory Committee established pursuant to subsection 70(2) of this by-law shall be appointed by Resolution of Council.
- (3) (a) The Members of an Ad Hoc Committee established pursuant to subsection 70(3) of this by-law shall be appointed by Resolution of Council.
- (b) Despite clause (a) of this subsection, Council may direct the appointed Members to invite additional members of the public to participate in a non-voting volunteer capacity on an Ad Hoc Committee, with leave from the requirement that these volunteers be formally appointed by Resolution of Council.
- (4) Committee Chairpersons shall be determined by:

- (a) a resolution of Council; or
- (b) Chosen from amongst the committee membership. A Committee cannot replace a Council appointed Chairperson

and shall serve for the term of Council, or until a successor is appointed.

### **TERM OF OFFICE**

74. (1) The term of office for Members of any Standing Committee shall be the term of the Council, or until successor(s) are appointed.
- (2) The Members of an Advisory Committee shall hold office for the term as may be determined by the Council in its Resolution of appointment, or until appointment of successor(s).
- (3) The term of office for Members of an Ad Hoc Committee, including both appointed and volunteer Members, shall end upon completion of the assigned task(s) and the subsequent reporting by such Ad Hoc Committee of its findings to Council.
- (4) The term of office for Members of a Subcommittee shall end upon completion of the assigned task(s) and the subsequent submission of the Subcommittee's findings to the parent Committee, unless otherwise directed by Council.

### **VACANCIES**

75. (1) Except where the Terms of Reference of a Committee provide otherwise, the seat of a Member of a Committee may be declared vacant if the Member is absent from the meetings of the Committee for three (3) consecutive months without first being authorized to be absent by a resolution of the Committee.
- (2) In any case where the seat of an appointed Member of an Advisory or an Ad Hoc Committee is declared vacant, the filling of the vacancy shall be made by Resolution of Council.
- (3) Subsections (1) and (2) of this Section shall not apply to Members of the Accessibility Advisory Committee or volunteer Members of an Ad Hoc Committee.

### **EXCEPTIONS, RULES OF ORDER AND DEBATE IN COMMITTEE MEETINGS**

#### **PROCEDURES**

76. (1) For Meetings of a Committee of Council, the following exceptions to the

rules of order and debate apply:

- (a) the vote on any particular item shall not be recorded.
- (b) despite clause (b) of this subsection, a Member may request that his/her vote be recorded in the minutes of the meeting, as being opposed to a motion.
- (c) a Notice of Motion, as contemplated in Section 48 of this by-law, shall not be presented at a meeting of a Committee.
- (2) (a) Any person wishing to address a Committee on any matter prior to the posting of the relevant meeting's Agenda, shall submit a written request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
- (b) Any person wishing to address a Committee on a matter on the relevant meeting's Agenda shall submit a written request to the Clerk by 4:00 p.m. one business day prior to the meeting.(16-34)
- (c) A person granted permission to address a Committee shall confine their remarks to the stated business.
- (d) Each delegation to a Committee shall be limited to speaking not more than ten minutes in total. (16-58)
- (e) Despite clause (d) of this subsection, a motion passed by a majority of the Committee Members present may extend the length of time allotted to a delegation.
- (f) Clause (b) of this subsection, does not apply to a person afforded to be heard on a matter by the authority of statute, including:
  - (i) a person addressing the Council on a matter which is the subject of a public meeting or hearing for which notice was required pursuant to the Planning Act, R.S.O. 1990, c.P-13 as amended;

## **EXCEPTIONS, PROCEDURES IN COMMITTEE MEETINGS**

### **CHAIR, STANDING COMMITTEES**

77. (1) The Chair of a Committee may vote on all questions submitted to the Committee.

- (2) In the absence of both the appointed Chair and Vice-Chair of any Committee, the Members may appoint from among those Members present at the Meeting, an Acting Chair to preside that particular meeting.

## **SCHEDULING COMMITTEE MEETINGS**

### **STANDING COMMITTEES**

78. (1) Meetings of the Standing Committees of Council shall be scheduled by the Clerk on the following basis:
  - (a) Finance and Administration – 3<sup>rd</sup> Monday of each month
  - (b) Recreation and Culture—1<sup>st</sup> Monday of each month
  - (c) Economic Development—2<sup>nd</sup> Monday of each month
  - (d) By-law and Planning—1<sup>st</sup> Monday of each month
  - (e) Public Services—3<sup>rd</sup> Monday of each month
- (2) Meetings of Advisory Committees and Ad Hoc Committees of Council shall be scheduled by the Clerk on the following basis:
  - (a) The date and time of the first meeting of any such Committee shall be determined by the Clerk after first canvassing the Committee's membership.
  - (b) Unless otherwise set in the Terms of Reference for any such Committee, the next and each succeeding meeting of the committee shall be held on a regular basis as determined by the Committee, or at the call of its Chair.
- (3) Despite the guidelines in subsections (1) and (2) of this Section, the scheduling of Committee meetings may be amended from time to time by the Clerk to recognize insufficient agenda items or identified scheduling conflicts.

## **PROCEEDINGS FOR COMMITTEE MEETINGS**

### **OPEN MEETINGS**

79. All Meetings shall be open to the public; however a meeting or part of a meeting may be closed if the subject matter being considered is:
  - (a) the security of the property of the municipality;
  - (b) personal matters about an identifiable individual, including a

municipal employee;

- (c) a proposed or pending acquisition or disposition of land by the municipality;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (g) a matter in respect of which the Council or Committee may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial or financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (18-11)
- (l) an educational or training session for the members of Council or Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision-making of Council or the Committee;

A meeting or part of a meeting shall be closed if the subject matter being considered is:

- (m) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

- (n) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, a municipally appointed Ombudsman or Investigator.

(79.1) If a report is received from the closed meeting investigator reporting an opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by the investigator appears to have been closed to the public contrary to Section 239 of the Municipal Act, or to this by-law, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

(18-11)

### **QUORUM COMMITTEES**

- 80. (1) A quorum for each Committee is established by the presence of a majority of the voting Members of such Committee, unless the terms of reference for the Committee establish otherwise.
- (2) A quorum for a Subcommittee shall be established by the presence of a majority of its Members.

### **NOTICE OF MEETING, COMMITTEES**

- 81. (1) The Clerk shall give notice of each regular and any special meeting of a Committee, to the Members of such Committee by delivery of an Agenda, identifying the date, time and location at which the meeting is scheduled, and listing the matters to be considered at the meeting.
- (2) The Agenda required under Subsection (1) of this Section, shall be delivered to the Members two business days preceding the time at which the meeting is scheduled to commence. (16-34)
- (3) Despite subsections (1) and (2) of this Section, the time of delivery of the notice for a Sub-committee meeting may be altered by the direction of the Sub-committee.
- (4) Notice of meetings of Committees shall be given to the public by posting the date and time of the meeting on the public bulletin board at City Hall and, as a matter of convenience only, on the City website.

### **UNFINISHED BUSINESS, COMMITTEES**

- 82. Unless otherwise directed by the Committee, an item of business not disposed of by a Committee, shall be placed on the Agenda of the next regular meeting of the Committee, under the heading "Unfinished Business".

**REPORTING, COMMITTEES**

83. (1) Standing Committees shall report to Council.
- (2) Advisory Committees shall report to the Standing Committee as determined by their Mandate.
- (3) Ad Hoc Committees shall report to Council unless indicated otherwise by their Mandate.
- (4) A Subcommittee shall report directly to the parent Committee.

**MINUTES, COMMITTEE**

84. (1) The Minutes of a Committee meeting shall be presented at the next succeeding meeting of such Committee for adoption by that Committee.
- (2) The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.

**DISBANDING, COMMITTEES**

85. (1) An Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings, or by resolution of Council
- (2) A Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

**CLERK'S DUTIES**

86. (1) The Clerk shall be the Secretary of all Committees of the Council and may assign any such duties as Secretary of any Committee to an employee, but may continue to exercise the duties despite the delegation.
- (2) The Clerk may assign to any employee, the Clerk's duties related to the giving of notice and the recording of the proceedings of meetings of Council and its Committees, but may continue to exercise the duties despite the delegation.

- (3) Every by-law, upon enactment, shall be signed by the Mayor or the Acting Mayor, and, the Clerk or Deputy Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the City of Elliot Lake affixed thereto.

### **GENERAL PROVISIONS**

87. (1) This by-law shall not be amended or repealed except by a majority vote of all Members of Council.
- (2) No amendments or repeal of this by-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and in accordance with section 22.
- (3) *Robert's Rules of Order* shall prevail in all circumstances not covered by this by-law or where there is a conflict between any two or more provisions of this by-law.
- (4) Any reference in this by-law to one or more sections of legislation of the Province of Ontario includes any successor section of legislation enacted from time to time.
- (5) Council, or a Committee of Council, shall not waive the notice requirement set out in subsection (2) of this Section.
88. Upon enactment of this by-law, by-law 07-36, as amended, is hereby repealed.
89. This by-law may be referred to as the "Council Procedure By-law".
90. This by-law shall be in force and effect upon the date of enactment.

**ENACTED and PASSED this 11<sup>th</sup> day of January, 2016**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
CLERK

**Schedule 'A' to Procedural By-law No. 16-6****CRITERIA TO FORM A NEW ADVISORY COMMITTEE:**

There is a statutory requirement requiring the Committee

If there is not a statutory requirement, the establishment of the Committee must fulfill five (5) of the following Criteria:

1. Aligns with Strategic Plan (and other Master Plans or guiding documents).
2. Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate.
3. Broad subject matter is handled by multiple internal divisions and or external stakeholders.
4. Emerging issue of clear importance to the municipality.
5. Significantly helps stream-line discussion and decision-making at Standing Committees.
6. Handles work that staff do not perform.
7. Needed for the long-term (minimum of five years).
8. Mandate and work plan can be clearly articulated.

# THE CORPORATION OF THE CITY OF ELLIOT LAKE

## *B***Y-LAW NO. 16-74**

Being a By-Law to adopt a Code of  
Conduct Policy for Members of Council,  
Local Boards, and Advisory Committees

### **Office Consolidation – By-law No. 17-51**

**WHEREAS** section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person; and

**WHEREAS** a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority; and

**WHEREAS** section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to pass bylaws regarding accountability and transparency of the municipality and its operations; and

**WHEREAS** section 223.2(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to establish codes of conduct for members of council of the municipality and of local boards of the municipality; and

**WHEREAS** the council of the corporation of the City of Elliot Lake deems it expedient to adopt a Code of Conduct for Council, Local Boards and Advisory Committees;

**NOW THEREFORE** the Council of the Corporation of the City of Elliot Lake hereby enacts a Code of Conduct for Members of Council, Local Boards, and Advisory Committees, attached hereto as Schedule “A”.

### **1. SEVERABILITY**

In the event section(s) of this by-law are found by a court of competent jurisdiction to be invalid or ultra vires, such section(s) or parts thereof shall be deemed to be severable, with all other parts of this by-law remaining in full force and effect.

**2. SCHEDULE**

The Code of Conduct for members of Council, Local Boards, and Advisory Committees attached hereto as Schedule “A” shall form part of this bylaw.

**3. EFFECTIVE DATE**

This by-law shall come into full force and effect upon receipt of final passing by City Council.

**PASSED** this 12<sup>th</sup> day of December, 2016.

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**MAYOR**

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**CITY CLERK**



THE CORPORATION OF THE CITY OF ELLIOT LAKE

SCHEDULE "A"

TO

BY-LAW NO. 16-74 as amended by By-law No. 17-51

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CODE OF CONDUCT FOR MEMBERS OF COUNCIL,  
LOCAL BOARDS, AND ADVISORY COMMITTEES

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## **1. PREAMBLE**

A written code of conduct ensures that members of Council, Local Boards, and Advisory Committees share a common integrity base through adherence to its principles. The Code of Conduct also serves to enhance public trust.

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

- All Members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity and to avoid the improper use of the influence of their office, and conflicts of interests, both real and apparent;
- Members 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 are responsible for making honest statements and no member shall make a statement when they know that a statement is false, or with the intent to mislead other members or the public; and
- Members 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 Elliot Lake Council.

## **2. DUTY OF COUNCIL**

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behaviour) that the members of the Elliot Lake Council have determined that its stakeholders could reasonably expect members of Council to demonstrate in the performance of their responsibilities as elected community representatives.

Members of Council are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The key stakeholders of the City of Elliot Lake represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition. These stakeholders include, but are not limited to:

- Residents
- Ratepayers
- Other members of Council
- Staff
- Local Boards and Committees
- Province of Ontario
- School Boards and Agencies
- Suppliers
- Chamber of Commerce

To assist the City of Elliot Lake in interacting effectively with all stakeholders, the following obligations are expected of each member of council:

- a) That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office;
- b) That they familiarize themselves with and follow the Procedural by-law for Council and its Committees; and
- c) That they familiarize themselves with and follow the provisions of the Municipal Act and the Municipal Conflict of Interest Act

### **3. ROLES AND RESPONSIBILITIES**

This Code of Conduct operates along with, and as a supplement to, the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- a) The Criminal Code of Canada
- b) The Municipal Conflict of Interest Act
- c) The Municipal Elections Act
- d) The Municipal Freedom of Information and Protection of Privacy Act
- e) The Municipal Act

Part VI of the Municipal Act, 2001 prescribes the following as the roles of a municipal council, the head of council, and the head of council as chief executive officer:

It is the role of Council:

- To represent the public and to consider the well-being and interests of the Municipality;
- To develop and evaluate the policies and programs of the municipality;
- To determine which services the municipality provides;

- To ensure that administrative policies practices and procedures and controllership policies practices and procedures are in place to implement the decisions of council;
- To ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality; and
- To maintain the financial integrity of the municipality and to carry out the duties of council under this or any other Act.

It is the role of the head of council

- To act as chief executive officer of the municipality;
- To preside over council meetings so that its business can be carried out efficiently and effectively;
- To provide leadership to the council;
- To provide information and recommendations to the council with respect to the role of council described in Sections 224 d and d1 of the Municipal Act 2001;
- To represent the municipality at official functions; and
- To carry out the duties of the head of council under this or any other Act

As chief executive officer of a municipality the head of council shall:

- Uphold and promote the purposes of the municipality;
- Promote public involvement in the municipality's activities;
- Act as the representative of the municipality both within and outside the municipality and promote the municipality locally nationally and internationally; and
- Participate in and foster activities that enhance the economic social and environmental well-being of the municipality and its residents.

#### 4. **DEFINITIONS**

**“Code of Conduct”** shall mean the City of Elliot Lake Code of Conduct for Members of Council, Local Boards and Advisory Committees.

**“Complaint”** shall mean a purported contravention of the Code of Conduct.

**“Frivolous”** shall mean of little or no weight, worth, or importance; not worthy of serious notice.

**“Immediate Relative”** shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships; spouse shall apply equally to marital relationship and common law.

**“Lobby”** shall mean to communicate with a Member outside of a public process about matters of interest or benefit to the lobbyist and their client/business/organization. Communication may be about a bylaw or resolution on any matter that requires a decision City Council, a Local Board or delegated decision maker. This includes matters regarding policies or programs, the purchase of goods and services, and the awarding of contracts, applications for service, grant, planning approval or other licence.

**“Lobbyist”** shall mean a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional, business, industry, trade or labour organization or a consultant or voluntary lobbyist who arranges meetings between a Member and any other person for the purpose of lobbying.

**“Local Board”** for the purpose of the Code of Conduct a local board shall mean one of the following boards/quasi-judicial committees established by Elliot Lake Council:

- Any Standing Committee of Council
- Committee of Adjustment
- Property Standards Committee
- Compliance Audit Committee
- Joint Relations Committee

## 5. **APPLICATION**

The Code of Conduct shall apply to all members of Council and local boards. In recognizing that Advisory Committees are comprised largely of citizen volunteers from across the City of Elliot Lake who have been appointed by Council to provide special advice and expertise, some of the provisions outlined may not be applicable to those members. Accordingly the conduct of Advisory Committee Members shall be governed by the provisions of the Advisory Committee Members Code of Conduct attached hereto as Appendix A.

## 6. STANDARD OF CONDUCT

### a. BUSINESS RELATIONS

No member shall act as a lobbyist before Council, its committees or an agency, board or commission of the City 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.

This does not prohibit activities in which a member would normally engage on behalf of constituents in accordance with the duties of their office.

### b. CONDUCT AT MEETINGS

At all meetings members shall conduct themselves with decorum in accordance with the provisions of the City of Elliot Lake's Procedural Bylaw.

Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the City during presentations and when other members have the floor.

### c. CONDUCT OF A POLITICAL NATURE

No member shall use City facilities, services or property for his/her election or re-election campaign. No member shall use the services of City employees for his/her election or re-election campaign during hours in which the employees are in the paid employment of the City.

### d. CONDUCT RESPECTING STAFF

Only Council as a whole has the authority to approve budgets, policies, committee processes, and other such matters. Therefore members are not permitted to individually direct the actions of staff except as authorized by Council. Members shall be respectful of the fact that staff work for the City 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.

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

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 City of Elliot Lake.

Council as a whole directs the business of the City and passes bylaws or resolutions as appropriate for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the decisions adopted by Council. This means that under the direction of the CAO staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. To fulfill this role staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council therefore should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics the loyalties of persons in power or their personal opinions.

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 the duty to disclose improper activity.

e. CONDUCT WHILE REPRESENTING THE CITY

Members shall make every effort to participate diligently in the activities of the agencies, boards, committees, and commissions to which they are appointed.

f. CONFIDENTIAL INFORMATION

Where a matter discussed at an in camera (closed) meeting remains confidential no member shall disclose the content of that matter or the substance of the deliberations of an in camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- The security of the property of the municipality or local board;

- Personal matters about an identifiable individual including municipal or local board employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act;
- Items under negotiation or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions if so Specified;
- Information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;
- Statistical data required by law not to be released (e.g. certain census or assessment data); and
- Any and all statements that have been provided in confidence.

The above list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

g. DISCREDITABLE CONDUCT

- (i) Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status and any other grounds identified under the Ontario Human Rights Code.

All members have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying, or

intimidation and to ensure that their work environment is free from discrimination and harassment.

- (ii) No member shall make a public statement, including social media post(s), regarding officials or the business of the City which utilizes indecent, offensive, or insulting language.

## **7. GIFTS AND BENEFITS**

No member shall accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of his/her duties of office unless permitted by the exceptions listed below. Notwithstanding the exceptions listed, no member shall accept monies or any instrument that can be converted into monies unless authorized by law. For these purposes, a fee or advance paid to, or a gift or benefit provided by a third party with the member's knowledge to a member's spouse, child (who is under the age of 18 years), is deemed to be a gift to that member.

### **a. EXCEPTIONS**

The following are recognized as an exception:

- i. Compensation authorized by by-law;
- ii. Gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- iii. A political contribution otherwise reported by law;
- iv. Services provided without compensation by persons volunteering their time;
- v. A suitable memento of a function honouring the member;
- vi. Food, lodging, transportation and entertainment provided by provincial, regional, and local governments or political subdivisions of them and by the Federal government or the government of a foreign country;
- vii. Food, beverages, and/or admission fees provided for banquets, receptions or similar events if:
  - a. attendance is resultant to protocol or social obligations that accompanies the responsibility of office; and
  - b. the person extending the invitation or a representative of the organization is in attendance;

In the case of categories (ii),(v),(vi), (vii), if the value of the gift or benefit exceeds \$100, or if the total value received from any one source over any 12 month period exceeds

\$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk.

The disclosure statement must indicate:

- i. The nature of the gift or benefit;
- ii. The source and the date of receipt;
- iii. The circumstances under which it was given or received;
- iv. Its estimated value;
- v. What the recipient intends to do with the gift;
- vi. Whether the gift will at any point be donated to the City

All disclosure statements shall be a matter of public record.

## **8. USE OF INFLUENCE**

No member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties. No member shall seek or obtain by reason of his/her office any personal privilege or private advantage with respect to City services not otherwise available to the general public and not consequent to his/her official duties.

Examples of prohibited conduct are the use of ones status to improperly influence the decision of another person to the private advantage of oneself or ones immediate relative, staff members, friends or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction.

## **9. USE OF CITY PROPERTY, SERVICES, OR OTHER RESOURCES**

No member shall use for personal purposes any City property, equipment, services, supplies, or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties. No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Elliot Lake.

## **CODE OF CONDUCT COMPLAINT PROTOCOL**

### **PART A: INFORMAL COMPLAINT PROCEDURE**

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

- (1) advise the member that the behaviour or activity contravenes the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) tell someone else (for example, a senior staff member or an officer of the organization) about your concerns, your comments to the member and the response of the member;
- (5) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

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

**PART B: FORMAL COMPLAINT PROCEDURE: Integrity Commissioner****Requests for Inquiries s.1**

## Complaint

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be in writing.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct. For example, the complaint should include the name of the alleged violator, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

**Initial Classification by Integrity Commissioner s. 2**

2. (1) The request shall be filed with the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.

## No jurisdiction

- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:
  - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

- (b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel;
- (c) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
- (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

#### Reports

- (3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (4) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

### **Integrity Commissioner Investigation ss. 3 – 8**

#### Refusal to Conduct Investigation

- 3. (1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (1) except as part of an annual or other periodic report.

### Investigation & Settlement

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.

### *Public Inquiries Act*

(2) Integrity Commissioner may elect to investigate a complaint by exercise of the powers of a commission under Parts I and II of the *Public Inquiries Act*.

(3) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:

- (a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and
- (b) serve a copy of the response provided upon the complainant with a request for a written reply

within ten days.

### Access

(2) If necessary, after reviewing the written materials, the

Integrity Commissioner may speak to anyone relevant to

the complaint, access and examine any of the information described in the Municipal Act and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

Interim Reports (3) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

Final Report 6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner may also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.

(3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

Lawful

Recommendations

(4) Any recommended corrective action must be permitted

in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

Member not

Blameworthy

7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through

inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

Report to Council

8. The City Clerk shall process the report for the next meeting of Council.

**Council Review; Costs ss. 9 – 10**

- Duty of Council      9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council shall not refer the recommendation other than back to the Integrity Commissioner.
- Confidentiality      10. (1) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of the *Municipal Act*.
- (2) All reports from the Integrity Commissioner to Council will be made available to the public.
- (3) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

By-law 17-51 – Section 10 & 11 removed  
and replaced with the above Parts A and B

**12. REPRISALS AND OBSTRUCTIONS**

Members shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the investigation is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the investigation.

## APPENDIX A

### Advisory Committee Members Code of Conduct

The purpose of an advisory committee is to provide informed advice and guidance as well as to facilitate public input to City Council on programs and policies. In recognition of the impartial and objective advice received from advisory committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all advisory committee members to ensure they are acting in a manner that is appropriate with regard to his/her committee.

1. Advisory committee members shall, when conducting committee business, preparing written correspondence, interacting with the media, members of Council, staff or members of the public, act in a manner that accomplishes the following:
  - a. Fulfills the mandate and mission statement of his/her advisory committee;
  - b. Respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
  - c. Demonstrates respect for all fellow committee members, Council, staff and the public;
  - d. Respects and gives fair consideration to diverse and opposing viewpoints;
  - e. Demonstrates due diligence in preparing for meetings, special occasions or other committee related events;
  - f. Demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
  - g. Conforms with all relevant legislation, bylaws, policies and guidelines; and
  - h. Contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.
  
2. A member of an advisory committee shall not:
  - a. Place themselves in a position where the member is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
  - b. accord in the performance of his or her official duties, preferential treatment to relatives or to organizations in which the member, his or her relatives have an interest, financial or otherwise;
  - c. deal with an application to the City for a grant, award, contract, permit or other benefit involving the member, his or her immediate relative;
  - d. place themselves in a position where the member could derive any direct benefit or interest from any matter about which they can influence decisions; and
  - e. benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public;

- f. make a public statement, including social media post(s), regarding officials or the business of the City which utilizes indecent, offensive, or insulting language.
- 3. A member of an advisory committee shall disclose immediately to the committee or the Committee Administrator who would disclose to the committee that the member could be involved in either a real or perceived conflict of interest as prohibited by the Code and shall abide by any decision made by the committee with respect to such conflict of interest without recourse.

If a member is perceived or known to have a conflict of interest as prohibited by the Code and has not disclosed this to the committee then that matter may be brought forward for the committee's consideration. When such a matter has been brought forward, the committee, through a majority vote would determine if the member is in a conflict position.

- 4. Where an advisory committee member believes or has been advised by the committee that they have a conflict of interest in a particular matter he/she shall:
  - a. Prior to any consideration of the matter disclose his or her interest and the general nature thereof;
  - b. Leave the room for the duration of time that the matter is being considered;
  - c. Not take part in the discussion of, or vote on, any question or recommendation in respect of the matter; and
  - d. Not attempt, in any way, whether before, during or after the meeting to influence the voting on any such question or recommendation.
- 5. Where the number of members who, by reason of conflict, are incapable of participating in a meeting such that the remaining members no longer constitute a quorum then the remaining members shall be deemed to constitute a quorum, provided there are not less than two members present.
- 6. Should a member of an advisory committee breach any of the clauses set out herein the City Clerk may refer the matter to Council who will consider whether to take any of the possible corrective actions

## Economic Development Advisory Committee:

### Mandate / Terms of Reference

An Economic Development Advisory Committee is hereby established and shall be composed of 1 member of Council (being the Chair of the Economic Development Standing Committee), the community's economic development resource people (listed below) and members of the general public appointed annually by resolution of Council. Recommended: **6 members of the public**

The EDAC will make recommendations through the Economic Development Standing Committee to Council using the following as its terms of reference:

- To seek out and welcome new ideas and projects from the general public that will stimulate economic growth and renewal for Elliot Lake area.
- Act as an idea incubator, welcoming discussion, reviewing and filtering ideas for potential projects and initiatives that would stimulate economic growth.
- To assist in the development of strategic and other economic development planning in the community.
- Recommend courses of action, sources for funding and/or additional research opportunities from proponents.
- To report on matters referred to it by the Economic Development Standing Committee or Council.

### Resources:

- General Manager, Elliot Lake and District Chamber of Commerce
- General Manager, ELNOS
- General Manager, East Algoma Community Futures Development Corporation
- Northern Development Officer – Elliot Lake, MNDMF
- Community Economic Development Officer, Industry Canada – Fed Nor
- The CAO as ex-officio and other city staff at the CAO's discretion.



## **REQUEST FOR PROPOSAL**

### **For the Provision of Consulting Services**

#### **City of Elliot Lake Tourism Strategy**

The Corporation of the City of Elliot Lake, is seeking proposals from qualified consultants interested in conducting an asset review and development of a Tourism Strategy for the City of Elliot Lake. The cultural mapping project will be one of the elements of a future cultural plan which will be a component of the Economic Development Strategy for the Corporation of the City of Elliot Lake.

#### **INTRODUCTION**

Sustainable communities successfully integrate environmental, social, cultural and economic development considerations in their long-term community development strategies. They articulate and implement clear policies to address each of these considerations. The City of Elliot Lake developed a new strategic plan to guide the Municipality that includes exploring opportunities in tourism development for economic development and diversification purposes.

Due to the location of Elliot Lake, tourism initiatives have been an integral part of attraction since the early 1990's. The City of Elliot Lake has invested resources into the development of four-season tourism and have numerous plans and studies spanning over the last 30 years. The goal of the Tourism Strategy is to review the quality of existing tourism assets, develop a clear concise 4-year strategy with goals and action items clearly identified including opportunities for expansion or redevelopment of existing assets.

The following terms of reference provide information required to invite proposals from qualified firms or consultants to assist the Corporation of the City of Elliot Lake in preparing a asset review and Tourism Strategy. It also provides information to help the qualified consultants prepare and submit high-quality proposals in an efficient manner.

## **1.0 BACKGROUND**

### *1.1 Description of the Organization*

The City of Elliot Lake is located 30 km north of Highway 17, with a geographic area of about 700 square kilometers and an estimated population of 11,500. The City of Elliot Lake owes its existence to the uranium mining industry. When a large ore body of uranium was discovered in the Canadian Shield near Elliot Lake in the early 1950's, the town was rapidly built and numerous mines were brought into production. For 40 years, Elliot Lake was known as the "Uranium Capital of the World". As a result of the city's strong reliance on mining, the local economy and population boomed and busted along with the world demand and prices for uranium. All of Elliot Lake's mines closed in the early-to-mid 1990's, which was brought on by higher grade and lower cost uranium being found elsewhere and Ontario Hydro (the primary purchaser of Elliot Lake Uranium) reviewing and ultimately cancelling their purchase agreements with the Elliot Lake mines. Efforts to diversify the economy began in earnest and the City received significant funding from Ontario Hydro to assist in transitioning its economy. Significant success has been achieved through the Elliot Lake Retirement Living Program, which assists in stabilizing the population, along with a small contingent of manufacturers and tourism. In addition, the City has initiated a waterfront lot development program to attract additional retirees, permanent residents and cottagers. The City remains primarily dependant on a single sector, that being residential development.

In order to help diversify the economy, early in 2012, the City of Elliot Lake, in conjunction with the Economic Development Advisory Committee, hired consultants to undertake a community Economic Development & Diversification Study that set priority areas for economic development; as well, City Council set a Strategic Plan for goals for overall direction of the Municipality. Both plans recognize tourism as an area for economic development and diversification.

### *1.2 Project Background*

Since its inception in 1955, The City of Elliot Lake, being first developed as a mining town, has a geographical rich area for natural outdoor recreation. The setting of Elliot Lake promotes 4-season tourism including downhill skiing, trails, events, attractions and programs. The community is surrounded by over 4000 lakes and boasts premier fishing as well as great natural landscape for hunting throughout the seasons. Being a full service community, Elliot Lake is also home to many businesses in the hospitality and tourism industry including; hotels and lodges, restaurants, recreational vehicle sales and service, guiding services and rental equipment.

There are currently a vast number of existing assets, events and groups within the city, promoting outdoor recreation and tourism.

The community is home to many tourism assets not limited to but including:

- Over 300 km of ATV trails
- Over 150 km of snowmobile trails within City limits
- Hundreds of kilometers of hiking trails
- Cross country ski trails
- Mt. Dufour Ski hill – downhill skiing
- Multiple municipally maintained public boat launches
- Spruce and Spine Beaches – public access beaches
- Fire Tower Look Out
- Miner's Memorial Park
- Nuclear Mining Museum
- Stone Ridge Golf Course
- Lester B. Pearson Civic Centre encompassing the Welcome Centre, Art Gallery, Theatre and Artisan pace
- Sheriff Creek Wildlife Sanctuary
- Numerous community parks
- Mississagi Provincial Park
- Simpson Trailer Park
- Trail Head at Highway 17 and Highway 108

Each year there are many festivals, shows and events, which take place throughout the community, encompassing different themes. Some of the events include;

- Winterfest
- Elliot Lake Annual Ice Fishing Derby
- Arts & Culture Trade Show & Open House
- Larks Summer Concert Series
- Uranium Heritage Days& Street Dance
- North Shore Challenge Drag Race
- Elliot Lake Arts on the Trail
- Downhill skiing races

Elliot Lake has also played host to a number of established annual conferences and events including, but not limited to;

- The QUONTA Drama Festival
- Harmony Inc. Competition
- Ontario Cycling Association Bike Races

- Ontario Craft Council Northern Conference
- WASOON (Weavers & Spinners of Ontario) Conference
- Triathlon
- Writer's Festival
- Raid the North Adventure Race

With the above only being a list of assets major events, festivals and conferences held in Elliot Lake, it is evidence of the investment the Municipality has made toward tourism.

## **2.0 OBJECTIVES**

At the end of the project, the City of Elliot Lake will receive a detailed asset inventory including the current environment and SWOT analysis of tourism in Elliot Lake, as well as concise Tourism Strategy clearly defining goals with achievable action items. It is recommended the strategy align to the presentation of the City's Strategic Plan.

### **1.0 Define the tourism industry**

- 1.1 Review of all existing tourism plans and studies for the City of Elliot Lake
- 1.2 To prepare a catalogue of community tourism assets, facilities, organizations and other resources, according to the sectors in the report and review the quality of existing assets.

### **2.0 Community Consultation**

- 2.1 Consult with tourism stakeholders including businesses, community partners, groups & organizations and City staff

### **3.0 Identify the community's strengths and weaknesses**

- 3.1 An economic impact analysis of the current tourism economy in Elliot Lake
- 3.2 To highlight any gaps/needs in the tourism community (including but not limited to facilities, resources, funding, investment and capacity)
- 3.3 Explore opportunity for sports tourism related to multiplex project

### **4.0 Identify Existing networks and effective working partnerships**

- 4.1 To recognize existing and future synergies and/or partnerships for the delivery of the community's tourism objectives including opportunities with community partners, regional partnerships and funding partners.

### **5.0 Define potential target market areas for the Tourism promotion**

- 5.1 To highlight opportunities for attraction in different markets

## **4.0 CONDITIONS OF WORK**

### ***4.1 Project Management***

The consultant will report to and communicate with the Economic Development Coordinator on a regular basis and will consider all input on the development of the Tourism Strategy. A tourism working group comprised of committee volunteers has been developed and will assist in the review of documents and provide valuable feedback throughout the project.

A contractual agreement will be entered into between the consultant and the Corporation of the City of Elliot Lake.

### ***4.2 Project Funding***

The City of Elliot Lake is requesting that the consultant(s) submit a detailed projected cost expenditure list, along with a total cost bid for this project.

## **5.0 PROJECT DELIVERABLES**

The project deliverables described below are considered to be the minimum requirements for the project. Should the consultant decide to produce additional deliverables, they should be described in the proposal.

- Report of Public Consultation
- Three drafts (as necessary) of the Tourism Strategy and asset review
- Two copies of the final report and appendices
- Final report and presentation to Council.
- Multiple (as necessary) meetings with the Tourism Working group and/or Staff.
- An electronic copy of all reports and appendices

## **6.0 PROJECT TIMELINE**

The consultant must be able to commence work on the project as at October 23, 2018

The project **MUST** be concluded and the final report given by March 31, 2019

## 7.0 PROPOSAL REQUIREMENTS

The proposal shall contain, as a minimum, the following sections:

- Letter of Transmittal
- Firm Background and History ( 2 pages maximum)
- Work Plan, Methodology, and Project Budget (10 Pages maximum)
  - Description of the firm's approach to the engagement including a timeline, deliverables and upset costs
- Similar Project Experience (3 pages maximum)
  - Description of recent and relevant experience of the firm in engagements of this nature
- References
  - Proposers should provide a minimum of three references including the names of the client, description of work done, dates of the project, primary client contact including the address and the telephone number, name of the firm's project manager, and members of the project team.
- Project Personnel – Proposers shall:
  - Identify the Project Manager and responsibilities of each project team member, including any subcontractors and their personnel; (2 pages maximum)
  - Provide an estimate for all personnel including the number of days of engagement and the daily rate for each team member; (1 page maximum)
  - Provide a pertinent biography summary ( 1 page maximum) of each project team member; and
  - Provide a policy on notification of changes in key personnel. In the event of staff changes, we will require that replacement staff have the same level of qualifications and billing rates as the staff originally submitted. We reserve the right to approve or reject replacements.

Fees will be paid upon receipt of invoice documentation of all project fees and expenses for work completed, and 10% holdbacks for client protection.

## 8.0 SELECTION CRITERIA

The Corporation of the City of Elliot Lake will evaluate each proposal based on criteria determined in this RFP. Evaluations will be weighted according to the following break down;

Work plan and methodology 40%, budget 25%, similar experience 20%, Firm background and personnel 15%

Short listed consultants may be invited to present their proposal at an interview session.

The lowest submission will not necessarily be accepted, and the Corporation of the City of Elliot Lake reserves the right to accept or reject any or all responses, and/or to reissue the request for proposal in its original or revised form.

All proponents responding to this RFP do so at no expense to the Corporation of the City of Elliot Lake.

## **9.0 PROPOSAL SUBMISSIONS & CONTACT INFORMATION**

**Deadline for submissions: October 5, 2018**

The proposal should be submitted to the attention of:

Ms. Natalie Bray  
City Clerk  
City of Elliot Lake  
45 Hillside Dr. N.  
Elliot Lake, ON P5A 1X5  
(705) 848-2287

In addition, consultants are required to provide an electronic copy of their proposal within their submitted package.

All proposals received prior to the deadline will remain sealed until the deadline.

Elliot Lake Economic Development Advisory Committee  
Meeting September 5, 2018

Proposal For Manufacturing Focused Working Group

Elliot Lake can offer much more than affordable housing for seniors and beautiful outdoor vistas to attract tourism dollars. Elliot Lake can also offer small to mid-size manufacturers the ability to establish a business in our country's most populous province while taking advantage of low property and labour costs.

The City has the bones in place for light manufacturing above and beyond affordable land in our industrial areas. There is daily courier service that can deliver anywhere between Thunder Bay and Windsor by the next business day, telecommunications services with fiber and high speed data options and many of the province's service and product providers cover the Highway 17 corridor.

As opposed to just constantly chasing new tourism dollars, attracting manufacturers to the City can allow Elliot Lake to grow by changing our demographics. By increasing jobs, there is a shift from consumers who are in the maintenance stage of life (seniors) to ones who are in the acquisition stage (working age). This offers a more lucrative prospect base for local businesses. Additionally, people of working age will likely bring families along with them. This gives a boost to our hospitality and retail industry by offering a larger and more consistent client base compared to one that comes to town for a short visit. This also means that, as more consumers with money to spend move to town, more businesses will view Elliot Lake as a viable market in which to invest which, in turn, will create more jobs. For the municipality, the increased demand for housing will also lead to an increase in property values and therefore increased tax revenue. The impact on the City could be large.

There is also a growing sentiment that starting a business and living in the large hubs of Ontario is becoming increasingly unaffordable. Added to this, e-commerce and the efficiency of logistics has made the need to huddle around these areas unnecessary. This opens up opportunities for locations like Elliot Lake to capture these early migrants.

This is not in opposition to our tourism strategy, but a separate initiative that can work hand in hand to expand the city and increase opportunity. To this extent, I would recommend that a working group be created to explore options to attract manufacturing investment into the city.

Thank you,  
Steve Antunes



## Vision Statement

The City of Elliot Lake is distinguished through its provision of modern urban services for all ages, while being located in the heart of a pristine natural environment. It is a community where the quality of life is continually enhanced through the interactions of a diverse population supported by engaged private and not-for-profit sectors. It is a place where affordability, health, and resiliency are more than just words, they are a way of life.

Elliot Lake does not fear the future, but rather embraces the opportunities that the future presents.

## Goals & Actions

### Economic Development and Diversification, Stabilization, and Investment Readiness

#### Actions

- Establish a comprehensive marketing plan for the municipality to market the diverse strengths in promoting Elliot Lake.
- Establish Investment Readiness Tools.
- Identify and adopt an Industrial Community Improvement Plan.
- Take strategic advantage of the airport. Consider passenger and freight service.
- Develop a strategy to advance the Cottage Lot Program and have a memorandum of understanding (MOU) by the end of 2016.
- Explore eco-tourism and geo-tourism possibilities and challenges as part of a tourism package.
- Capitalize on opportunities for diversification and community growth.
- Continue to foster retirement opportunities.



## **Continued Investment into Infrastructure**

### **Actions**

- Create an Infrastructure Revitalization Plan.
- Educate public on infrastructure repair and replacement.
- Optimize the Waste Management System.
- Identify and adopt a plan to increase the use of the airport.
- Investigate the feasibility of obtaining/developing a GIS System.
- Investigate the feasibility to become a wireless community.
- Replace our aged recreation facilities - planning starting in 2015.

## **Development of Strong Partnerships**

### **Actions**

- Initiate the outreach to neighbouring communities to achieve common goals.
- Ensure good relationships and partnerships among council and staff.
- Support the local business community.
- Identify projects that require partnerships and the communities that will be impacted.
- Foster good relationships with neighbouring communities.

## **Environmental Stewardship**

### **Actions**

- Develop a Resource Management Plan.
- Support additional development and maintenance of trails.



## **Strong Municipal Corporate Administration and Governance**

### **Actions**

- Succession Planning.
- Develop a corporate culture where staff are motivated, productive, and the city is seen as an “employer of choice”.
- Customer Service Excellence.
- Develop strategic internal and external communications.
- Review and update by-laws, policies, and procedures.
- Review and update of the Official Plan.
- Investigate feasibility of e-city services.
- Encourage ongoing professional development.
- Conduct service level and delivery review.
- Update IT strategy to include initiatives such as update of IT infrastructure and website, adopting a communications group and improving internal and external communications.
- Adopt a Council Code of Conduct.

## **Strong Financial Foundation for the Municipality**

### **Actions**

- Develop a tax policy related to the special area rate for urban properties.
- Ensure an appropriate level of reserves.



## **Support the Arts and Culture Community**

### **Actions**

- Strategic, vibrant, relevant museum for the future.
- To cultivate in the citizens of Elliot Lake an appreciation of arts and culture through accessible programming, arts and cultural facilities and entertainment that is available to all citizens.
- To further develop successful relationships with the diverse and vibrant arts and culture organizations within the community.
- To maintain and improve arts and cultural facilities.

## **Health and Community Wellness**

### **Actions**

- Give priority to Health Care Provider Recruitment and Retention Process.
- Support the hospital's redevelopment plan.
- Develop an Aging in Place Strategy.
- Provide activities and promote healthy lifestyles through recreation for all age groups.
- Develop an Accessibility Action Plan.
- Develop Beautification Plan and recommend implementation.
- Support youth organizations.

# Aging in Place/Age-Friendly Elliot Lake

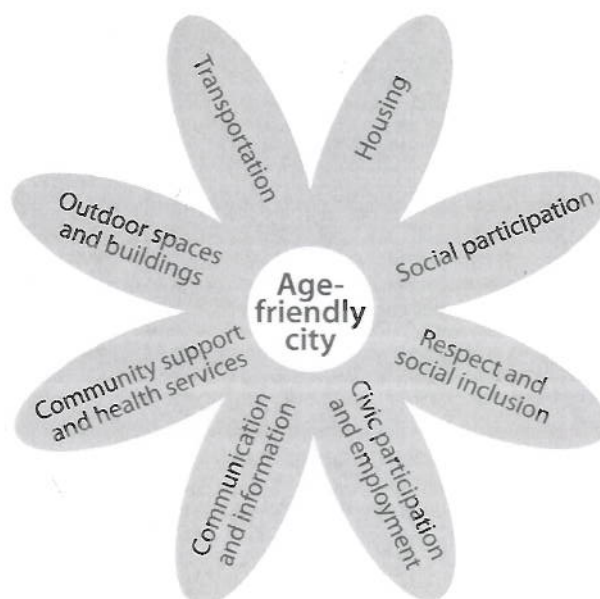
## What is aging in place and an age-friendly community?

Aging in place means that as people age they have the services needed to remain in their homes and community safely, independently and comfortable, regardless of age, income or ability level. In terms of an age-friendly community, it is one in which policies, services, settings and structures support and enable people to age actively. Active aging is the process of optimizing opportunities for health, participation and security in order to enhance quality of life as people age. It should also be emphasized that age-friendly communities benefit everyone, from 'cradle to grave.'

To make aging in place a reality, Goal #6 of the Elliot Lake Economic Development Strategy, step 1 would be a community needs assessment (going off of the NE LHIN's framework), focusing mainly on the clients of the service providers. The plan is to take some of the responses from the Elliot Lake Economic Development & Diversification Strategy survey and create questions in a series of mini surveys for the consumers (to validate the results from the EDAC survey). Wawa, Ontario has done a health needs assessment, which was funded by the NE LHIN's, so we, as a community, will be taking some ideas from their strategy and applying it to Elliot Lake. Another opportunity is the GIS mapping (Geographic Information Systems). We have had a couple of meetings regarding this.

As for age-friendly Elliot Lake, the community will be looking at the WHO (World Health Organization) model of an age-friendly city. There are 8 areas of excellence that surround this,

### WHO Age-Friendly Themes



And under these 8 themes there are checklists of essential features of age-friendly cities. To make a lot of these things happen, community members, consumers and service providers, must come together to create projects and eventually programs which in turn will make Elliot Lake a 'living-laboratory' in which other communities can

learn from. In order to get different ideas for projects I would like to form a community based steering committee, comprised of clients/consumers that represent the service providers. This ties in with the other goal in this project, goal #2, creating a network of networks. This means bringing together service providers as well as the consumers in order to enhance the quality of services provided, and possibly even expanding services or creating new ones (ex. More assisted living). In addition, it would be beneficial to have community consultations or roundtable discussions around the 8 areas of excellence.

Once things have started to take shape, it would be great if the community of Elliot Lake could apply through the WHO to be recognized as an age-friendly city.

# ECONOMIC DEVELOPMENT ADVISORY COMMITTEE OUTCOMES 2012-2014



# Goal#1: Shape the Institutions of Tomorrow, Today

Agenda Package Pg 99

- **#1 Establish an Economic Development Corporation**
  - EDAC - Economic Development Entity Study
- **#2 Keeping an Eye on Competition**
- **#3 Diversify People - Attraction Program**

- **EDAC - Economic Development Entity Study**
  - Research done by EDAC members
  - Project Cost: \$5,000 City Contribution \$500

**Project Cost:**  
**\$5,000**

**City Contribution:**



# Goal #2: Building a "Network of Networks"

## • #1 Create Wealth Together

- Annual Homecoming
- #2 Create Partnerships
- ELCD, ELNOS, MNDM, FEDNOR, EACFDC, BRDC, SRFN, AWIC, LHINS, SSM Enterprise etc.
- Entrepreneurial Incubator

## • Annual Homecoming

- Annual City Budget
- ELCD, ELNOS, MNDM, FEDNOR, EACFDC, BRDC, SRFN, AWIC, LHINS, SSM Enterprise etc.
- Multiple Contributions to projects over \$100,000
- Entrepreneurial Incubator
- Expected Project Cost:  
\$321,000 - City Cash  
Contribution: \$46,788

**Project Cost: \$421,000**  
**City Contribution: \$46,788**



# Goal #3: Nurture the Built Environment

## •#1 Beautification of Nodal Points

- EDAC -Developing a Downtown Strategy
- EDAC - Revamp and Expand Management and Facilities at Mt. Dufour Ski Area
- EDAC - Mississagi Provincial Park Partnership
- EDAC - Waterfront Development Project

**Project Cost:**

**\$162,600**

**City Contribution:**

**\$62,000**

## • EDAC -Developing a Downtown Strategy

- Expected Project Cost: \$48,000
- City Cash Contribution: \$12,000

## • EDAC - Revamp and Expand Management and Facilities at Mt. Dufour Ski Area

- City Cash Contribution \$50,000
- Trillium Application for \$114,600

## • EDAC - Mississagi Provincial Park Partnership

- Annual Operating Budget

## • EDAC - Waterfront Development Project

# Goal #4: Be the Catalyst for Private Sector Investment

## • #1 Diversify Real Estate Base by Inviting New Entrants

- Pearson Plaza Project
- EDAC - Categorized Assets through Broad Based Asset Inventory/Community Profile
- Retail Sales Associate Study

## • #2 Kick Start a Retail Recruitment Strategy

- Retail Analysis
- AWIC Retail Study

**Project Cost: \$165,020**  
**City Contribution: \$1,878**

## • Pearson Plaza Project

- Project Cost: \$4 Million - City Cash Contribution: \$2 Million

## • EDAC - Categorized Assets through Broad Based Asset Inventory/Community Profile

- Project Cost: \$15,020 - City Cash Contribution: \$1,878

## • Retail Sales Associate Study

- Expected Project Cost: \$100,000 - City Cash Contribution: \$0

## • Retail Analysis

- Project Cost: \$48,000 - City Cash Contribution: \$0

## • AWIC Retail Study

- Project Cost: \$2,000 - City Cash Contribution: \$0

# Goal #5: Invest in Cultural Capital

- **#1 Organize Culture in Themes**

- EDAC - Cultural Mapping Project
- 60th Anniversary
- **#2 Focus on Recreational Activities and Conventions**
- Junior A hockey
- Mt. Dufour Partnership


- **EDAC - Cultural Mapping Project**

- Project Cost: \$56,650 - City Cash Contribution: \$7,028
- **60th Anniversary**
- City Budget and Potential Event Funding
- **Junior A hockey**
- City Loan for \$100,000

**Project Cost: \$56,650**

**City Contribution:**

**\$7,028**



# Goal #6: Making Aging in Place a Reality

- **#1 Build Partnership with Northern Ontario School of Medicine**
- **#2 Reach out to Pharmaceutical and Therapeutic Companies**
- **#3 Explore the 'Living Laboratory'**
- **#4 Prepare the Path for Increased Demand in Non-Medical Care Services**
  - AWIC - Health Study
  - EDAC - Hillside Park Project
  - ELCD - PSW Worker Project
  - ELCD - Future Health Needs Study

- **AWIC - Health Study**
  - Project Cost: \$2,000 - City Cash Contribution: \$0
- **EDAC - Hillside Park Project**
  - Private Sector Investment
- **ELCD - PSW Worker Project**
  - Project Cost: \$130,000 - City Cash Contribution \$0
- **ELCD - Future Health Needs Study**
  - Expected funding \$100,000

**Project Cost: \$232,000**

**City Contribution: \$0**



# Goal #7: Seize the Opportunities When they Arise

- **#1 Engage in Formalizing Communication Channels with NWMO**

- Community Liaison Committee

- **Community Liaison Committee**

- Annual Budget - NWMO



# Total Project Funding:

## \$1,176,076

Total Current Project  
Funding  
\$353,670

Total Future Project  
Funding  
\$822,406

Total City Cash  
Contribution to Current  
Projects:  
\$9,406

Total *Expected* City Cash  
Contribution for Future  
Projects:  
\$83,788

# Total City Cash Contribution

## \$93,194 *(to date and expected)*



## ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Meeting of May 16, 2019

### MUNICIPAL ACCOMMODATION TAX

For Discussion and Consideration

**REQUEST:** That EDAC study, review and make a recommendation to the appropriate Standing Committee on a *4% Municipal Accommodation Tax (MAT)* on the purchase of transient accommodation in the City of Elliot Lake. The proposed target date for implementation would be January 1, 2020.

**BACKGROUND:** Key points for your consideration are as follows;

- The 2017 Provincial Budget granted municipalities the authority to implement a tax on transient accommodation should the so choose. The relevant legislative changes came into effect in December 2017.
- These changes were granted so that communities investing in Tourism could be assisted in maintaining or growing that part of their economy.
- Section 400.1 of the Municipal Act and Regulation 435/17 provides for the municipality, by way of a by-law, the authority to impose the tax. It does not specify a percentage or flat amount.
- The MAT is imposed only on the accommodation part of the visitor's bill. Things like parking, valet, meals, bar etc. are not subject to the MAT.
- The Regulations require that where no destination marketing program currently exist, the municipality transfer 50% of net revenues to "an eligible tourism entity for the purpose of promoting tourism". Such an entity is defined as "a non-profit entity whose mandate includes the promotion of tourism in Ontario or the municipality". The other 50% could remain with the City of Elliot Lake.
- All major municipalities in Ontario have already adopted and implemented a MAT within their jurisdictions. Many others are following suit.
- Hotels, motels, bed and breakfasts, AirBnB might all be included. Camping, tents and trailers are excluded.

- Elliot Lake has one hotel and one motel/lodge within its municipal limits. The number of private operators renting rooms in their homes is unknown.
- The writer estimates a MAT would bring in \$50-\$70,000 annually.

#### TO BE CONSIDERED

- We require a non-profit “whose mandate includes the promotion of tourism”. The Chamber of Commerce is one of those. There may be more. Alternately, the Committee might consider creating one with an exclusive tourism mandate for this purpose – ie. Tourism Elliot Lake.
- We would require a method of collecting the tax. Major cities have negotiated contracts with the Ontario Hotel, Motel & Restaurant Association (OHMRA) to handle this part.
- What would we do with the money? What’s the plan and how does it fit in with the City’s Strategic Plan and the Northern Ontario Growth Plan?
- Tourism is influenced by a multitude of factors. The amount of money generated by the MAT is not enough to address every factor. The Committee will have to consider what small steps we can take over the coming years to continually build on our capacity to attract and be attractive.

#### REFERENCES

1. Ottawa, London, Windsor, Toronto and Hamilton have all implemented a MAT. Search CBC News for recent stories.
2. Attached staff report from the City of London on the Implementation of a MAT.

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON MAY 7, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	MUNICIPAL ACCOMMODATION TAX - IMPLEMENTATION

RECOMMENDATION
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That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to implementing the new Municipal Accommodation Tax (formerly “transient accommodation tax”):

- a) That a four percent (4%) Municipal Accommodation Tax (MAT) on the purchase price of transient accommodation in the City of London **BE ADOPTED** effective October 1, 2018;
- b) That Civic Administration **BE DIRECTED** to bring back the required by-laws and agreements referenced in c) through f) below for approval by Municipal Council prior to implementation of the Municipal Accommodation Tax;
- c) That the key principles included in Appendix A with respect to establishing a tax on the purchase of municipal accommodation in the City of London **BE ENDORSED**, noting that these key principles will be included in the by-law;
- d) That Civic Administration negotiate an agreement with the Ontario Restaurant Hotel & Motel Association (ORHMA) for the collection of the Municipal Accommodation Tax in the City of London and that the key principles included in Appendix B **BE ENDORSED**, noting these key principles will be included in an agreement between the Corporation of the City of London and ORHMA;
- e) That the key principles included in Appendix C with respect to the use and monitoring of funds from the Municipal Accommodation Tax received by Tourism London, as the eligible tourism entity in the City of London, **BE ENDORSED**, noting these key principles will be included in an agreement between the Corporation of the City of London and Tourism London; and
- f) That the key principles included in Appendix D for the establishment of a new reserve fund for the purposes of receiving and distributing the City’s net 50% share of revenue from the Municipal Accommodation Tax, **BE ENDORSED**, noting that these key principles will be incorporated into a reserve fund by-law.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Community & Protective Services Committee, May 1, 2018, Agenda Item #2.1, Short Term Accommodations
- Corporate Services Committee, April 3, 2018, Agenda Item #5.2, Request for Proposal – Host for AMO Annual Conference 2021, 2023
- Strategic Priorities & Policy Committee, January 29, 2018, Agenda Item #3, Transient Accommodation Tax

<b>BACKGROUND</b>
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On January 29, 2018, the Strategic Priorities & Policy Committee received a report on establishing a tax on the purchase of transient accommodation in the City of London. The report noted the following:

- That the 2017 Provincial Budget granted municipalities the authority to implement a tax on transient accommodations, should they choose to do so.
- Relevant Provincial legislative changes came into effect December 1, 2017 for the purpose of ensuring that those communities that invest in the tourism sector can continue to grow and maintain its upward momentum as a significant contributor to economic growth and development.
- Section 400.1 of the Municipal Act, 2001 provides that a municipality may by way of a by-law, impose a tax with respect to the purchase of transient accommodations. The by-law must include the subject of the tax to be imposed; the tax rate or the amount of tax payable; and the manner in which the tax is to be collected, including the designation of any persons or entities who are authorized to collect the tax as agents for the municipality and any collection obligations of that person or entity.
- The by-law may also provide for: exemptions from the tax; rebates of tax; penalties for failing to comply with the by-law; interest on outstanding tax; penalties or interest; audit and inspection powers; dispute resolution mechanisms; and enforcement measures.
- The legislation allows London to raise additional revenues which, net of the reasonable costs of collecting and administering the tax, are to be shared (50/50) with an “eligible tourism entity” defined as a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality which are required to use the funds for tourism promotion and development. Tourism London was proposed to be the eligible tourism entity in the City of London.
- The legislation requires that an agreement be entered into with the eligible tourism entity to ensure that any amounts paid are used exclusively for tourism promotion and development and that reasonable financial accountability is maintained.
- A 2016 Economic Impact Study, developed in partnership with the Conference Board of Canada, concluded that:
  - London’s tourism and hospitality sector contributes an estimated \$738 million of spending by both same-day and overnight visitors to London.
  - London is host to nearly 2.1 million overnight visitors and an estimated 4.5 million day visitors annually.
  - Nearly 8,200 full-year jobs are supported by tourism in London, representing 3.3% of local employment.

On January 30, 2018, Municipal Council resolved:

*That, on the recommendation of the Board of Directors and the General Manager of Tourism London, and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to a tax on transient accommodation:*

- a) *the implementation of a 4% tax on transient accommodation in London BE ENDORSED;*
- b) *the Civic Administration, in conjunction with Tourism London, BE DIRECTED to report back with the necessary documentation in order to implement the transient accommodation tax, including all necessary by-laws and agreements;*
- c) *the Civic Administration BE REQUESTED to report back with suggested methods and practices for determining the allocation of the funds the City would realize through the implementation of a transient accommodation tax and, further, Tourism London BE REQUESTED to prepare and present a business case for additional funds associated with the transient accommodation tax;*

*it being noted that the Strategic Priorities and Policy Committee heard a verbal delegation from J. Winston, General Manager, Tourism London, and received a communication dated January 15, 2018, from the London Convention Centre Board of Directors, with respect to this matter.*

## Purpose of Report

The purpose of this report is to seek approval to implement a four percent (4%) Municipal Accommodation Tax (MAT) on the purchase price of transient accommodation in the City of London. The effective date of October 1, 2018 was chosen to allow sufficient time for Civic Administration to complete and bring back to Municipal Council for approval the necessary by-laws and agreements to implement the tax. The time is also required for the collection agent to implement the proposed collection system with all the providers of accommodation in the City of London who will be required to collect and remit the MAT.

This report also seeks direction for Civic Administration to bring back the by-laws and agreements that are required prior to implementation of the MAT program. The key principles for these by-laws and agreements, included in appendices A through D, are recommended for endorsement. This approach allows Municipal Council the opportunity to provide input on these key principles before they are incorporated into the final by-laws and agreements that Civic Administration will bring forward to a future committee meeting for final approval.

## Municipal Accommodation Tax By-law

Part XIII.1 of the *Municipal Act, 2001* and Regulation 435/17 provides that a municipality may, by way of bylaw, impose a tax with respect to the purchase of transient accommodations. The *Municipal Act, 2001* provides that the by-law may provide for the tax rate but does not specify the percentage or flat amount of the MAT. The *Municipal Act, 2001* also permits the by-law to provide for exemptions from the tax, penalties for failing to comply with the by-law, interest on the outstanding taxes or penalties, audit requirements, and enforcement measures as appropriate, for amounts remaining unpaid. **Appendix A** outlines the key principles to be included in the by-law establishing a tax on the purchase of municipal accommodation in the City of London.

It is recommended that Committee and Council approve a four percent (4%) MAT which would be mandatory in the City of London. Discussion with other municipalities that are considering or have already adopted the MAT indicate that many have approved or are considering a four percent rate. The following notable entities are exempt by regulation from collecting the MAT: accommodation at a university or college, hospitals, long-term care homes, treatment centres that receive provincial aid, lodging for reformation of offenders, shelters for the relief of the poor or emergency, and tent or trailer sites.

Short-term rentals are currently the subject of a review by Development & Compliance Services to address licensing, zoning and taxation. Short-term rentals occur in dwelling types such as detached houses, townhouses, and apartment buildings and are operated by owner occupants, tenants, property investors and management companies. Short-term rentals are often listed on internet platforms such as Airbnb, Homeaway, Vacation Rentals by Owner (VRBO), Craigslist and Kijiji. Bed and Breakfasts operate from an operator's principal residence and would therefore be treated as a short-term rental rather than as a hotel. Short-term rentals will be included as an exemption from collecting the MAT for the initial implementation. Whether short-term rentals remain exempt from the MAT will be evaluated as part of the licensing discussion. A by-law amendment would be required should short term rentals become taxable in the future.

## Collection of the Municipal Accommodation Tax

Civic Administration has been in discussions with the Ontario Restaurant Hotel & Motel Association (ORHMA) to act as the agent for the City of London for the collection of funds from the Municipal Accommodation Tax. All costs for collection and administration of the tax will be funded from the tax proceeds. It is recommended that the City of London enter into an agreement with ORHMA as its collection agent for a two year period and that Civic Administration continue negotiations of the key principles proposed by ORHMA included in **Appendix B** to be brought forward for Municipal Council approval. These principles include the proposed approach, privacy, roles and responsibilities for both parties, communications and notifications requirements, financial reconciliation, refunds, liabilities, and reporting and auditing requirements. The agreement will also include termination provisions and rights on termination.

Civic Administration are recommending that ORHMA act as the agent for the City since it will provide for ease of implementation by October 1, 2018 and be most cost effective. ORHMA has experience with collecting similar taxes in other municipalities, already has a relationship with the accommodation providers and has a system already developed. This is consistent with the approach taken by other municipalities such as Ottawa, Toronto and Mississauga.

## Distribution of Revenues from the Municipal Accommodation Tax (MAT)

The implementation of a four percent (4%) tax on transient accommodation in London is estimated to generate between approximately \$2 and \$4 million per annum. This is based on the current information made available on existing occupancy levels and daily room rate, excluding entities noted as being exempt from the tax.

There are conditions prescribed in the Regulation that set out the required revenue sharing. The municipality is required, where no destination marketing program currently exists, to transfer 50% of the net revenues from the tax to an “eligible tourism entity for the exclusive purpose of promoting tourism”. An eligible tourism entity is defined as “a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality”. The other 50% of the net MAT revenues would remain with the City of London and the use of these funds is not restricted by Provincial regulation.

The non-profit entity in the City of London with an exclusive mandate to promote tourism is Tourism London. The designation of Tourism London as the eligible tourism entity is consistent with how other municipalities have implemented the MAT. There are other tourism related entities in the City, but none with an exclusive mandate of promoting tourism and these other entities already work closely in conjunction with Tourism London where their mandates connect.

Tourism London would be required to continue to work with other tourism related entities, including transferring MAT funds as appropriate, to broaden tourism promotion activities. Establishing these relationships would be included in the agreement between the City and Tourism London on the use of MAT funds. With a mandatory MAT in place, Tourism London would benefit from greater certainty and capacity to attract more major events and conventions.

An excellent example of this type of partnership came forward less than one month ago when a proposal was brought forward by Tourism London and the London Convention Centre to host the AMO conferences in 2021 and 2023. The concept of using MAT revenues for this initiative was included in the following resolution from Council dated April 11, 2018.

*That, on the recommendation of the General Manager, Tourism London, the following actions be taken with respect to the Association of Municipalities Ontario's (AMO) Annual Conferences for 2021 and 2023:*

*a) Tourism London BE AUTHORIZED to submit a proposal for London to host the AMO Annual Conference for 2021 and 2023, which would include:*

- i) hosting and financing the Incoming Host Reception;*
- ii) hosting and financing the Welcome Reception;*
- iii) identification of a Host Coordinator and an Internal Project Management Team to oversee study tours, volunteers, host sponsorships, and other key areas;*
- iv) providing shuttle buses between hotels and the main venue;*
- v) providing study tour and companions' program buses; and*
- vi) providing civic greetings to delegates from the Mayor;*

*it being noted that the estimated cost to host the 2021 and 2023 AMO Annual Conferences is approximately \$140,000, which will be funded by Tourism London and the London Convention Centre; it being further noted that should the Municipal Accommodation Tax (MAT) be approved by Municipal Council in 2018, these costs would be eligible to be funded through the MAT; and*

*b) the Mayor BE REQUESTED to provide a letter to Tourism London, to accompany Tourism London's above-noted proposal, that indicates the Municipal Council's endorsement of the proposal to host the AMO Annual Conference for 2021 and 2023.*

Municipal Council will want to closely monitor the use of the MAT revenues that are legislated to be transferred to an eligible tourism entity. The monitoring of outcomes related to the new MAT implementation would be much easier if there was just one entity responsible and accountable for the revenue. The administration related to the transfer of funds would also be easier and less costly with just one entity. The Regulation also requires the City to enter into a financial agreement that outlines reasonable financial accountability over matters in order to ensure that amounts paid to the local tourism entity are used for the exclusive purpose of promoting and developing tourism. Controls and measures for monitoring and administration would be included in the agreement between the City and Tourism London on the use of MAT funds, as required by Provincial legislation. See **Appendix C** for the key principles to be included in this agreement.

Funding for Tourism London

The operating budget for Tourism London is approximately \$2.0 million and is shown in the chart below.

Tourism London 2016-2019 Multi-Year Budget

	2016 Revised Budget	2017 Revised Budget	2018 Revised Budget	2019 Revised Budget	Avg Multi-Year Revised Budget
Personnel Costs	1,255,901	1,279,149	1,295,850	1,293,784	1,281,171
Administrative Expenses	16,600	16,850	17,101	17,356	16,977
Financial Expenses	11,300	11,311	11,322	11,333	11,317
Purchased Services <sup>(1)</sup>	477,460	484,915	492,185	499,599	488,540
Materials & Supplies	14,700	14,878	14,971	15,198	14,937
Vehicle & Equipment	6,562	6,740	6,874	7,011	6,797
Other Expenses <sup>(2)</sup>	363,254	368,708	374,242	379,858	371,516
Recovered Expenses	0	0	0	0	0
Government Grants & Subsidies	0	0	0	0	0
User Fees <sup>(3)</sup>	(178,300)	(178,342)	(178,385)	(178,342)	(178,342)
Other Municipal Revenues	(6,500)	(6,598)	(6,697)	(6,883)	(6,670)
Total	1,960,977	1,997,611	2,027,463	2,038,914	2,006,241

- (1) includes advertising and promotions
- (2) includes direct sales and other promotions
- (3) includes revenue from membership contributions to offset some of the expenses incurred in Purchased Services and Other Expenses

Approximately 65% of the budget is for personnel costs; 25% for purchased services and 20% for other expenses, some of which is offset by user fees (10%). The expenditures included as part of the approved budget are consistent and ongoing expenditures. It is anticipated that revenue from the MAT program could be variable from year to year. Some years will be better, depending on the economy and the number and type of tourism events that take place each year. During poor economic times, funding for ongoing costs in the Tourism London operating budget would be at risk. Furthermore, poor economic periods may require additional spending to get out of the economic downturn.

Placing revenues from the MAT into a separate fund is the best way to mitigate these fluctuations. MAT revenues maintained in a separate fund instead of included within the operating budget, would be available for any additional required stimulus spending. Civic Administration does not believe that it is prudent to fund ongoing costs with MAT revenues which can fluctuate from year to year until annual revenue experience is known. Should Council wish to consider reducing Tourism London’s annual operating funding, it should do so after there is some historical experience with annual MAT revenues.

Members of the London Hotel Association are essential partners with the City of London in the MAT program. Although these parties will be required to collect and remit the tax, they support the program because they recognize the benefits that the additional funding for tourism promotion will provide. However, the London Hotel Association may not be supportive if the funding generated by the MAT program is not used for incremental activities.

One of Tourism London’s key objectives is to attract major events and conventions to London. Bid fees or financial subsidies are often required to secure these events and conventions. In the past, when Tourism London has experienced a surplus in their operations, they have made contributions to a reserve allowing them to contribute to these bid fees or financial subsidies.

When sufficient Tourism London reserve funding was not available, Tourism London has requested a financial contribution from the City of London for bid fees. These fees were funded, or authorized to be funded, from taxpayer supported sources such as the Operating Budget Contingency Reserve. Going forward, it is recommended that such fees be funded from Tourism London’s share of the Municipal Accommodation Tax. This would relieve the taxpayer funding these fees and allow better financial planning within the contingency reserve.

The following chart shows bid fees supported by the City of London since 2006.

Event	Amount
2019 Juno Awards	\$500,000
2019 World Junior Hockey Championship <sup>(1)</sup>	\$500,000
2014 Memorial Cup	\$100,000
2013 World Figure Skating Championship	\$500,000
2011 Brier (Canadian Men’s Curling Championship)	\$100,000
2006 Tournament of Hearts (Canadian Women’s Curling Championship)	\$100,000
Total	\$1,800,000

(1) not required because bid was not successful

**Tourism Entity 50% Portion of Municipal Accommodation Tax**

Civic Administration reviewed the letter from Tourism London to the Strategic Priorities & Policy Committee dated April 20, 2018. Civic Administration generally agrees with their objectives and proposed expenditures and that the funds be placed into a separate reserve. Tourism London suggests that this separate reserve be set up as the Tourism Promotion Development Fund. The establishment of a separate fund and the use of the funds would be set out in the agreement between the City of London and Tourism London (see **Appendix C**).

MAT revenues would be used to expand opportunities for Tourism London’s three business units: Sports, Conventions and Leisure Travel (Culture & Entertainment). Expenditures would be intended to increase visitations, enhance London’s national and international profile, support product development and industry growth, and fund bid requirements for major events without additional funding from the City of London.

A key use for MAT revenues would be to satisfy bid fees or financial subsidies for major events and conventions. These guarantees are often required in the bidding process and Tourism London believes that in the past they have lost out on bids to host major events due to a lack of funding for bid fees. As noted above, in the past, Tourism London has requested funding for bid fees from the City of London, which has been drawn from taxpayer supported contingency reserves. Additional funding from the MAT program would allow Tourism London to be more competitive in securing events and conventions for the City without burdening London taxpayers.

Promotion and development expenditures like the ones suggested to be supported by Tourism London’s share of MAT revenues can also be “lumpy”; substantial in some years and minimal in other years. These variable expenses are best supported from a separate fund rather than from regular annual operating budgets.

Tourism London suggests that the Tourism London Board will determine the use of funds received from the MAT. They also suggest a management committee, consisting of members of the Tourism London Board, would develop an allocation plan for the funds, review and approve all expenditures, and prepare an annual report on the use of the funds. Spending initiatives would include measures with specific indicators of success and economic impact. Civic Administration supports controls such as these and would suggest they are built into the agreement between the City of London and Tourism London on the use of funds derived from the MAT. Should Council wish to have greater control over the use of these funds, they could decide to establish Councillor representation on the management committee and/or include greater controls be added to the agreement.

**Municipal 50% Portion of Municipal Accommodation Tax**

The City’s proceeds from the Municipal Accommodation Tax are unrestricted. Funds are expected to be variable from year to year and will require experience of collection to determine the variability.

Historically, the taxpayer supported budget has funded improvements to tourism infrastructure such as the London Convention Centre and Budweiser Gardens. In the future, through the use of funds from the MAT, dedicated financial support raised through tourism will be available to

fund new and improved tourism infrastructure that will generate additional economic impact for London without impacting the City’s tax levy. Recent examples of infrastructure investments that could have been fully or partially funded from the City of London’s portion of revenues from the MAT include:

Event / Entity	Activity	Amount
2013 World Figure Skating Championship <sup>(1)</sup>	Supporting infrastructure	\$2,600,000
Grand Theatre	One time capital funding	\$100,000
Back-to-the-River Design Competition	Funding for competition	\$250,000
2011 Brier (Canadian Men’s Curling Championship)	Rent a portable dehumidification system	\$25,000
BMO Centre – Original Building 2011	City’s contribution	\$4,600,000
BMO Centre – Expansion 2016	City’s contribution	\$800,000
Budweiser Gardens	Basketball court for London Lightning	\$50,000
Total		\$8,425,000

(1) legacy and non-legacy capital projects (lighting improvements downtown; improvements to market lane; LONDON gateway signage at Wellington/York; lighted planters; banners)

These investments were funded from taxpayer supported sources (e.g. Operating Budget Contingency Reserve, Economic Development Reserve Fund, capital levy). Going forward, these type of expenditures would be funded from the City’s portion of the MAT revenues.

Civic Administration recommends that the City of London’s 50% portion of revenues from the MAT be placed in a reserve fund that could be called a **Tourism Infrastructure Reserve Fund (TIRF)**. Funding would be used for tourism related infrastructure projects. This capital/infrastructure focused fund would enhance London’s ability to finance new projects and improve venue capacity and sustainability in order to strengthen London’s ability to attract major event opportunities and support economic activity. The key principles included in **Appendix D** will be incorporated into a reserve fund by-law for the TIRF which will be presented to Council for approval prior to implementation.

Funding from the TIRF could be used as incremental capital to “upscale” or enhance a facility already included in the planned capital budget to make that facility viable for hosting a major event. A vibrant event landscape is critical not only to London’s tourism sector but to the quality of life of all Londoners.

This reserve fund could also act as a catalyst to leverage private sector and government capital investment to support initiatives that encourage infrastructure development and to attract and leverage other sources of investment in tourism that align with the City’s and Tourism London’s strategic objective, that being to increase visitations to London. The TIRF would ensure the City is in a position to respond quickly to tourism infrastructure development opportunities that arise, and would mitigate the need to draw from alternative sources of financing that could be used for other important initiatives and thereby alleviate future pressures on the tax rate.

The establishment of the TIRF would mitigate future reliance on the tax supported funding that would otherwise have been required to support new projects or improvements to existing venue capacity. Annual allocations from the TIRF would be approved in the City’s capital budget. Funding would support important service improvements in the capital budget, the percentage of which has been declining in recent years while capital funding has been focused on lifecycle renewal and growth projects. The average Service Improvement capital budget in the 2016-2019 Multi-Year Budget is 9.5% versus an average of 21.3% in the four previous years (2012 – 2015).

Retaining the City of London portion of MAT revenues in a reserve fund allows for prudent capital planning. These funds will be incorporated into the capital budget at a conservative rate to account for the variability in revenue. Recommendations for the use of funds would be brought forward for Municipal Council approval during budget deliberations.

In 2018, the Parks and Recreation Master Plan will be introduced to Municipal Council. Examples of potential capital projects expected to be included in the Parks and Recreation Master Plan that could be enhanced with funding from the TIRF include:

- Enlarging a planned soccer field to adhere to FIFA standards to enable the City to attract national or international soccer events;
- Enhancing a planned track and field stadium to attract national or international track and field events;
- Augmenting a planned rowing facility to attract national or international rowing events; and,
- Enhancing a planned community centre, arena and gymnasium facility that may attract provincial volleyball and basketball events.

Funding from the TIRF could also be used to fund arts and culture infrastructure investments that also promote tourism. The music industry in London is strong and grants or loans to improve music facilities would further grow the City’s music scene. Examples of projects that could be fully or partially funded by the TIRF include:

- Budweiser Gardens expansion
- Convention Centre upgrades and possible expansion
- Centennial Hall expansion and or upgrades
- Proper, professional portable staging for festivals and events
- Development of culture, music and entertainment districts
- Affordable studio and recording space for artists (included in the Culture Plan)
- Civic history space, including archives
- Matching funding to encourage bars, restaurants and community venues to install proper staging equipment (microphones, speakers, lighting etc.)
- Victoria Park bandshell upgrades
- Sound mitigation studies in outdoor venues (Labatt Park, Victoria Park, Harris Park, Western Fair etc.)
- Grand Theatre capital requirements
- Amphitheatre at the Forks of the Thames
- Museum London improvements
- Improve funding for the City’s Capital Grants Program

Funding from the TIRF could also be used for “way-finding” infrastructure to guide visitors to the City to tourism destinations. This could include enhancements to the 401/402 gateways and way-finding signage into and around the City.

CONCLUSION

This report requests Municipal Council approval for the implementation of a four percent (4%) tax (MAT) on municipal accommodation within the City of London effective October 1, 2018. The report also seeks endorsement of key principles to be included in a by-law to establish this tax.

Civic Administration has been negotiating with the Ontario Restaurant Hotel & Motel Association (ORHMA) to act as the agent for the collection of MAT funds on behalf of the City of London. Civic Administration will bring forward an agreement with ORHMA for Municipal Council’s approval based on the key principles outlined in this report.

The MAT program is estimated to generate between \$2 million and \$4 million in annual revenue. Provincial legislation requires that 50% of the net annual MAT revenues be transferred to an “eligible tourism entity” with the exclusive mandate to promote tourism in the municipality. The other 50% of net annual revenues remains with the City of London.

Civic Administration recommends that Tourism London be designated as the eligible tourism entity to receive 50% of the MAT revenues with controls over the use of these funds embedded in an agreement between the City and Tourism London. Civic Administration will bring forward the agreement for Municipal Council’s approval based on the key principles outlined in this report.

Finally, key principles outlined in the report for a new reserve fund for the MAT revenue retained by the City will be incorporated into a reserve fund by-law which will be presented to Municipal Council for approval.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>ALAN DUNBAR MANAGER, FINANCIAL PLANNING &amp; POLICY</b>	<b>ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER</b>
<b>CONCURRED BY:</b>	
<b>MARTIN HAYWARD CITY MANAGER</b>	

**Attachments:**

**Appendix A:** Key Principles to be included in the By-law to Establish a Municipal Accommodation Tax (MAT)

**Appendix B:** Key Principles to be included in the Agreement between the Corporation of the City of London and the Ontario Restaurant Hotel & Motel Association (ORHMA)

**Appendix C:** Key Principles to be included in the Agreement between the Corporation of the City of London and Tourism London Regarding the Distribution and Use of Funding Generated from the Municipal Accommodation Tax

**Appendix D:** Key Principles of the Tourism Infrastructure Reserve Fund By-law

## **APPENDIX A**

### **Key Principles to be included in the By-law to Establish a Municipal Accommodation Tax (MAT)**

#### **Authority**

1. Section 400.1 of the Municipal Act, 2001 provides that a municipality may by way of a by-law, impose a tax with respect to the purchase of municipal accommodations.

#### **Subject of Tax and Tax Rate Payable**

1. The MAT is a sales tax paid by the guest.
2. The MAT is charged at a rate of 4% of the purchase price of transient accommodation.
3. The effective date of the MAT will be October 1, 2018.
4. Charges for ancillary services such as food, room service, mini bar use etc. are exempt if itemized separately.

#### **Exemptions**

MAT will not apply to the following types of transient accommodation:

1. Universities, colleges and school boards;
2. The Crown and agencies of the Crown;
3. Hospitals, long-term care homes and treatment centres;
4. Short-term rentals, including bed & breakfast accommodators and entities listing on internet platforms such as Airbnb and Vacation Rentals by Owner (VRBO);
5. Lodging for reformation of offenders
6. Shelters for the relief of the poor or for emergency; and
7. Every tent or trailer site supplied by a campground, tourist camp or trailer park.

#### **Tax Collection**

1. The Ontario Restaurant Hotel & Motel Association (ORHMA), as agents for the municipality, shall collect the MAT from providers of transient accommodation (Providers).
2. Providers shall collect the MAT at the time the accommodation is purchased.
3. The amount of the MAT shall be identified as a separate item on the invoice.
4. Providers shall remit monthly to the City's designated collection agent and submit the monthly statements in the form required by the City.

#### **Refunds**

1. The City or its agent may issue a refund upon receipt of satisfactory evidence that the amount was wrongly paid or remitted.

#### **Interest & Penalties**

1. Penalties and interest at the rate applicable to overdue property taxes (1.25%) shall be payable monthly by the providers of transient accommodation.
2. All MAT penalties and interest that are past due may be transferred to the tax collectors' roll of the City.
3. A fee shall be charged in respect of all remittances made by cheque that are not honoured by the financial institution.
4. Every person who contravenes any provision of the by-law is guilty of an offence and subject to fines.

#### **Audit Requirements**

1. Providers of transient accommodation shall keep records sufficient to furnish auditors with the necessary particulars of sales and the amount of MAT collected and remitted.
2. ORHMA may inspect and audit all records as required.
3. ORHMA, as agents for the municipality, will be responsible for independent audits of the Providers with the cost to be funded by the MAT.

APPENDIX B

Key Principles to be included in the Agreement between the Corporation of the City of London and the Ontario Restaurant Hotel & Motel Association (ORHMA)

General

- 1. The Municipal Accommodation Tax (MAT) applies to a sales tax on hotel accommodation.
- 2. The City of London is seeking to retain the Ontario Restaurant Hotel & Motel Association (ORHMA) to act as its collection agent under a fee for service contract, for all properties subject to the tax within the City of London.

Proposed Approach

- 1. The ORHMA would collect the MAT on behalf of the City of London utilizing the ORHMA's existing network.
- 2. The ORHMA would also be responsible for remitting amounts collected to the City of London, and for accounting and auditing of collections and remittances.

Privacy

- 1. The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) will govern all activities.

Roles and Responsibilities of London and ORHMA in Setting up MAT Collection System

City of London	ORHMA
<ul style="list-style-type: none"><li>• Provide detailed design of the MAT</li><li>• Obtain Council approval of the design</li><li>• Enact detailed by-law</li><li>• Participate in Privacy Impact Assessment</li><li>• Provide detailed reporting requirements</li><li>• Develop public communications strategy</li></ul>	<ul style="list-style-type: none"><li>• Co-lead development of business requirements based on City's design to allow for collection of MAT</li><li>• Lead monthly revenue remittance process</li><li>• Provide input to the communications plan</li><li>• Prepare and issue notifications to properties subject to MAT</li></ul>

Key Responsibilities

- 1. MAT will be collected by the ORHMA through its existing service network.
- 2. Hotel operators will be required to collect the MAT and remit to the ORHMA according to the requirements and forms established by the ORHMA for remittance on a monthly basis.
- 3. All taxes collected by the ORHMA under the collection agreement are to be remitted by the ORHMA to the City on a monthly basis.
- 3. Remittance will be accompanied by a monthly report indicating the average number of rooms available, the average daily rate, total room charges for the month, the total tax collected and remitted, and any other details required by the City of London.
- 4. Hotel operators must remit the MAT to the ORHMA by electronic transfer, cash, certified cheque or by any other method deemed acceptable by the City of London.
- 5. The City of London is responsible for remittances to Tourism London.
- 6. The City of London remains responsible for remittances of any applicable taxes.

Communications and Notification Requirements

- 1. The ORHMA will be responsible to distribute information, notifications and communication materials to entities subject to payment of the MAT.
- 2. All such materials and communications will be developed by the City of London, and/or jointly with the ORHMA.
- 3. All communications and materials distributed under the MAT program must be approved in advance by the City of London.
- 4. The City may also undertake to issue its own communications.

Effective Date and Term

- 1. The effective date of the agreement is the same as the effective date of the MAT by-law.
- 2. The service agreement with the ORHMA to act as the City's MAT administration agent will specify an initial term of two years, with a right to renew annually, for a further two one-year periods.
- 3. Either party may terminate the service agreement without cause, by providing not less than xx days' notice of its intention to terminate.

### Financial Reconciliation

1. The MAT collected will be separated from the ORHMA's revenues and expenditures and deposited into a designated City of London account.
2. The ORHMA will perform daily financial reconciliation of amounts collected and investigate and rectify any financial anomalies.
3. The ORHMA will perform a payment transfer to the City of London on a monthly basis.
4. The ORHMA shall invoice the City for services provided under the service agreement.

### Refunds

1. The administration, approval and issuance of any refunds collected under the MAT will be the responsibility of the City.

### Reporting Requirements

1. The ORHMA will provide the City of London with reports on a monthly/yearly basis to support various City functions related to the MAT including reconciliation, refund verification and auditing.
2. The following reports will be produced by the ORHMA and made available electronically to the City.

***Monthly Reconciliation Report:***

Detailed reconciliation reports identifying the number of transactions and MAT revenue collected by the ORHMA and submitted to the City.

***Monthly Refund Report:***

The ORHMA will send the City a monthly report to support refunds processed.

***Audit Reports:***

All audit findings, reports and summaries shall be provided, unaltered and completely, to the City.

### ORHMA Liability

1. The ORHMA agrees to assume liability for its failure to report, and/or remit the correct amount collected of the MAT, and the City shall impose penalties for such failure.
2. The ORHMA shall not be liable to the City for any unremitted MAT funds owed by the individual hotel entities that remain unpaid.
3. The ORHMA will collaborate with the City to pursue collection methods as directed the City.

### Audit Requirements

1. The ORHMA is required to engage an auditor to undertake an internal audit concerning ORHMA's MAT financial operations.
2. The audit of financial operations shall be undertaken not less frequently than annually following year end.
3. The costs of conducting audits shall be at ORHMA's expense.
4. All audit findings, reports and summaries shall be provided, unaltered and completely, to the City within 10 days of receipt by the ORHMA.
5. The independent audits of the individual hotel entities subject to the MAT will be at the discretion of the City of London.
6. In all instances, the City reserves the right to engage an independent auditor for its purposes, to audit, without limitation, the ORHMA's operations as they concern the MAT or the collection of the MAT by the ORHMA, and/or for compliance with the City's by-law.

### ORHMA's Estimate of Costs to Provide Collections

1. The ORHMA to act as the City of London's agent, under a fee for service contract, to collect and remit the MAT for all properties subject to the tax within the City of London.
2. Fee for service rendered to ORHMA will not exceed:
  - i) A one-time fee of \$xx.xx plus 13% HST, for a total of \$xx.xx; and
  - ii) Quarterly Fee of an amount equals to xxx percentage (x%) of the Monthly Remittances to the City.
3. The above fees shall include labour, profit, other overhead, materials, equipment, licences and any/all other operational costs and fees associated with the services.
4. The City shall not be responsible for any additional costs. Labour or direct expenses incurred by the ORHMA over and above this amount shall not be charged to the City.
5. Any additional fees or expenses must be pre-authorized in writing by the City Treasurer before the ORHMA undertakes any additional work.

## APPENDIX C

### **Key Principles to be included in the Agreement between the Corporation of the City of London and Tourism London Regarding the Distribution and Use of Funding Generated from the Municipal Accommodation Tax**

- 1) 50% of the proceeds from the Municipal Accommodation Tax, net of the reasonable costs of collecting and administering the tax, shall be deposited into a separate fund controlled by Tourism London (the Fund).
- 2) The monies in the Fund shall be used by Tourism London to:
  - a) Expand opportunities for Tourism London's three business units: Sports, Conventions and Leisure Travel (Culture & Entertainment).
  - b) Pursue the following objectives and outcomes:
    - i) increase visitations to the City of London;
    - ii) enhance London's national and international profile;
    - iii) support product development and industry growth;
    - iv) fund bid requirements for major events without additional funding from the City of London; and
    - v) to become more competitive with other provincial and national cities in Canada.
- 3) Tourism London would be required to establish relationships with other tourism related entities in the City, including sharing revenues from the MAT, for the promotion of tourism in the City of London.
- 4) The Tourism London Board will determine the distribution of funds from the Fund and approve the associated business and strategic marketing plans.
  - a) A Management Committee consisting of members of the Tourism London Board would oversee the following:
    - i) The collection, disbursement and accounting of the Fund in consultation with City administration.
    - ii) Review and approval of all expenditures from the Fund in consultation with the Board.
    - iii) Develop a funding allocation plan in support of Tourism London's strategic marketing plan.
    - iv) Prepare an annual report to City administration and Tourism London members on expenditures and initiatives that have received monies from the Fund.
    - v) Direct the hiring of professionals (e.g. auditors, lawyers) as required to assist in the management of the Fund.
    - vi) Endorse and set priorities to generate incremental business and approve the application of funds.
    - vii) Establish geographic priorities.
- 5) The Tourism London Board will provide an annual audited statement of MAT expenditures to the City of London (as part of the financial statements) in accordance with terms of the agreement.

## **APPENDIX D**

### **Key Principles of the Tourism Infrastructure Reserve Fund By-law**

- 1) 50% of the proceeds from the Municipal Accommodation Tax, net of the reasonable costs of collecting and administering the tax, shall be deposited into a Tourism Infrastructure Reserve Fund (TIRF) controlled by the City of London.
- 2) The monies in the TIRF shall be used by the City of London to:
  - a) Fund tourism related infrastructure projects.
  - b) Finance new projects and improve venue capacity and sustainability in order to strengthen London's ability to attract major event opportunities.
  - c) Leverage private sector and government capital investment to support initiatives that encourage infrastructure development and to attract and leverage other sources of investment in tourism.
- 3) Municipal Council will approve distribution of funds with the approval of the capital budget.
- 4) The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer may invest the monies in the TIRF in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and may consolidate funds with other reserve funds for the purpose of investment, provided that earnings accrue to and form part of the TIRF.