



Head, Clara, Maria - M. Reith

From: "Minister Ted McMeekin" <minister.mah@ontario.ca>
Date: June-05-15 12:01 PM
To: <twpshcm@XPLORNET.COM>
Subject: Letter from Minister McMeekin

**Ministry of
Municipal Affairs
and Housing**

**Ministère des
Affaires municipales
et du Logement**

Office of the Minister

Bureau du ministre

777 Bay Street, 17th Floor
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MIN2015-66671

Your Worship
 Mayor Jim Gibson
 Townships of Head, Clara and Maria
 15 Township Hall Road
 Stonecliffe ON K0J 2K0

Dear Mayor Gibson,

I am pleased to announce that the Government of Ontario, led by the Ministry of Municipal Affairs and Housing, will be reviewing four pieces of municipal legislation – the Municipal Act, the City of Toronto Act, the Municipal Conflict of Interest Act, and the Municipal Elections Act. I am writing to inform you of our plans for consultation because we understand the importance of engaging with municipalities during these reviews.

As you may know, in 2004 to 2006, the government undertook reviews of the Municipal Act and the City of Toronto Act in close consultation with the municipal sector. These reviews led to significant amendments to the Municipal Act and provided the City of Toronto with its own legislation. Since the amendments to the Municipal Act and the City of Toronto Act came into effect in early 2007, all municipalities have access to broad powers to pass by-laws within their jurisdiction.

The purpose of the reviews is to help ensure municipalities have the powers and flexibility they need to effectively and creatively serve their communities. We want to ensure our local governments remain strong, financially-sustainable and accountable.

This process will integrate the reviews of the Municipal Act, City of Toronto Act, and Municipal Conflict of Interest Act to examine key, cross-cutting issues of interest to the government, municipalities, and Ontarians. The government is proposing key themes and questions to help identify priority areas and opportunities for exploring change during consultation.

05/06/2015

As part of the Municipal Elections Act review we want to make sure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run. The review will also explore how we could give municipalities the option of using ranked ballots in their elections as an alternative to the current system.

Your municipality may be interested in each of these acts broadly, or in one or more specific subjects. We are interested in hearing from you and your council colleagues about which areas of the acts are working, and where improvements to the legislation can be made as we continue to build strong, vibrant communities across Ontario.

I welcome your municipality's comments through written submissions or resolutions which may be sent by e-mail to municipalreview@ontario.ca or by regular mail to:

Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

Please note that your submission may be summarized and shared with the public as part of the consultation process.

We are requesting your comments on the Municipal Elections Act review within the 60 day consultation window. We are expediting this review to ensure that any changes to the legislation, if passed, will be completed and in place so that municipalities that wish to consider ranked ballot elections have sufficient time to prepare before the 2018 election.

I recognize councils may meet less frequently as summer begins and that you may wish to submit your comments on the reviews by resolution. For that reason, we will receive municipalities' comments on the Municipal Act, City of Toronto Act and Municipal Conflict of Interest Act review until October 31, 2015.

In addition, the Ministry of Municipal Affairs and Housing will be collecting comments on the legislation through online discussion guides. The discussion guides provide additional detail about the legislation under review, and provide opportunities to comment directly on one or more topics of interest.

The discussion guide for the integrated review of the Municipal Act, City of Toronto Act, and Municipal Conflict of Interest Act can be accessed at ontario.ca/provinciamunicipalreview. The discussion guide for the separate review of the Municipal Elections Act is at ontario.ca/municipalelections.

I encourage you and your council colleagues to make your residents, staff, and stakeholders aware of the resources available online and the opportunities to comment as part of these reviews.

Over the summer, the Ministry of Municipal Affairs and Housing will be working to collect, organize, and begin analysis on what we heard from Ontarians and our municipal sector partners.

We look forward to receiving your comments.

Please accept my best wishes.



Municipal amalgamation in Ontario fails to achieve cost savings in cities both big and small

Media Contacts: Lydia Miljan

Release Date: May 26, 2015

TORONTO—Ontario's push for municipal amalgamation in the 1990s failed to deliver cost-savings and efficiencies promised for both large and small cities, finds a new study released today by the Fraser Institute, an independent, non-partisan Canadian public policy think-tank.

"In the late 1990s, the government of the day wanted to consolidate municipal governments in an effort to reduce waste and lower property taxes. While that may have been a laudable goal, it's become clear that those benefits never materialized," said Lydia Miljan, Fraser Institute senior fellow and co-author of Municipal Amalgamation in Ontario.

While there's a plethora of research about the shortcomings of amalgamation in Ontario's big cities, ***Municipal Amalgamation in Ontario*** examines the experiences of some of the province's rural communities to see if cost savings were achieved when smaller municipalities were amalgamated.

Specifically, the study compares pre and post amalgamation financial indicators in the amalgamated communities of Kawartha Lakes, Essex Township and Haldimand-Norfolk relative to comparable un-amalgamated communities.

In almost all cases — in both the amalgamated and un-amalgamated communities — the study finds significant increases in property taxes, compensation for municipal employees, and long term debt between 2000 and 2012. In other words, un-amalgamated and amalgamated municipalities appear to exhibit similar trends suggesting there was no tangible benefit to amalgamation.

Notable cost increases (between 2000 and 2012) for the amalgamated communities include the following:

- In Haldimand County, property taxes increased 50 per cent
- In Kawartha Lakes, municipal employee compensation increased 52.8 per cent
- In Norfolk, long-term debt increased 111 per cent

"If amalgamation had in fact led to cost savings and lower property taxes, then one would expect an amalgamated municipality's financial indicators to exhibit a downward trend over time, at least in the initial years of the amalgamated community. That didn't happen," said Miljan.

Why didn't the predicted cost savings materialize?

The study finds that the provincial government pressured municipalities to amalgamate too quickly which resulted in poor planning and execution.

For example, in Haldimand-Norfolk — because there was not enough time to negotiate new labour contracts with the public sector—the new municipalities agreed to harmonize wages upwards, mitigating any chance at cost savings.

Moreover, when rural areas were amalgamated with urban areas, residents demanded similar services and amenities that had been available in more urbanized communities. Even Essex, which managed to hold the line on taxes and decrease remuneration, saw its long-term debt increase by 41.5 per cent, which was directly related to its increased spending on recreation facilities.

"Our study reinforces earlier research about amalgamation of larger cities which suggests that amalgamation in Ontario didn't achieve cost savings, and in some instances might have actually raised costs," Miljan said.

"If the government of the day was truly interested in finding efficiencies at the local level, it might have been better off to pursue policies such as shared service agreements rather than municipal restructuring."

Head, Clara, Maria - M. Reith

From: "Wieclawek, Ted (MCSCS)" <Ted.Wieclawek@ontario.ca>
Date: June-05-15 1:37 PM
To: "OFM Subscribers (MCSCS)" <OFM.Subscribers@ontario.ca>
Subject: Departure from OFMEM - Avis de départ du Bureau du commissaire des incendies et de la gestion des situations d'urgence (BCIGSU)

As you may be aware I have decided to leave the Office of the Fire Marshal and Emergency Management (OFMEM) after 23 years of service. Deciding to leave the OPS, the OFMEM and my role as Fire Marshal of Ontario and Chief of Emergency Management while a difficult one, is necessary if I am to broaden my professional development and experience. After many miles of travelling and many nights away from home, it is also time to make the necessary adjustments for me to spend more time with my family.

I have had the opportunity to gain an appreciation of the challenges and opportunities facing the municipal fire service and emergency management community not only in Ontario but across Canada. I have a greater respect and admiration for those of you in the municipal fire service and emergency management field and a deeper appreciation of the critical and onerous role and responsibility you have in keeping our communities safe and resilient. I have also been fortunate to have worked with you collaboratively to significantly enhance public safety. Our approach to enhancing fire and life safety for our most vulnerable people is a milestone and is serving as a model for other jurisdictions. The integration of the Office of the Fire Marshal and Emergency Management Ontario, while ongoing is already recognized as one of the leading public safety organizations in Canada. You should be proud of the work that you do. Your leadership and commitment to public safety will always be an inspiration to me.

I have been asked about my future plans. In the short term I intend to take some time to spend with my family. Over my 23 years of service my goal has been to enhance the safety and quality of life for Ontario families. I am considering opportunities to continue that goal whether that be within the private sector or at the municipal level.

It has been an honour and a privilege to have worked with you and supported you in my capacity as a member of the OPS, the OFMEM and as Fire Marshal and Chief of Emergency Management. I look forward to continuing that relationship with you in a new capacity.

Ted

Comme vous le savez peut-être, j'ai décidé de quitter le Bureau du commissaire des incendies et de la gestion des situations d'urgence (BCIGSU) après 23 ans de service. La décision de quitter la fonction publique de l'Ontario, le BCIGSU et mes fonctions de commissaire des incendies de l'Ontario et de chef de la gestion des situations d'urgence a été difficile à prendre, mais nécessaire pour que je puisse élargir mon expérience et me perfectionner professionnellement. Après tant de kilomètres parcourus et de nuits hors de la maison, il est aussi temps que je fasse les changements nécessaires pour passer plus de temps avec ma famille.

4

Head, Clara, Maria - M. Reith

From: "AMO Communications" <communicate@amo.on.ca>
Date: June-04-15 5:05 PM
To: <twpshcm@xplonet.com>
Subject: AMO Update - Key Legislation for Municipalities Moves Forward

June 4, 2015

AMO Update – Key Legislation for Municipalities Moves Forward

The Ontario Legislative Assembly is recessing June 4th for the summer. Before the summer break, MPPs considered and approved a number of pieces of legislation of interest to municipalities. Below are summaries of the Bills and links to the legislation on the Legislative Assembly site. AMO encourages municipalities to review the statutes to assess local impacts.

Bill 31 – Making Ontario's Roads Safer Act

Bill 31 amends the *Highway Traffic Act* to promote road user safety and to ensure that fines levied under the *Provincial Offences Act* (POA) by municipalities must be paid before vehicle plates can be renewed. Improving the collection of unpaid fines has been a longstanding concern for the municipal sector. AMO applauds the passage of this legislation. The Bill includes among other items:

- Increased fines for distracted driving and harmonizes alcohol and drug impaired driving sanctions;
- Ensures that drivers must wait until pedestrians have left a crosswalk before they can begin driving again;
- Increases fines for motorists that 'door' cyclists and establishes a one-meter passing rule; and
- Denies plates for vehicles with unpaid *Provincial Offences Act* fines.

Municipal Impact: The changes in this Bill should help to make Ontario's roads safer for all users. Municipalities are particularly pleased to see the changes with regard to POA fines collection. This will ensure that all drivers are accountable for their actions. While congratulating the government on passing this Bill, AMO is calling on the Ministry of Transportation to begin working on implementing the POA changes immediately. AMO's President's remarks at Legislative Committee can be found [here](#).

Bill 6 – Infrastructure for Jobs and Prosperity Act

Bill 6 establishes principles for infrastructure funding that all public sector organizations must use in their decision making. It also requires that the provincial government establish and update a long term infrastructure plan and that certain projects use architects, engineers and other design professionals, as well as apprentices. The Act was amended to include social housing and to establish the authority for the government to regulate municipal and Broader Public Sector asset management plans.

Municipal Impact: While AMO is supportive of the introduction of a long term infrastructure plan for the province and the use of professionals in project design and apprentices on some projects, many municipalities may be cautious about the introduction of a requirement to harmonize municipal asset management plans and its implications for resources. Municipalities have made great strides in recent years, supported by provincial funding and guidance, on implementing asset management as a living decision making tool. AMO and other municipal organizations have created training and guidance to help municipal governments. New rules could jeopardize this momentum. Read [AMO's submission on Bill 6](#).

Bill 66 – Great Lakes Protection Act – Passed Second Reading and Ordered to Standing Committee on General Government

05/06/2015

Bill 66 creates a Great Lakes Guardians Council to advise the Minister of the Environment and Climate Change and requires the Minister to create an Ontario Great Lakes Strategy to protect the lakes, and monitor and report on their ecological health. The Bill allows the Minister to establish targets for protection of the lakes and allows establishing initiatives that are focused geographically. To do this, the *Act* requires consultation with municipalities before these initiatives are established. Decisions and plans made under the *Planning Act* and *Condominium Act* must conform to policies designated under the *Act* to achieve protection of the lakes. This has implications for municipalities.

Municipal Impact: As of June 4, 2015, this legislation has passed second reading and has been ordered to standing committee for review. Many municipalities will welcome this *Act* and AMO is pleased to see that some amendments to the Bill have been made since it was originally introduced that reflect the concerns we have raised. Often municipal governments have invested in actions to make their waterfronts and near shore areas more attractive as part of community and economic development plans. Initiatives under this *Act* should support these. However, AMO has raised concerns regarding investments needed to implement initiatives under this legislation and will continue to look to the government to identify these resources. Read [AMO's submission](#) on the *Great Lakes Protection Act*.

Contact: Craig Reid, Senior Advisor, E-mail creid@amo.on.ca or 416-971-9856 Ext. 334.

PLEASE NOTE: AMO Breaking News will be broadcast to the member municipality's council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

DISCLAIMER: Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

OPT-OUT: If you wish to opt-out of these email communications from AMO please click [here](#).





4

Council Resolution Form

Date: 14 May 2015 No: Resolution No.108-15
Moved By: Councillor MacPherson Disposition: CARRIED.
Seconded by Councillor Hunt
Item No: 8.05.10

Description: Hydro One Rates

RESOLUTION:

WHEREAS the cost of hydro has doubled and in some cases more than doubled in the past five years; and
WHEREAS the costs of electricity in the Province of Ontario is forcing businesses to consider leaving the area; and

WHEREAS many families are having difficulty keeping up with their monthly payments; and

WHEREAS the Province's Long Term Energy Plan anticipates that consumers will face hydro rates that will rise by 42% over the next five (5) years; and

WHEREAS it is essential that the residents and businesses of the Township of Greater Madawaska to have access to affordable hydro to thrive and prosper; and

WHEREAS Council urges Provincial relief to Ontario Hydro One Customers to reflect the means of rural residents to reasonably access hydro through a review of Provincial policies and their agencies that set Ontario rates for electricity, distribution charges, debt retirement, global adjustments costs and carbon taxes. Council requests, that this review would include consultation with rural and urban municipalities; and

WHEREAS Council reminds Rural municipalities to advocate the investigation by the Ontario Ombudsman regarding the major systemic issues identified by complaints involving overcharging of hydro, an explanation of line items on billing and, resolve of related matters; and

WHEREAS it is imperative that the Province of Ontario review their energy policies and utilize The Rural and Northern Lens advocated by the Rural Ontario Municipal Association to evaluate and assess the needs of rural municipalities so that they can succeed and thrive. Many rural municipalities have a population of 50% or more seniors on fixed incomes who are struggling to keep warm in low population density communities with colder temperatures that do not benefit from the heat retention in condominium residences and whom are challenged by geography and climate scales.

Recorded Vote Requested by:

	Yea	Nay
G. McKay	_____	_____
B. Hunt	_____	_____
H. Murphy	_____	_____
G. MacPherson	_____	_____

MAYOR

Declaration of Pecuniary Interest:

Disclosed his/her/their interest(s), vacated he/her/their seat(s), abstained from discussion and did not vote

Our core sectors of economic development in our region, lumber mills and farming, are often under-employed and are subject to rates that are higher than other provinces due to impact of high delivery charges and global adjustment fees (that can be up to 2.5 times higher than the actual hydro used) and threaten the sustainability of families and agro-food sectors in rural Ontario; and

WHEREAS all municipalities that have a significant amount of citizens moving into the seasonal residences, that they are encouraged to inform those residents to seek relief from seasonal hydro rates through direct communication of such to their electrical utility provider;

WHEREAS all municipalities should be encouraged to monitor, through specific data categories, smart meter electrical fires and/or smart meter malfunctions that have resulted in explosions, and further to better assess their impact and the potential need of CSA approved meters employing codes and standards used globally by regulators and industry to facilitate safer and more sustainable products.

NOW THEREFORE BE IT RESOLVED THAT the Township of Greater Madawaska call on Premier Wynne and the Province of Ontario to take immediate action to prevent these and any other rate increase from being implemented; and

THAT Premier Wynne and the Province of Ontario be encouraged to do something to bring these rates down to a reasonable level and to do so as quickly as possible; and

THAT this motion be circulated to all Ontario municipalities for support.

Recorded Vote Requested by:

	Yea	Nay
G. McKay	_____	_____
B. Hunt	_____	_____
H. Murphy	_____	_____
G. MacPherson	_____	_____


MAYOR

Declaration of Pecuniary Interest:

.....
Disclosed his/her/their interest(s), vacated he/her/their seat(s),
abstained from discussion and did not vote

(6)

Head, Clara, Maria - M. Reith

From: "Brenda McAuley, President CPAA-ACMPA" <matt@basedirectory.com>
Date: May-28-15 5:07 PM
To: <twpshcm@xplornet.com>
Subject: Resolution in Support of Rural Post Offices

May 28, 2015

Jim Gibson

Reeve of Head Clara & Maria
15 Township Hall Rd
Stonecliffe, ON
K0J 2K0

Dear Jim,

The Canadian Postmasters and Assistants Association (CPAA) is the bargaining agent that represents over 5,600 permanent and 2,900 temporary employees of the Canada Post Corporation (CPC). These employees work in 3,290 rural public post offices in Canadian communities. At the upcoming Federation of Canadian Municipalities in Edmonton, CPAA is respectfully asking for your support to have the Marystown NL resolution debated on the convention floor.

Since 2006, Canada Post has closed 229 rural post offices and installed 73 new franchises. This speaks to one of the points in the Five-point Action Plan introduced in December 2013, which is to increase franchises.

Our public post offices have had their hours of service drastically reduced and citizens of rural Canada are concerned by the potential loss of their federally run public post office. Our study "Rural Post Offices and the communities that rely on them are being abandoned" which can be viewed [here](#), states that when a corporate post office is replaced with a franchise (privately owned), most often when this franchise closes, the community is left with no postal outlet what so ever.

In March 27, 2015, the Canada Post Corporation group of companies reported a massive profit from operations of \$299 million for 2014. The Canada Post segment reported profit from operations of \$204 million and a profit before tax of \$194 million. This profit is around \$555 million better than CPC's projected loss. And yet, Canada Post continues to close post offices, move forward with the elimination of door to door delivery, the reduction of positions and the abolition of decent paying jobs.

We ask that the Mayors support this resolution objecting to the Canada Post Corporation's continued attack on our public postal service and the elimination of good paying jobs in rural and urban Canada. We further ask that the Government order Canada Post to invest the massive profits reported in 2014, to improve postal service in rural communities. Canada Post is courting big retailers like Amazon and Walmart to get the online shopping business, yet they are destroying the very asset that gives them their competitive advantage, and that is the

29/05/2015

unparalleled distribution network of rural post offices in our country.

Thank you for your assistance,

Brenda McAuley
National President, CPAA
BM^c/cl

[Unsubscribe](#)



You're in Good Company
May 21, 2015

Town of Aurora
100 John West Way, P.O. Box 1000
Aurora, ON L4G 6J1
mayor@aurora.ca
www.aurora.ca

The Honourable Lisa Raitt
Federal Minister of Transport

DELIVERED BY E-MAIL

RE: Community Mailboxes

Dear Minister Raitt,

Further to a decision by Aurora Town Council at its meeting of Monday, May 11, 2015, in support of the City of Hamilton's opposition to the installation of community mailboxes, I am requesting that Canada Post immediately cease the installation of community mailboxes and adhere to its Five-point Action Plan requirement to engage in full and meaningful consultation with all stakeholders, including the Town of Aurora and its residents.

For your reference, I attach Aurora Council's resolution:

NOW THEREFORE BE IT HEREBY RESOLVED THAT the Town of Aurora endorse the City of Hamilton's opposition to the elimination of home mail delivery and installation of community mailboxes; and

BE IT FURTHER RESOLVED THAT Council direct the Mayor to send a letter, copied to Members of Parliament, Ontario Members of Provincial Parliament, and all Ontario municipalities, that requests the Federal Minister of Transport, who oversees Canada Post, to require Canada Post to halt installation of community mailboxes immediately and adhere to its Five-point Action Plan requirement to engage in full and meaningful consultation with all stakeholders, including the Town and its residents; and

BE IT FURTHER RESOLVED THAT Council direct staff to bring forward recommendations to the next Council meeting to align the Town's by-laws with the City of Hamilton's By-law Number 15-091 which regulates the installation of equipment on roads; and

BE IT FURTHER RESOLVED THAT Council direct staff to develop appropriate standards to require Canada Post to apply for permits with an appropriate fee that reflects the resources required and costs incurred by the Town to install and maintain community mailboxes in established neighbourhoods; and

BE IT FURTHER RESOLVED THAT staff bring back a new bylaw for Council's enactment at the next Council meeting.

I look forward to your response at your earliest opportunity.

Yours sincerely,

Mayor Geoffrey Dawe
Town of Aurora

Cc: All Members of Parliament
All Members of Provincial Parliament
All Ontario municipalities

8

Head, Clara, Maria - M. Reith

From: "Head, Clara, Maria - M. Reith" <twpshcm@xplornet.com>
Date: June-03-15 12:54 PM
To: "Melinda Reith - Head, Clara, Maria" <twpshcm@xplornet.com>
Attach: Merrickville-Wolford June 2015.pdf
Subject: Fw: Legislative Review – Eastern Ontario Session (June 24, 2015)

From: Seller, Stephen (MAH)
Sent: Wednesday, June 03, 2015 12:36 PM
To:
Subject: Legislative Review – Eastern Ontario Session (June 24, 2015)

Good afternoon,

As you know the ministry is currently reviewing the *Municipal Elections Act* and soon will be launching a review of the *Municipal Act*, *City of Toronto Act*, and the *Municipal Conflict of Interest Act* as well.

I would like to invite you and/or your staff to join us on the afternoon of **June 24**, when our ministry's policy colleagues will be leading us through some interactive dialogue with respect to the legislative changes

With the assistance of the Leeds and Grenville CAO/Clerks group, arrangements have been made to use the **Merrickville Community Centre** (map attached).

We hope to kick things off at **1:30 p.m.** with a presentation by ministry policy staff and will then break into round table discussions, wrapping up the event by **4:00 p.m.**

Materials will be shared in advance as they become available.

Could you please **RSVP me electronically** by Friday June 12, 2015 to advise if it's your intent to have representation at the June 24 event.

Looking forward to seeing you there.

Thanks

Steve

9

Head, Clara, Maria - M. Reith

From: "Minister (MAH)" <minister.mah@ontario.ca>
Date: May-28-15 10:23 AM
To: "Minister (MAH)" <minister.mah@ontario.ca>
Attach: image001.png
Subject: Municipal Elections Act/Exprimez-vous: la Loi de 1996 sur les élections municipales

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

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**Ministère des
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MIN15-66634

May 28, 2015

Ontario is launching a review of the Municipal Elections Act to take one step closer to giving municipalities the option of using ranked ballots in future municipal elections. This review will explore ways in which ranked ballots can be implemented by municipalities across the province.

In addition, the review will ensure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run.

Over the next couple of months our government will be consulting with the public, municipalities, community groups and key stakeholders to hear about what's working, what we can continue improving and suggested solutions.

Have your say:

- Submit comments online at ontario.ca/municipalelections
- Email comments to MEA.info@ontario.ca
- Write to:

Municipal Elections Act Review

Ministry of Municipal Affairs and Housing

Local Government Policy Branch

777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

29/05/2015

Term limits should also be considered for council members, says city councillor



By Barbara Simpson, Sarnia Observer
Monday, June 1, 2015 9:13:19 EDT AM



City council is expected to decide early next year whether a preferential ballot system will be used in Sarnia's next municipal election set for 2018.

All 444 Ontario municipalities will be able to opt for ranked ballots in their next round of elections, the province announced last week as part of its ongoing review of the Municipal Elections Act.

Sarnia Mayor Mike Bradley said the move could lead to a "checkerboard Ontario" with a variety of municipal election practices in play.

"What happens if Sarnia accepts (ranked ballots) and the surrounding communities don't?" he said. "The confusion for the electorate could be significant."

Under the proposed system, municipal voters would rank each city council candidate in order of preference on their ballots. If a first-choice candidate is eliminated, a voter's next choice would be taken into consideration, ensuring winning candidates will more often be elected based on a majority of voter support.

Proponents of ranked ballots also suggest the method reduces strategic voting and negative campaigning, as well as keeps more candidates in the race until election day.

City Coun. Brian White, who has run election campaigns municipally, provincially and federally, is supportive of considering ranked ballots.

"It would certainly open up the potential to widen the race at all levels and I think that's a really important conversation to have," he said. "Whether it's effective or not in a community the size of Sarnia remains to be seen, but certainly we should have that conversation."

He also believes term limits should be considered for city council members, as well as opening up the mayoral race to allow candidates to run for the top job and a city councillor spot, if they are unsuccessful in their leadership bid.

"We see that in provincial and federal elections," White said. "As a leader, you might not become premier or prime minister, but you're still a sitting member of the House and I think that may open up the doors a little bit to those who are afraid to take a chance at leading the community."

For his part, Bradley would like to see the length of municipal elections be cut because they impact how the current term of council functions for a few months.

He is also "fine" with the possible elimination of corporate and union donations, a practice the provincial government is investigating as part of its review.

But Bradley said he has some serious concerns about ranked ballots.

"It's difficult enough now to get the public to come out now to a very simple system of voting," he said. "Getting them to come out to a much more complicated system is going to have an impact on turnout."

Fellow veteran city council member Dave Boushy also isn't supportive of ranked ballots, pointing out there isn't as much election politics involved in municipal races compared to provincial elections.

"If (the province) wants to change a system, they should change their own, solve their own problem, rather than coming down and taking something that's working perfectly for our municipalities."

barbara.simpson@sunmedia.ca



Municipality of Trent Lakes

Box 820, 701 County Road 36

Bobcaygeon, ON K0M 1A0

Phone: (705)738-3800 Fax: (705)738-3801

May 12, 2015

All Municipalities
In the Province of Ontario

Dear Municipal Representative:

Re: Demonstrated Need for Aggregates

At the Regular Council Meeting held on May 5, 2015 the Council of the Municipality of Trent Lakes passed the following resolution:

Resolution No. **R2015-279**

Moved by: Councillor Raymond
Seconded by: Councillor Persson

WHEREAS a primary concern for the Municipality of Trent Lakes is that due to our close proximity to the Greater Toronto Area there will be an increase in the demand for aggregates from this area resulting in an increase in the number and size of quarries in the Municipality; and

WHEREAS it is widely acknowledged that extracting aggregates from the landscape is an intrusive activity that has the potential to cause long-term impacts on publicly important environmental resources and farmland; increases in traffic, road damage and greenhouse gas emissions; and degrades the quality of life in local communities; and

WHEREAS in 2005 the Provincial Policy Statement was amended to allow aggregate producers to propose extraction sites without having to demonstrate the need for the additional supply of aggregate resources, thereby creating a barrier to comprehensive planning and favouring the protection of aggregate extraction at the expense of other provincial interests, and as a result encouraging the rapid and non-sustainable use of the resource; and

WHEREAS applications for licences under the current Aggregate Resources Act do not require proponents to demonstrate need to extract aggregate resources in a particular area;

THEREFORE BE IT RESOLVED THAT the Municipality of Trent Lakes request that the Ontario Government amend the Provincial Policy Statement and the Aggregate Resources Act to require aggregate extraction proponents to demonstrate need for the particular supply of resource proposed for extraction; and further

THAT this resolution be forwarded to the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Bill Mauro, Minister of Natural Resources and Forestry, the Honourable Glen Murray, Minister of the Environment and Climate Change, the Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs, Provincial Opposition Party leaders, the Environmental Commissioner of Ontario, Barry Devolin, MP, Laurie Scott, MPP, FCM and AMO; and further

THAT through the circulation of this resolution to all municipalities in Ontario it be requested that they adopt a similar resolution in support of the requested changes to the Provincial Policy Statement and the Aggregate Resources Act.

Carried.

As per the resolution, it is requested that all municipalities in Ontario adopt a similar resolution in support of the requested changes to the Provincial Policy Statement and the Aggregate Resources Act.

Sincerely

Bob Angione

Bob Angione, M.P.A., B.Admin.
Municipal Clerk

Head, Clara, Maria - M. Reith

From: "AMO Communications" <communicate@amo.on.ca>
Date: May-11-15 4:05 PM
To: <twpshcm@xplornet.com>
Subject: AMO Policy Update - Ontario-Quebec Announce Updated Rules for Government Procurement

May 11, 2015

Ontario-Quebec Announce Updated Rules for Government Procurement

Changes to procurement rules by the broader public sector were announced by the Premiers of Ontario and Quebec today in Toronto. The Premiers have agreed in principle to an update of the 2009 Ontario-Quebec Trade and Cooperation Agreement (OQTCA) Public Procurement Chapter to align it with the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

Since 2009, the OQTCA has covered buying by provincial ministries, schoolboards and municipalities, and other public sector organizations. For municipal governments thresholds remain at \$100,000 for goods, services, and construction. The Chapter will be updated to align with CETA on public disclosures, information needs, qualification of suppliers, and other matters. As well, the Chapter will include a protest process for unsuccessful bids, including municipal procurements. Professional services and procurements covering cultural industries, non-profits, and indigenous communities are not covered.

The thresholds in OQTCA for municipal governments are lower than those in either the Agreement on Internal Trade (AIT) or the CETA. AMO will be seeking clarification from Minister Duguid on the specific impacts that today's announcement has for municipal governments including the need to adjust procurement by-laws and procedures to reflect the other requirements in the OQTCA Procurement Chapter.

Talks on the AIT are also being held by the provinces, territories and the federal government, and updates to the AIT are likely forthcoming. However, no information is available at this time.

OQTCA changes will come into force for municipalities in September 2016.

For more information and details on procurement thresholds in each agreement, please see: OQTCA - Procurement Chapter.

AMO Contact: Craig Reid, Senior Advisor, E-mail: creid@amo.on.ca, 416.971.9856 ext. 334.

PLEASE NOTE: AMO Breaking News will be broadcast to the member municipality's council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

DISCLAIMER: Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

12/05/2015

12



Federal Economic Development
Agency for Southern Ontario

Agence fédérale de développement
économique pour le Sud de l'Ontario

May 15, 2015

Dear Partner:

On May 15, 2015, the Government of Canada launched the new Canada 150 Community Infrastructure Program (CIP 150). This \$150-million national program is part of a coordinated federal approach to celebrate Canada's 150th anniversary.

The Federal Economic Development Agency for Southern Ontario (FedDev Ontario) is responsible for delivering \$44.4 million over two years to CIP 150 projects in southern Ontario. This program is geared towards the rehabilitation, renovation and expansion of existing community facilities. Examples of eligible projects include improving accessibility to a community centre, repairing a museum's roof, expanding a gymnasium, or extending a trail or bike path.

Local and Aboriginal governments, public sector bodies delivering municipal-type infrastructure services and incorporated not-for-profit organizations with eligible projects that can be completed before March 31, 2018, are invited to submit applications.

For additional information, including program guidelines and the electronic application form, please visit www.FedDevOntario.gc.ca/CIP150 or contact 1-866-593-5505. The deadline for submitting applications is 5:00 p.m. EDT on June 9, 2015.

I thank you in advance for your interest in the new CIP 150 and encourage you to share this information with local community organizations that may have eligible projects.

Regards,

Richard Séguin
Director General
Infrastructure and Business Development

Canada

13

Head, Clara, Maria - M. Reith

From: "AMO Communications" <communicate@amo.on.ca>
Date: May-21-15 5:11 PM
To: <twpshcm@xplornet.com>
Subject: AMO Breaking News - Bill 8 - Effective Date for Municipal Governments Confirmed

May 21, 2015

Bill 8 - Effective Date for Municipal Governments Confirmed

The Ontario Gazette notes that [*Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*](#) and related regulations affecting municipal governments are to be proclaimed in effect on January 1, 2016. Schedules 6 and 9 of the Bill relate specifically to municipal governments.

Implementation of Bill 8:

Some municipal governments are investigating the creation of local accountability officers as provided by the Bill and some are looking at how to share accountability officers. In terms of service based complaints that could be the subject of reference to an ombudsman, AMO is currently working with Microsoft Canada and three pilot municipalities to develop a transferable, flexible complaints management system to track complaint intake across departments, complaints processing against customer service metrics, and to enable data analysis to inform service delivery improvement. The objective is to use technology to enable an effective, defensible system that can accommodate new requirements and which can be managed locally. In addition, AMO will be looking at what other information/educational needs would assist in the implementation of the legislation.

Reminder of the Bill's key changes follows:

- The Ontario Ombudsman will become the default ombudsman for municipal governments that do not appoint a municipal ombudsman, except in the City of Toronto.
- The Ontario Ombudsman will have 'final oversight' of individual complaints where a municipal ombudsman has been appointed, except in the City of Toronto.
- The Ontario Ombudsman will have oversight of municipal auditors general and integrity commissioners. The government has not provided clarification on the scope of the Ontario Ombudsman's powers in these areas.
- The Ontario Ombudsman will be able to conduct 'systemic' investigations of all municipal governments, including the City of Toronto.
- The existing closed meeting investigation regime will be maintained. The Ontario Ombudsman will continue to be the default closed meeting investigator where a municipality has not appointed a closed meeting investigator. The definition of 'meeting' will fall to the *Municipal Act* review. (AMO's Bill 8 submission provided advice on this definition.)
- By regulation, boards of health, library boards, long-term care homes, and police services boards are to be excluded from an Ombudsman's oversight.
- The new Patient Ombudsman will have oversight of long-term care homes.

Several of the amendments to the Bill reflected AMO's advice to Standing Committee. For more information, please see AMO's submission and previous [updates on Bill 8](#).

AMO Contact: Pat Vanini, Executive Director, Email: pvanini@amo.on.ca, 416.971.9856 ext. 316.

26/05/2015

14

Head, Clara, Maria - M. Reith

From: "Minister (MAH)" <minister.mah@ontario.ca>
Date: May-25-15 5:22 PM
To: "Minister (MAH)" <minister.mah@ontario.ca>
Attach: image001.jpg; image002.jpg
Subject: Letter from Minister McMeekin

Ministry of
Municipal Affairs
and Housing

Office of the Minister

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MIN15-66568

Dear Head of Council,

As you know, the *Public Sector and MPP Accountability and Transparency Act, 2014* (the Act) received Royal Assent on December 11, 2014. I am writing to inform you that the amendments in the Act for the municipal sector will come into force on January 1, 2016.

Once proclaimed, the Ontario Ombudsman's role will be expanded to include municipalities. The amendments will provide the authority for the Ontario Ombudsman to investigate complaints respecting municipal matters.

Our government respects municipalities and respects the work of municipal councils and their relationships with their constituents. This is about making sure that every person in every municipality across Ontario has access to an ombudsman. This legislation builds on the current local integrity framework in the *Municipal Act, 2001*, which gives municipalities the powers to develop local integrity frameworks based on local needs and capacity.

The Ontario Ombudsman's role is to conduct investigations and make recommendations. It will be up to the Ontario Ombudsman to determine whether to investigate a municipal matter brought to his or her office's attention. While the Ombudsman could not compel municipalities to take action, the Ombudsman could make recommendations to council and the municipality as part of his or her report. As is the case now for the province, it would be up to a municipality to determine how to proceed after an Ombudsman report.

There will be no change to the current meeting investigator role. Municipalities will still have the power to appoint an investigator to independently investigate whether a municipality or local board has complied with closed meeting requirements of the *Municipal Act, 2001* or the local procedure by-law. The Ontario Ombudsman would not be able to investigate a closed meeting complaint if a local meeting investigator is appointed. As is currently the case, if a municipality does not appoint an investigator, the Ontario Ombudsman acts as the meeting investigator.

This is new legislation, and I recognize there may be some concerns about how the amendments might impact municipalities. I would like to clarify four key points:

1. **The new legislation will not require municipalities to appoint an ombudsman.** Only the City of Toronto must have a locally-appointed ombudsman, as already set out in the City of Toronto

26/05/2015

Act. All other municipalities could continue to appoint their own ombudsman if they choose. If a municipality other than Toronto has appointed an ombudsman, the Ontario Ombudsman could still conduct an investigation into a complaint to the local ombudsman in that municipality, but only after local ombudsman processes are completed. The Ontario Ombudsman could also include one or more municipalities, including Toronto, in a systemic, broad ranging investigation.

2. The amendments are not designed to increase costs for municipalities, and costs would not automatically increase for municipalities because of the Ontario Ombudsman's new role. There may be administrative costs to those municipalities that are responding to the Ombudsman but there would be no other new costs because of the Ombudsman's new role. The Office of the Ontario Ombudsman is funded by the Province of Ontario, and the level of funding is determined by the Legislature. The Ontario Ombudsman does not currently charge a fee -- either annually or by investigation -- and there is no proposal to change that.
3. The Ontario Ombudsman's office determines how to prioritize matters brought to its attention through complaints. The amendments will also allow the Ombudsman to examine broad systemic issues that impact a wide range of municipalities and Ontarians.
4. The amendments will not replace the important work that Ontario municipalities are already doing with regard to accountability and transparency. Our government understands the importance and value of locally-appointed integrity officers. The amendments ensure that everyone has access to an ombudsman. The Ontario Ombudsman could investigate complaints made to local integrity officers, but only after their complaint processes are completed.

A regulation under the amended *Ombudsman Act* will exempt certain local boards in the municipal sector from the Ontario Ombudsman's oversight. This regulation will come into force January 1, 2016. The amendments to the *Ombudsman Act* will come into force at the same time.

The proposed exemptions are similar to the municipal ombudsman framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006*. The regulation would recognize that oversight systems already exist for some entities by exempting from Ombudsman oversight: children's aid societies, boards of health, committees of management established under the *Long-Term Care Homes Act*, police services boards, and public library boards.

For more information about municipal accountability and transparency in Ontario, including required municipal policies, integrity officers and codes of conduct, please refer to the Municipal Councillors' Guide at <http://www.mah.gov.on.ca/Page5030.aspx>. The Ministry of Municipal Affairs and Housing will be updating the Guide to provide greater detail on the *Public Sector and MPP Accountability and Transparency Act, 2014*. Please see the enclosed for this information in advance of the Ministry posting the updated guide.

Please accept my best wishes.

Yours sincerely,

Ted McMeekin
Minister

26/05/2015

Update to Municipal Councillors' Guide

Public Sector and MPP Accountability and Transparency Act, 2014

The Public Sector and MPP Accountability and Transparency Act, 2014 received Royal Assent on December 11, 2014. The amendments in the Act for the municipal sector will come into force on January 1, 2016.

This legislation builds on the current local integrity framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006* (described above), which gives municipalities the powers to develop local integrity frameworks based on local needs and capacity. The amendments will provide the people of Ontario with access to stronger accountability processes by making sure that everyone has access to an ombudsman.

The Ontario Ombudsman plays a crucial role in enhancing transparency in government. It is important to remember that the Ombudsman is there to help serve our citizens better, and to help get government right at all levels.

The amendments will provide the authority for the Ontario Ombudsman to investigate municipal matters. While the Ombudsman could not compel municipalities to take action, the Ombudsman could make recommendations to council and the municipality as part of his or her report. It is up to the municipality whether and how to address any recommendations made by the Ombudsman.

The Ontario Ombudsman's office determines how to prioritize matters brought to its attention through complaints. These changes will allow the Ombudsman to examine broad systemic issues that impact a wide range of municipalities and Ontarians.

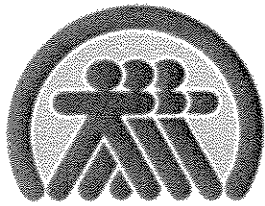
The amendments will not require municipalities to appoint an ombudsman. Only the City of Toronto is required to have a locally-appointed ombudsman, as set out in the *City of Toronto Act*. All other municipalities could continue to appoint their own ombudsman if they choose. If a municipality has appointed an ombudsman, the Ontario Ombudsman could still conduct an investigation into a complaint to the local ombudsman in that municipality, but only after local ombudsman processes are completed.

The amendments will work together with local tools to ensure that everyone has access to an ombudsman. Locally-appointed integrity officers and municipal codes of conduct are an important part of Ontario's local accountability framework. The Ontario Ombudsman could investigate complaints made to local integrity officers but only after their complaint processes are completed. The Ontario Ombudsman could also include one or more municipalities, including Toronto, in a systemic, broad ranging investigation.

A regulation under the amended Ombudsman Act will exempt certain local boards in the municipal sector from the Ontario Ombudsman's oversight. This regulation will come into force at the same time as the amendments, January 1, 2016. This regulation recognizes that oversight systems already exist for these entities.

The exemptions are similar to the municipal ombudsman framework in the *Municipal Act, 2001* and the *City of Toronto Act, 2006* and will exclude the following from Ontario Ombudsman oversight:

- children's aid societies;
- boards of health;
- committees of management established under the Long-Term Care Homes Act;
- police services boards; and
- public library boards.



Valley Employee and Family Assistance Program

15

FOR IMMEDIATE RELEASE

Valley EFAP Establishes Mental Health Fund County organization hopes to create easier access to help

Pembroke, Ontario - Valley Employee and Family Assistance Program (Valley EFAP), has launched the Mental Health Fund for Renfrew County with the Pembroke Petawawa District Community Foundation. Establishing the fund requires a \$5,000 commitment from Valley EFAP. Proceeds from the Fund will go towards helping people across Renfrew County access mental health supports.

"This Fund is truly needed in our region," says Shelley TerMarsch, Administrator and Counsellor for the organization. "There is an increase in people who seek out mental health supports in order to be more productive in their lives. I see that with both our workplace members and individuals who come for private counselling as well. This Fund will help eliminate a barrier that could be keeping others from getting support they need."

While Valley EFAP has established the Fund, contributions to the Fund are welcomed from any individual or organization at any time. Donations can be sent directly to the Foundation or made online at the Foundation's website. They can also be directed to Valley EFAP who will pass them along to the Foundation.

Ron Reiche is the owner of C.A. Reiche Castle Building Supply, a business that is a workplace member of Valley EFAP. Reiche is also the Vice President of the Valley EFAP organization.

"The partnership with the Foundation works well for us because we can still focus on offering mental health support, while the Foundation manages the administration of the donations," he says. "We are proud to be the agency that has committed to making this Fund possible, and we encourage others to help us grow this Fund to assist with mental health in our communities. Our vision is that there is no barrier for people who need mental health services."

The Foundation is also happy to be hosting such an important fund for the region.

"We all know how important access to mental health supports is for our community," says Matt Bradley, Chair of the Pembroke Petawawa District Community Foundation. "We were very pleased to have an organization like Valley EFAP, an organization that provides mental health support across Renfrew County, to consider partnering with us to establish this fund. It is a proud moment for the Foundation."

The Fund is profiled on the Foundation's website - www.givingthatgrows.com - and donations can be made any time.

16



May 8, 2015

Jim Gibson, Reeve
United Townships of Head, Clara and Maria
15 Township Hall Road
Stonecliffe, Ontario
K0J 2K0

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Canada T2P 5H1
Tel.: 1.855.895.8750
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Email: EnergyEast@TransCanada.com

Delivered by email: hcmjimg@gmail.com

Re: Energy East Pipeline Project Update

Dear Jim Gibson

I would first like to thank you for your interest and questions regarding the Energy East Pipeline. It has been my pleasure to engage with you and your community for the last two years in this important Canadian project.

I would like to share an update on where Energy East currently stands, and what steps we are taking to ensure the project delivers on its promise of being a critical piece of Canadian energy infrastructure. Energy East will bring Western Canadian oil to Eastern Canadian refineries for the first time, helping to make Canada energy self-sufficient by reducing eastern Canada's current reliance on foreign oil.

As you are aware, TransCanada officially submitted this project to the National Energy Board (NEB) on October 30, 2014. The NEB is currently in the process of analyzing the 30,000-page application to determine whether the filing is "complete" from a regulatory standpoint. Once deemed complete, the NEB can formally accept the application and begin their extensive public hearing process. Since our initial filing, TransCanada has submitted supplemental filings to the NEB with further details of work done to date, as well as changes to the project that respond to public input received and further technical studies.

One of these important supplemental filings occurred recently on April 2, 2015 when TransCanada removed a planned marine terminal that was to be located in Cacouna, Québec. TransCanada made this decision in response to concerns raised about the beluga whale habitat in the Cacouna area. Beluga whales have been considered a threatened species in Canada since 2005 but in December of 2014, the St. Lawrence River population of beluga whales was placed on the endangered species list by the Committee on the Status of Endangered Wildlife in Canada. Given TransCanada's commitment to protecting the environment and in respect of this change of status in the St. Lawrence, we moved to stop all exploratory and planned construction activities at the Cacouna site.

The decision to remove the Cacouna port site requires us to reroute our planned pipeline in the area. Over the course of this year, our team will be working to determine other potential route options for Energy East in Québec as well as valve site and pump station locations across Canada. We anticipate submitting a Project Amendment to the NEB in the Fourth Quarter of this year.

While a change in routing is unlikely to have any major impact on the project in Ontario, we are nonetheless looking at a delay in the regulatory process of about one year. With the delay in filing and reroute, we are now anticipating an in-service date to New Brunswick in 2020.



We will continue to work with you, your community and with first responders across the country in order to build a safe, reliable pipeline that can provide the energy that Canadians use every day. However, our focus for the remainder of this year is to complete the submission of our Project Amendment to the NEB. Until we complete and submit the details of the Québec route change, we will defer many planned local information sessions. We want to be able to present you with the full details of the project as amended in our next round of formal engagement. Therefore, I anticipate a corresponding delay in some of our public consultation activities for this year.

We anticipate holding further open houses early next year once our final route has been submitted to the NEB along with planned valve sites and pumping stations for the project. We want to ensure our public engagement is accurate and informative and gives communities the information they need to better understand Energy East.

As always, we are more than happy to address any questions as they arise and are committed to continue briefing those municipal councils and individual newly-elected councillors who might not have been briefed previously or may not be familiar with the project. If you feel you would benefit from a presentation this year, I would be more than happy to accommodate your request. Please do not hesitate to contact me with any questions you may have about Energy East. I look forward to working with you in the months and years ahead.

Kind regards,

A handwritten signature in black ink, appearing to read "Jon Pitcher".

Jon Pitcher
Community Relations Lead (Ontario)
Energy East Pipeline
jon_pitcher@transcanada.com
direct: 1.416.869.2147

----- Forwarded message -----

From: **Jon Pitcher** <jon_pitcher@transcanada.com>
Date: Fri, May 22, 2015 at 11:19 AM
Subject: Follow-up Question from March 2015 Meeting
To: "frank.m.burke@gmail.com" <frank.m.burke@gmail.com>
Cc: "rmcgee@deepriver.ca" <rmcgee@deepriver.ca>

17

Dear Mr. Burke,

Thank you again for the opportunity to meet with you and your membership to provide information and answer questions about the Energy East Pipeline Project on March 5, 2015. I am writing to provide information about the property tax revenue related to the Project in Renfrew County.

In 2014, TransCanada paid \$7,484,609.47 in property tax in the County of Renfrew. This figure includes the municipal portion (shared between Renfrew County and the host municipalities), as well as the education portion. This figure does not include the \$7.6 million that TransCanada paid in provincial taxes last year, which fund health care, social services and infrastructure across Ontario. With the addition of pipeline under the Madawaska River, pumping stations and valves throughout Renfrew County, we anticipate an increase in the capital value of our infrastructure, which will result in an increase in municipal and provincial taxes paid. Pumping stations, for example, can result in \$200,000 to \$250,000 per year in property taxes paid.

As a follow-up to our presentation, I would also like to inform you of a slight delay to our project timeline of one year. This is due to the decision not to build a marine and associated tank terminals at Cacouna, QuÃ©bec. Potential alternative terminal options in QuÃ©bec are being reviewed. Please see the attached news release for more information.

During our presentation, we fielded questions about whether landowners would have access to the environmental and socio-economic assessments conducted on individual parcels of land. As we explained in person, parcel-by-parcel information will not be provided, but you can access the entire assessment of the socio-economic, biophysical, and environmental impacts of the project was submitted to the NEB as part of the Project Application (refer to Volume 11, which was further divided into eight volumes). To help you navigate the Application, as well as the subsequent two Supplemental Reports, I have attached a guidance document that gives a high-level summary of what is in each volume and section. We will continue to update the ESA on a regular basis, as outlined in Appendix 1-1 Rev. 2 (Updated Supplemental Submission Schedule), which was submitted as part of our Supplemental Report Number 2.

Thank you again for your continuing engagement on the Project. Please do not hesitate to contact my colleague

26/05/2015

NewsRelease



TransCanada Alters Québec Scope of Energy East Pipeline Project *Decision a Result of Continued Conversations with Communities and Stakeholders*

MONTREAL, Québec – **April 2, 2015** – TransCanada Corporation (TSX, NYSE: TRP) (TransCanada) today announced it is altering the scope of the Energy East pipeline project in Québec as part of its continued commitment to stakeholder consultation, environmental stewardship and community safety. Part of that altered scope includes the decision not to build a marine and associated tank terminals at Cacouna, Québec. Potential alternative terminal options in Québec are being reviewed. Québec and New Brunswick refineries would continue to be connected directly to Energy East.

"This decision is the result of the recommended change in status of the Beluga whales to endangered and ongoing discussions we have had with communities and key stakeholders," said Russ Girling, TransCanada's president and chief executive officer. "We have listened and our decision reflects that. Our goal has been to strike a balance between TransCanada's commitment to minimizing environmental impacts and the imperative to build modern infrastructure to safely transport the energy Canadians need and consume every day."

One of the key learnings from discussions with stakeholders was related to emergency response plans, which are developed with local agencies along the pipeline route. Typically, these detailed plans are finalized and provided to the National Energy Board (NEB) in the latter part of the regulatory process. The Energy East team has heard how significant these documents are to communities and other stakeholders. In response, the development and submission of these emergency response plans will be brought to the NEB earlier in its process.

"We want Canadians to know that we have and will continue to listen," concluded Girling. "The Energy East pipeline will be designed and operated with a singular focus on safety – that is what Canadians expect and that is what TransCanada will deliver. We all recognize that oil is essential in our daily lives. We need it to operate our vehicles, fuel airplanes, produce smart phones, manufacture heart valves and make the thousands of products we rely on every day. We must ensure the oil is transported safely and reliably and pipelines are the best way to do that."

Girling highlights Energy East represents the opportunity to establish a reliable supply of primarily Western Canadian crude oil for refineries in Québec and New Brunswick. In addition, the project will support 14,000 direct and indirect full-time jobs across Canada during development and construction, and generate more than \$7 billion in additional tax revenues in the first 20 years of operation for local, provincial and federal governments, along with billions of dollars in economic activity across the country.

TransCanada will be advising the NEB that the company will not be proceeding with a marine terminal in Cacouna and is evaluating other options. Any amendments to the applications for Energy East reflecting the outcome of that evaluation are expected to be filed with the NEB in the fourth quarter of 2015. The result of this alteration to the project scope and further refinement of the project schedule is expected to result in an in service date of 2020.

The 1.1 million barrels per day (bbl/d) Energy East project has secured approximately one million bbl/d of firm, long-term contracts. The \$12 billion project is an important element of TransCanada's \$46 billion of commercially secured growth projects. Over the remainder of the decade, subject to required approvals, this industry-leading portfolio of contracted energy infrastructure projects is expected to generate significant growth in earnings, cash flow and dividends.

19

Head, Clara, Maria - M. Reith

From: "AMO Communications" <communicate@amo.on.ca>
Date: May-22-15 12:29 PM
To: <twpshcm@xplornet.com>
Subject: AMO Policy Update - Ontario Government Launches Consultation on Infrastructure Funding for Areas Outside of GTHA

May 22, 2015

Ontario Government Launches Consultation on Infrastructure Funding For Areas Outside of Greater Toronto and Hamilton Areas (GTHA)

The provincial government is beginning consultations on **Moving Ontario Forward – Outside the GTHA**. The consultation will run through the summer with a number of roundtables to be announced and comments are due by **September 18, 2015**.

Move Ontario Forward is the government's 10-year, \$31.5 billion strategy to fund infrastructure across Ontario. Of this funding \$16 billion is available to support transit within the GTHA and \$15 billion is dedicated to areas outside of the GTHA. Of the \$15 billion for projects outside of the GTHA, the government has committed some funding already to programs such as Connecting Links, Ontario Community Infrastructure Fund (OCIF), and natural gas initiatives. This consultation is focused on the remaining \$11.5 billion.

The released discussion document is intended to frame consultations. It identifies the Province's principles for use in designing the funding program with emphasis on projects with a regional focus, underpinned by strong business cases and the potential to maximize returns through economic growth as well as social and environmental benefits, among others.

AMO members are encouraged to attend the roundtables once they are announced and develop their own responses to the guide. To help members respond, AMO suggests using the following considerations:

- **Equity** – Can the funding be distributed in a way that treats areas of the province (Northern, Eastern, Western, etc.) in a manner that is seen to be fair and equitable? How can both smaller municipalities and larger ones be given the same access to potential funding?
- **Transparency** – Residents and communities are entitled to have access to documentation that shows now and in the future what funding requests were received by the Province, what projects are committed to, when funds are spent, and any change effected. Funding should not be re-profiled, re-announced, or re-committed without being transparently tracked.
- **Municipal access** – Can submission requirements be commensurate to the scale of the project?
- **Accounts for local fiscal challenges** – Can the funding recognize the local infrastructure challenges in a municipality and the contribution of core investments to the local economy?

AMO anticipates that members also may be interested in looking at the scale of economic returns on infrastructure projects and how these are viewed in various perspectives: local, regional, provincial, and national. The Province has made the largest commitment to infrastructure funding. At the same time, all municipalities have significant needs but not enough fiscal capacity, so there will be a substantial interest in how this funding is designed.

26/05/2015



20

May 15, 2015

Dear Mayor and Members of Council,

In the past three decades, passenger rail and intercity bus services have diminished in many Southwestern Ontario communities (please see the attached infographic). While the Ontario government supports GO Transit, High Speed Rail and Metrolinx projects, VIA Rail continues to struggle. Advocacy groups have begun to form in St. Marys, Sarnia and Stratford in response to reductions in VIA Rail service.

The Southwestern Ontario Transportation Alliance (SWOTA) has proposed a practical solution that combines passenger rail and bus services: the *Network Southwest Action Plan*. Now SWOTA needs our support so their message can be heard by all levels of government.

We invite you to join our coalition of municipalities in support of VIA Rail and *Network Southwest*, by passing the attached resolution.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.

Sincerely,

Al Stratthdee, Mayor
Town of St. Marys
519-284-2340 ext. 246

TOWN OF ST. MARYS
P.O. Box 998, St. Marys, ON. N4X 1B6

Telephone: 519-284-2340 • Fax: 519-284-3881



Resolution in Support of VIA Rail

Whereas, reductions in VIA Rail service led to the formation of advocacy groups such as Save VIA (www.savevia.ca); and

Whereas, citizens of all ages and backgrounds, especially those with no license or vehicle, rely on VIA Rail; and

Whereas, passenger rail provides safer and more eco-friendly transportation than driving; and

Whereas, enhanced VIA Rail service heightens connections between communities, thereby promoting tourism and economic development; and

Whereas, the Southwestern Ontario Transportation Alliance, with the support of advocacy groups, businesses and municipalities in the region, has published the *Network Southwest Action Plan* to address the need for reliable and sustainable rail-based passenger transportation in Southwestern Ontario; and

Whereas, it is time for all levels of government to stop thinking passenger rail service is only a federal responsibility, and begin providing support for intercity transportation services in communities beyond the Greater Toronto and Hamilton Area (GTHA);

Now, therefore, I, Mayor of _____, do hereby proclaim that VIA Rail is important to my municipality; and urge my fellow citizens as well as all levels of government to consider the *Network Southwest Action Plan* as presented March 18, 2015 and available at www.swota.ca.

TOWN OF ST. MARYS

P.O. Box 998, St. Marys, ON. N4X 1B6

Telephone: 519-284-2340 • Fax: 519-284-3881



County of
Renfrew
Ontario . Canada

Experience Our History, Share Our Future!

Council Communiqué

21

County Council Review

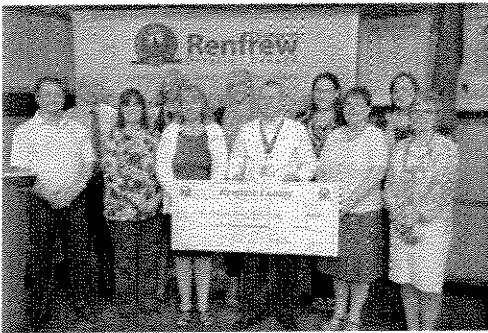
March 2015

HIGHLIGHTS

Mr. Jason Davis, Manager of Forestry and GIS, for the County of Renfrew presented an overview of the Digital Raster Acquisition Project for the East II (**DRAPE II**). Mr. Davis, reviewed the program and the many benefits that aerial photography provides to the County of Renfrew in uses like mapping, forestry, planning and economic development

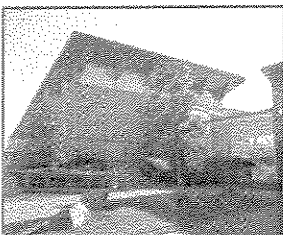
County Council adopted By-law 32-15 to authorize the adoption of a Council Code of Conduct. This document lays out the guidelines for County Councillors as to expectation of professional conduct while in office. An Employee Code of conduct was similarly adopted in 2014 for County of Renfrew employees.

Staff Raise Funds for Two Local Groups



Mr. Roger Martin with the Canadian Cancer Society, accepted a cheque from County of Renfrew Staff in the amount of \$440. Mr. Martin then spoke to the importance that

donations like this make to the local campaign. The second presentation was made to Ms. Keryl Banks from the Therapeutic Riding Program. Staff member Kim Fraser presented Ms. Banks with a cheque in the amount of \$406. Ms. Banks said this money would be used to send a local child through the program. The funds for both groups were raised over two denim days this Spring.



For more information, contact:

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Pembroke, Ontario K8A 6W5

613-735-7288



Algonquin Forestry Authority Delegation

Mr. David Stewart, Chair, and Mr. Jeff Leavey, General Manager, Algonquin Forestry Authority (AFA), Ministry of



Natural Resources and Forestry provided a detailed update on the AFA. They spoke at length about the

changes that the AFA has made over the past 40 years, and how the park itself has evolved. They spoke to the massive economic driver that the Park is to the regional economy, and how sustainable forestry is a large part of that success.

COUNCIL INITIATIVES

County Council Adopted By-Law 48-15, A By-law to Authorize Certain Capital Works of the Corporation of the County of Renfrew; to Authorize the Submission of an Application to the Ontario Infrastructure and Lands Corporation ("OILC") for Financing such Capital Works; to Authorize Temporary Borrowing from OILC to Meet Expenditures in Connection with such works; AND to Authorize Long Term Borrowing from OILC for such works through the issue of Debentures be adopted at this session of County Council.

County Council Adopted By-law 49-15 A By-Law for the Execution of Professional Services Agreement PWC-2015-16 for Design and Contract Administration Services for the Rehabilitation of County Structure B120 (Claybank Bridge).

County Council Adopted By-law 50-15 A By-Law for the Execution of Contract No. PWC-2015-09 Rehabilitation of County Road 512 (Queen Street).

County Council Adopted By-law 51-15 A By-Law for the Execution of Contract No. PWC-2015-11 Rehabilitation of County Road 2 (White Lake Road) and County Road 52 (Burnstown Road).

22

[Home](#)[Program](#)[Delegates](#)[Marketing](#)[Register](#)[Contact](#)

Program at a Glance

program is subject to change

Program is subject to change

Tuesday, September 15, 2015					
9:00 a.m. – 5:00 p.m.	Preconference Workshop Collaborating in Economic Development: Warfare, Love Affair or Co-opetition				
1:00 p.m. – 4:00 p.m.	Preconference Workshop Economic Development Training for Elected Officials				
Wednesday, September 16, 2015					
8:30 a.m.	Registration Opens				
9:30 a.m. – 11:00 a.m.	Presentation of Ontario East Economic Developer of the Year Opening Keynote Speaker: Gary Gzik, CEO of BizXcel Inc.				
11:15 a.m. – 5:00 p.m.	Mobile Tour – RiverQuest Aquatorium				
11:15 a.m. – 12:15 p.m.	Concurrent Sessions / Lunch 1				
	Municipal Finance 101 – For the Beginner	Not Your Grandmother's Approach to Land Use Planning!	CycleON Strategy	Economic Development Strategic Planning	Local Food/Food Hub
12:30 p.m. – 1:30 p.m.	Concurrent Sessions / Lunch 2				
	Rural Renaissance	Creating an Integrated Housing and Homelessness System	Permitted Uses in Prime Agricultural Areas	The Greatest Game on Earth – Economic Development – The Musical	Downtown Renewal – Working with your BIA
1:45 p.m. – 3:15 p.m.	Concurrent Sessions				
	Municipal Leading Practices	What Conservation Authorities Can Do For You!	Core Service Delivery Review	Unlocking the Potential Value of Brownfields in your Community	Social Media and its Effects on the Workplace
3:15 p.m. – 3:45 p.m.	Refreshment Break				
3:45 p.m. – 4:45 p.m.	Concurrent Sessions				
	Basic Parliamentary Procedures – the Essentials (bilingual session) / <i>Procédures de base parlementaires – les essentiels (session bilingue)</i>	Human Rights and Planning Law	Walkerton to Winchester: Planning for Protection	Tourism Investment / LiveWorkLearnPlay	MEDEI/OMAFRA FDI

6:00 p.m. – 8:00 p.m.	Opening Reception Sponsored by Cambium Inc.				
8:00 p.m. – 11:00 p.m.	Cambium Hospitality Party				
Thursday, September 17, 2015					
7:00 a.m. – 8:30 a.m.	Breakfast				
8:45 a.m. – 9:45 a.m.	Presentation of the Long Standing Service Awards				
9:45 a.m. – 10:15 a.m.	Refreshment Break				
11:30 a.m. – 5:00 p.m.	Mobile Tour – Affordable Housing				
10:15 a.m. – 11:15 a.m.	Concurrent Sessions				
	Topic TBA	Updates from the Office of the Fire Marshal and Emergency Management	Municipal Readiness for FDI Attraction	THE Formula for Economic Development Success	Business Retention and Expansion (BR+E)
11:30 a.m. – 12:30 p.m.	Concurrent Sessions / Lunch 1				
	Rethinking Municipal Services into the Future	Are Downtowns Back?	Bid Rigging and the Competition Act	MEDEI and Friends Café	Securing More Revenue – Municipalities and Corporate Sponsorship
12:45 p.m. – 1:45 p.m.	Concurrent Sessions / Lunch 2				
	Rural and Small Urban Recreation Collaboration	Topic TBA	Topic TBA	MEDEI and Friends Café	How To Attract Investors Attention to Your Community – Best Practices, Case Stories & Research
2:00 p.m. – 3:15 p.m.	Concurrent Sessions				
	Building on Your Strengths for a Better Tomorrow	PPS* (*pronounced Peeps™) and Other Treats	Planning for Radiocommunication Towers: Cross-jurisdiction Processes and the Impact on the Public Realm	Creating a Rural Renaissance in Eastern Ontario's Smallest Towns	Ontario East Economic Development Commission – Regional Economic Development
3:15 p.m. – 3:45 p.m.	Refreshment Break				
3:45 p.m. – 4:45 p.m.	Concurrent Sessions				
	Planning Primer	Fiscal Impacts of Alternative Development Patterns: A New Tool for Municipalities	Getting to Know the Building Code	Trillium Foundation	Business Immigration
5:30 p.m. – 11:30 p.m.	Taste of the Town				
Friday, September 18, 2015					
7:00 a.m. – 8:15 a.m.	Breakfast Sponsored by Templeman Menninga LLP and Templeman Consulting Group Inc.				
8:30 a.m. – 10:00 a.m.	Concurrent Sessions				
	Upper Management Succession Planning	Ministry of Natural Resources and Forestry (MNRFP) Updates		Crowd Funding	
10:00 a.m. –	Refreshment Break				

10:15 a.m.	
10:15 a.m. – 11:45 a.m.	Closing Speaker: Neil Pasricha, <i>The Book of Awesome</i> author

Thank you to our sponsors!

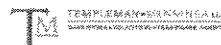
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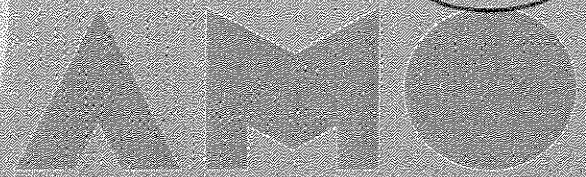
OEMC is held annually in September and is hosted in partnership by the Ontario East Economic Development Commission (OEEDC) and the Ontario Ministry of Municipal Affairs & Housing (MMAH).

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need to plan?

How do you manage
expectations?

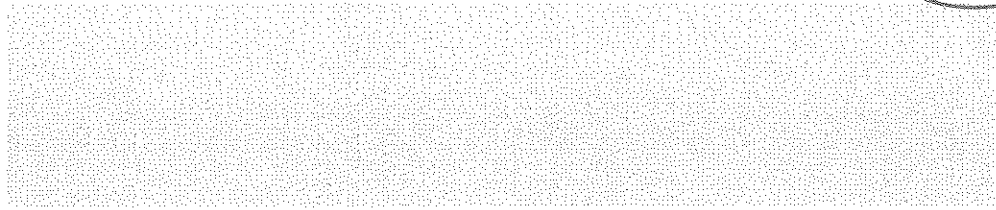
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MAY 29, 2015
BY: CRAIG RIX AND PAUL BROAD

ONTARIO GOVERNMENT TO AMEND WORKPLACE LAWS

On May 28, 2015, the Ontario government introduced Bill 109, the *Employment and Labour Statute Law Amendment Act, 2015*, proposed legislation intended to effect a number of changes to workplace laws, including:

- the labour relations provisions of the *Fire Protection and Prevention Act, 1997* ("FPPA");
- the *Public Sector Labour Relations Transition Act, 1997* ("PSLRTA"); and
- the *Workplace Safety and Insurance Act, 1997* ("WSIA").

In this *FTR Now*, we review some of the key changes introduced by Bill 109.

AMENDMENTS TO THE FPPA

Bill 109 would make a number of changes to the labour relations provisions of the *FPPA* by incorporating a wide range of provisions from the *Labour Relations Act, 1995* ("LRA") regarding such matters as unfair labour practices, membership in associations, and expedited rights arbitration, with modifications to take into account the unique nature of firefighter labour relations.

Bill 109 would amend the *FPPA* to address membership in firefighter associations in a number of ways. First, the *FPPA* would be amended to expressly permit associations to require the inclusion of closed shop language in a collective agreement (already contained in many collective agreements in the sector), with features such as mandatory association dues deductions and provisions requiring membership in the association or giving preference of employment to members of an association.

However, these new provisions are balanced by the inclusion of provisions designed to protect firefighters who have either been expelled or suspended from their association, or who have been denied membership or had it withheld from them, where such actions are based on a number of listed, protected grounds (including, for example, engaging in "reasonable dissent" within the association). These provisions may assist municipalities that employ full-time firefighters who also serve as volunteer firefighters in other municipalities (so-called "double hatters") as they will provide a measure of protection for the full-time position held by the double hatter.

Bill 109 would also amend the *FPPA* by the addition of a range of prohibitions on unfair labour practices which parallel those found in the *LRA*. This would include a revised duty of fair representation obligation applied to associations, and a clearer process by which complaints may be brought to the Ontario Labour Relations Board ("OLRB") for resolution.

One other change of note relates to the introduction of an expedited rights arbitration process, similar to that found in section 49 of the *LRA*, under which either party to a collective agreement could ask the Minister of Labour to appoint a single arbitrator to decide an unresolved grievance.

Bill 109 provides that these changes will have some retroactive effect, as they will apply immediately to any ongoing matters before the OLRB or a labour arbitrator provided that there had not been a decision rendered as of the date Bill 109 was first introduced (i.e. as of May 28, 2015).

The amendments to the *FPPA* will come into force on the date that Bill 109 receives Royal Assent.

AMENDMENTS TO THE *PSLRTA*

The *PSLRTA* is legislation that is intended to facilitate rationalizations and other restructurings in the broader public sector, and to provide procedures to resolve conflicting collective bargaining rights and other disputes that result. Where a restructuring results in a new bargaining unit in which the employees were previously represented by more than one trade union, the *PSLRTA* will generally require a vote to be held to determine the new bargaining agent (subject to limited exceptions).

Bill 109 would amend the *PSLRTA* to add a new exception to the requirement to hold a vote. Under the amendments, where one trade union

held bargaining rights for a prescribed percentage of employees in the new bargaining unit, that trade union will become the new bargaining agent for all employees in the unit without the need for a vote.

While Bill 109 does not establish the exact percentage, it provides that it must be more than 60%. Based on our previous experience with *PSLRTA*, we anticipate that this change will have the greatest impact on health services integrations, such as those involving hospitals.

The amendments to the *PSLRTA* will come into effect six months after Bill 109 receives Royal Assent.

AMENDMENTS TO THE *WSIA*

Finally, Bill 109 would make a number of amendments to the *WSIA*. The statute would be amended to provide protection to employees who have filed, or intend to file, a claim for benefits by prohibiting employers from:

- prohibiting or discouraging workers from filing claims; and
- influencing or inducing workers to withdraw or abandon claims.

The prohibitions extend to all manner of promises, threats and discipline, including terminations, suspensions or otherwise imposing a penalty on workers. A new monetary penalty (amount to be prescribed by regulation) would apply in addition to any fine that could be imposed by a court if the employer was also found guilty of an offence.

A further change is that the maximum fine that could be imposed on a person who is not an individual (e.g. a corporation) found guilty of an offence under the *WSIA* would be increased from \$100,000 to \$500,000.

The *WSIA* would also be amended to eliminate the deemed net average earnings provision currently applicable when calculating the level of survivor benefits payable in cases where the worker has no net average earnings on the date of injury. Rather than applying the statutory minimum of \$15,312.51 per year, the amendments would allow the Workplace Safety and Insurance Board ("WSIB") to use the net average earnings of workers engaged in the same trade, occupation, profession or calling as the deceased worker at the time that the injury first arose.

This change would apply retroactively to any injury that occurred on or after January 1, 1998, and permits survivors (1) to request the WSIB to reconsider decisions it has already rendered, and (2) to refile claims with the WSIB that have already been determined by the Workplace Safety and Insurance Appeals Tribunal ("Tribunal"). This represents a significant liability for any Schedule 2 employer that has relied upon the wording of the current WSIA and has obtained decisions from the Tribunal on this issue.

Finally, the WSIB would be required to appoint a "Fair Practices Commissioner" to serve as the ombudsman of the WSIB. The new Commissioner would have the authority to investigate complaints and make recommendations.

The changes to the WSIA would come into effect on the day that Bill 109 receives Royal Assent.

NEXT STEPS

We will continue to monitor Bill 109 as it moves through the legislative process.

If you have any questions about how Bill 109 might affect your organization, please feel free to contact your regular Hicks Morley lawyer.

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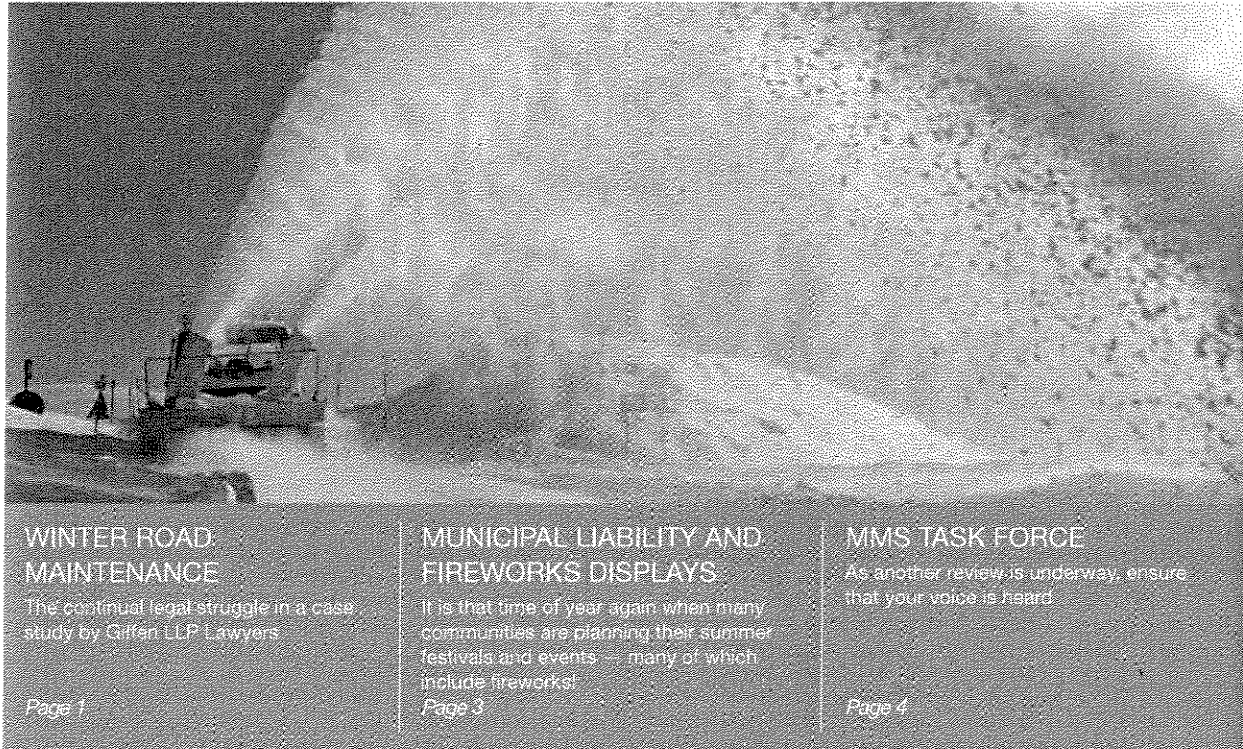
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THE RISK REPORTER

PUBLIC SECTOR DIVISION | ISSUE 8 | MAY 2015



WINTER ROAD MAINTENANCE

The continual legal struggle in a case study by Giffen LLP Lawyers

Page 1

MUNICIPAL LIABILITY AND FIREWORKS DISPLAYS

It is that time of year again when many communities are planning their summer festivals and events — many of which include fireworks!

Page 3

MMS TASK FORCE

As another review is underway, ensure that your voice is heard

Page 4

Winter Road Maintenance: The Continual Legal Struggle

The recent decision of Justice Grace in *Kelly v. Perth (County)*, is another case which dealt with the issue of whether a highway was maintained in a reasonable state of repair during winter conditions.

FACTS

Stephanie Kelly was involved in a very serious motor vehicle accident at approximately 4:30 p.m. on April 6, 2009. The evidence established that a snow drift eight to ten inches deep and perhaps up to 60 meters long had accumulated on Line 37 in the County of Perth. Ms. Kelly

lost control of her vehicle when she hit this drift. Her car left the road and hit a tree. She suffered serious and permanent injuries as a result of the accident.

On April 5, 2009, Environment Canada was forecasting 15 cm of snow and gusting winds of up to 60 km/hr for April 6, 2009. A snowfall warning was issued

for Perth County. Perth County responded to this forecast by commencing patrolling of its highways at 4:00 a.m. on April 6, 2009. By 6:00 a.m., the patroller felt it was necessary to call in the snow plow operators.

Line 37 was part of route 5. The plow operator plowed and salted route 5

Continued on page 2 ►►

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between 6:15 and 8:30 a.m. GPS records indicated the plow was on Line 37 from 7:54 to 8:17 a.m. After a short break at 8:30 a.m., the operator patrolled routes 4 and 5 for two hours followed by one hour of plowing other County roads. He returned to the depot at noon and stayed indoors for the rest of his shift. He did not monitor the weather. He undertook no further inspection or maintenance on Line 37 after 8:17 a.m.

THE DECISION

Justice Grace pointed out, correctly, the plaintiff had the onus of establishing that the County failed to keep Line 37 in a state of reasonable repair and that the accident was caused by the state of disrepair. Upon meeting this onus, the burden then shifted to the County to establish one of the statutory defences afforded to it under the Municipal Act, 2001.

Justice Grace had no difficulty finding the drift which had accumulated on Line 37 created a dangerous situation for all motorists travelling on Line 37 that afternoon. His decision indicated he would have made this finding even if the County's Director of Public Works had not admitted the drift was a condition which the County would have attended to had it been aware of its existence.

Justice Grace also had no difficulty finding the County failed to keep Line 37 in a state that was reasonable in the circumstances. He held that the operator of the plow for route 5 "failed to do his job." The operator was tasked with patrolling route 5 and servicing its roads as needed. He should have been patrolling all roads within route 5 for his entire shift. However, for unexplained reasons, the operator returned to the depot at noon and did not venture outside again. This failure to continually patrol the roads during a weather event was not reasonable in the circumstances.

Causation was clear: an eye witness saw Ms. Kelly lose control of her vehicle shortly after it entered the drift. Justice Grace held Ms. Kelly was driving appropriately for the conditions.

Finally, Justice Grace turned to whether the County could avail itself of any of the three statutory defences under s. 44(3) of the Municipal Act, 2001.

"The County failed to keep Line 37 in a state that was reasonable in the circumstances"

Knowledge of the State of Repair

Justice Grace dismissed this defence in short order. He stated the County could have been reasonably expected to know about the state of repair if the operator for route 5 had patrolled Line 37 as he was expected to do.

Reasonable Steps to Prevent Default from Occurring

Justice Grace acknowledged the County's expert's comment that "you can't catch every snowflake before it hits the ground", but replied, "...one cannot catch a single snowflake by staying indoors." He further stated, "the inaction of the operator of truck 5 leads to this conclusion: on April 6, 2009 and in relation to Line 37, the County did not do all that was reasonably required of it".

Met Minimum Maintenance Standards

The accident occurred a few days after the end of the winter maintenance season. Therefore, the MMS did not apply and the County could not rely on the MMS as a defence.

Ultimately, Justice Grace found the County liable and awarded Ms. Kelly over \$5,000,000 in damages.

CONCLUSION

This decision is another in a line of decisions in which municipalities' winter maintenance efforts have been found lacking. It reinforces the court's attitude that anything other than continual deployment of resources during a winter event is negligent. Therefore, the best practice to avoid liability is to deploy all resources during a winter event and to ensure those resources remain deployed until such time as the event ends and the highways are deemed to be in a state which is reasonably safe. ■



by Stephen Brogden Hons. B.A., LL.B.
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Municipal Liability and Fireworks Displays

THE FACTS

In Ontario, municipalities have a statutory duty under the Occupiers' Liability Act to ensure that all persons that enter its premises are reasonably safe while on those premises. This duty extends to all permitted activities, whether or not the municipality is organizing the event.

Fireworks Displays and Pyrotechnics are often included in public celebrations or special events.

The Explosives Regulatory Division of Natural Resources Canada is responsible for administering Canada's Explosives Act and Regulations. This article addresses one of their main goals—to ensure public safety.

There are three (3) classes of fireworks in Canada:

- (1) Consumer Fireworks—which are low hazard fireworks designed for recreational use by the public
- (2) Display Fireworks—which are high hazard fireworks designed for use by professionals
- (3) Pyrotechnic Special Effects—which are high hazard pyrotechnics designed for use by professionals

In order to set off either Display Fireworks or Pyrotechnic Special Effects, one must be certified appropriately by Natural Resources Canada.

Additionally, each Province and Municipality may have their own by-laws and regulations regarding fireworks which often include:

- Which days fireworks can be set off
- Where fireworks are permitted to be set off
- Who can set off fireworks
- For whom fireworks can be displayed
- What permits, if any, are required
- What requirements must be adhered to for public display

WHAT CAN GO WRONG?

Fireworks and pyrotechnics are explosives, thus inherently, these items are considered unstable, volatile and violent and must be treated carefully while being stored, transported, set-off and discarded.

There are, unfortunately, numerous examples of incidents and claims, whereby fireworks have resulted in injury to both people and their property. Some examples include:

- Fire damage to neighbouring buildings and cars due to misfired fireworks or the resulting fallout/debris.
- Fire damage to display area from pyrotechnics or fireworks.
- Bodily injury to spectators or operator ranging from serious eye damage to minor burns.
- Serious facial injury to a child after picking up a canister off the ground the day following a fireworks display.

As an occupier of premises (whether as the owner or the event organizer), the municipality has an obligation to ensure safety for all persons and their property while attending the premises (including before and after the event) as well as safety of neighbouring persons and property. Failure to provide the necessary safety measures could result in liability against the municipality or event organizer.



RISK MANAGEMENT CONSIDERATIONS

We would suggest that all municipalities and event organizers consider the following recommendations for both the protection from liability and more importantly, the safety of spectators and everyone involved with fireworks displays and the use of pyrotechnics:

- Check and verify all applicable federal and provincial laws and regulations; as well as the corresponding municipal by-laws.
- Obtain proper permits; fully complete applications and provide prior notifications.
- Ensure that only qualified, experienced and licensed individuals will be handling and operating all fireworks and pyrotechnics. Make sure that the fireworks technician or operator carries the appropriate license and endorsements for the types of fireworks/pyrotechnics that will be used.
- When hiring an independent contractor, ensure that they provide the municipality or event organizer with sufficient limits of Liability Insurance (specifically covering the use of fireworks). We would suggest a minimum limit of at least \$5 million with the municipality and/or event organizer included as an Additional Insured.
- Ensure that only appropriate types of fireworks (licensed for use in Canada) are used.
- Conduct a display site assessment. Are there sufficient distances between the firing site and the spectator areas and other buildings or structures? Is the surrounding area conducive to the fireworks display (e.g. Noise pollution to neighbours; fire hazards such as wooded areas; buildings too close; parking areas; overhead wires; etc.)? What other obstructions are noted? What is the wind direction? Where is

Continued on page 4 ►►

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The value we create is driven through the personal determination of our 10,000 highly motivated and skilled people.

JLT has offices in 39 territories supported by the JLT International Network enabling us to offer risk management and employee benefit solutions in over 135 countries.

Transparency, communication, and collaboration is the key to our culture. We will continue to invest heavily in promoting and enabling our culture to ensure that our continued growth and geographic spread does not come at the cost of failing to bring the best of JLT to our clients, all of the time. We place our clients first, champion independent thinking and expect to be judged on the results we deliver.

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◀ Continued from page 3

the fallout zone; and what is the firing direction?

- Will there be sufficient barricades between the firing zone, safety zone and the spectator areas? How will the crowds be controlled? Are there established emergency vehicle access points?
- What emergency planning has been conducted? Have the following services been notified: fire department, police, ambulance, other first aid?
- If the municipality owns the premises but is not organizing the fireworks or pyrotechnics displays, we suggest that a hold harmless and indemnification agreement be entered into with the event organizer along with proof of liability insurance including the municipality as an Additional Insured.
- Notify neighbours of the event so that they can make plans for protection of themselves and their property, cars, and pets.
- Continuous monitoring of weather conditions (including wind strength and direction) before and during the fireworks display is highly recommended.
- Final inspection of display site and clean-up following an event is important.
- Train staff on the importance of handling complaints and recording incidents, along with all pertinent information on the corresponding Incident Report Form (including witness contact details).
- Document all actions taken and keep in safe storage in the event of a mishap.
- Develop internal protocols or guidelines to deal with public fireworks and pyrotechnic displays that are either being put on by the municipality or by event operators on municipal property to ensure public safety, consistent standards, and liability protection.
- Provide staff with ongoing training of these protocols and guidelines.

CONCLUSION

Remember, fireworks and pyrotechnic displays are intended for public enjoyment. By following these recommended safety and risk management measures, hopefully, everyone involved can enjoy the displays in a safe and protected environment. ■

Minimum Maintenance Standards Review

Ontario's Minimum Maintenance Standards for Municipal Highways (Ontario Regulation 239/02) is under review.

JLT Canada Public Sector Specialty is pleased to announce the appointment of Barbra Anne Vaspori, Vice President, to the newly reorganized Minimum Maintenance Standards Task Force.

This Task Force is comprised of many industry experts including the MTO, OGRA, legal, municipal and insurance.

Although Barbra Anne is new to the Task Force, she was directly involved with

introducing the original draft standards to municipalities across the Province in the late 1990's.

If your municipality has concerns with the existing regulation or would like to suggest changes for consideration in the next draft, please contact Barbra Anne Vaspori at bvaspori@jltcanada.com and she will ensure that your voice is heard! ■

The Risk Reporter is provided as an information document to benefit the clients of JLT Public Sector. This is not a legal document and is not intended to provide a complete analysis of any issue or coverage discussed.

**Ministry of Municipal Affairs and Housing (MMAH) Updates
RCCTA
May 8, 2015
City of Pembroke**

DISCLAIMER

This is an overview provided for convenience and may not be complete. It should not be relied on for legal or official purposes. For authoritative text, users may refer to the legislation at www.e-laws.gov.on.ca and other reference materials. As local facts and circumstances are variable, users may also wish to consider obtaining their own legal advice when particular legal issues or decisions arise.

1. Legislation Under Review

Bill 8 – *Public Sector and MPP Accountability and Transparency Act, 2014* was carried on division on second reading and referred to the Standing Committee on General Government on November 19, 2014. The committee held public hearings on November 24 and 26, 2014 about the bill. Clause-by-clause discussions of the bill were held December 1st and 3rd and the committee was to report to the legislature no later than December 4th, 2014. The bill received Royal Assent on December 11, 2014. Further information on debates and proceedings is available on the Ontario Legislature website: www.ontla.on.ca

As indicated in the mandate letter released in 2014 for the Minister of Municipal Affairs and Housing, the *Municipal Elections Act, 1996* will be reviewed after the 2014 municipal election period.

The *Municipal Act, 2001* must be reviewed every five years as per that legislation.

In November 2014, the ministry indicated that it would be reviewing the *Municipal Conflict of Interest Act* in light of recent court proceedings and the Cunningham Inquiry involving that piece of legislation.

The minister's mandate letter also indicates forthcoming reviews of the *Planning Act*, the *Development Charges Act*, and the Ontario Municipal Board.

2. Bill 73 – The Smart Growth for Our Communities Act, 2015

From October 2013 to January 2014, the government undertook province-wide consultations on the land use planning and appeal system, and development charges system to ensure both systems are predictable, transparent, cost effective and responsive to the changing needs of our communities. The government is responding to comments received through the consultations and has announced proposed legislative amendments to the *Development Charges Act, 1997* and the *Planning Act*.

If passed, Bill 73 - the proposed Smart Growth for Our Communities Act would give residents more say in how their communities grow, set out clearer rules for land use planning, give municipalities more independence to make local decisions and make it easier to resolve disputes.

For example, residents would be better involved at the beginning of the planning process and have a say in the future of their communities. Municipalities would need to set out in their official plans how and when the public would be consulted, and would also need to explain how public input affected their planning decisions.

The bill would also:

- give municipalities more opportunities to fund growth-related infrastructure, like transit;
- make the development charges, section 37 density bonusing and parkland dedication systems more predictable, transparent and accountable; and
- support higher density development to create jobs and grow the economy.

We will also be setting up working groups of stakeholders to review further more complex development charges issues, and to take a considered look at some land use planning elements, and propose solutions.

For a copy of Bill 73 – the proposed Smart Growth for Our Communities Act, and to monitor the status of the Bill through the legislative process, please visit the Legislative Assembly of Ontario website: <http://www.ontla.on.ca/web/home.do>

Comments on the proposed Bill can be made through:

the Environmental Bill of Rights Registry Number: 012-3651 <http://www.ebr.gov.on.ca>

email to:

PlanningConsultation@ontario.ca – for comments on the changes to the Planning Act
DCAConsultation@ontario.ca – for comments on the changes to the Development Charges Act, 1997

3. AMO Delegation Requests

The request form for AMO delegation requests will be posted on the Ministry's website on May 4th, and stay up until July 6th.

<http://www.mah.gov.on.ca/Page11097.aspx>

4. MFOA Webinar on Assessment at Risk

The Municipal Finance Officers Association (MFOA) will deliver a two-part webinar series on assessment at risk on May 26 and May 27 from 12:00pm-1:30pm.

The two-part webinar series is free for all municipalities and will provide useful information on existing tools and resources to better support municipalities in identifying, understanding and planning for the potential financial implications of appeals and Requests for Reconsiderations.

If you are interested in learning more about assessment at risk, we encourage you to attend.

Part 1: Understanding, Tracking and Accounting For Assessment at Risk (May 26 12:00pm-1:30pm)

Part 2: New Tools and Strategies for Dealing with Assessment at Risk (May 27 12:00pm-1:30pm)

For more information on how to register for one or both of these free webinars, please visit the MFOA webinars/e-learning page on their website at:
<http://store.mfoa.on.ca/Store/calendarschedule.aspx?EVENTTYPE=WBNR>

5. 2014 Financial Information Return (FIR)

The 2014 FIR template is now available for download on the FIR website:
<http://csconramp.mah.gov.on.ca/fir/welcome.htm>

Information on the FIR website, including the FIR2014 template, instructions and Start-Up Guide has been updated and are available for download.

The deadline for submitting the 2014 FIR is **May 31, 2015**.

Filing your FIR by the deadline is a requirement under the *Municipal Act, 2001*. It is also critical for enabling the province to determine allocations for provincial grants (e.g., infrastructure grants). In addition, submission of the FIR is a reporting obligation under the Ontario Municipal Partnership Fund (OMPF) program.

After the FIR has been completed without any critical errors, it may be submitted by email to: FIR.mah@ontario.ca.

The above is an excerpt from a letter that was sent to Municipal Treasurers and Auditors by the Ministry's Municipal Finance Policy Branch on January 19, 2015. Please open the following electronic attachments to view the full letter, as well as a list of content changes to the 2014 FIR and notes to completing the 2014 tax schedules.



FIR2014 Letter.pdf



FIR2014 Content Changes.pdf



Completing the 2014 FIR tax schedules.pdf

6. Budget and Tax Information Request

Some will have already received, and others will soon receive, the annual budget and tax information request that the Ministry sends out annually.

This year, a new question has been added seeking information on what planning studies and /or Official Plan updates you may have budgeted for and dollar value assigned to these costs. This information will be valuable to our Land Use Planning colleagues.

Please forward the completed form back to your Advisor as soon as the information is available. Any questions can be directed to your Advisor as well.

7. Ontario Disaster Relief Assistance Program Review

The Ministry of Municipal Affairs and Housing is undertaking a review of the Ontario Disaster Relief Assistance Program (ODRAP) to ensure the program design and criteria reflect current needs in addressing extreme weather events.

Please feel free to contact me if you have any questions. Comments can be submitted through the ministry website or to ODRAPConsultation@ontario.ca

8. Connecting Links Program

As part of the largest infrastructure investment in Ontario's history, the province is committing \$15 million annually to a new Connecting Links program, which will help municipalities pay the construction and repair costs for connecting links - municipal roads that connect communities to provincial highways and border crossings.

There are about 350 kilometres of roads and 70 bridges along connecting links in 77 municipalities across Ontario, and the province will consult with key municipalities to ensure the new program meets their unique needs. The program will be designed to complement the Ontario Community Infrastructure Fund, which provides small, rural and northern communities with funding to build and repair critical infrastructure.

<http://news.ontario.ca/mto/en/2015/04/connecting-links.html>

9. Ontario East Municipal Conference

OEMC 2015 is scheduled for **September 16th to 18th** at the Ambassador Hotel in Kingston. Please see www.oemc.ca for details.

10. MSOE Discussions with Council

The Ministry of Municipal Affairs and Housing continues to deliver training and information sessions to councils, as part of local municipalities' council orientation sessions.

If your council is interested in any combination of topics listed in the *Appendix*, please feel free to contact me to arrange a training session.

To view the *Municipal Councillor's Guide*, please go to <http://www.mah.gov.on.ca/Page5030.aspx>

11. FCM Asset Management Program

The Leadership in Asset Management Program (LAMP) is an 18–36 month GMF-funded peer learning program set to begin in fall 2015. Applications are now available and will be accepted until June 15, 2015.

LAMP will enable participating municipalities to access GMF grant funding to strengthen organizational adoption of asset management and better integrate environmental and sustainability considerations in these priority areas:

- Asset management policy, strategy, and governance
- Linking assets to services and outcomes (levels of service)
- Risk assessment
- Lifecycle management

Who can apply

- Municipal governments, including regional districts, of all sizes.
- Applicants must be able to commit a minimum of three staff members for a project team to be considered.
- The program is designed for municipalities at very early stage or advanced in asset management
- No formal asset management plan is required, but applicants must have demonstrated progress in implementing a corporate sustainability plan.
- We are seeking a regional balance across Canada, working with 5–10 Anglophone municipalities in 2015–2016.
- Recruitment for 5–10 Francophone municipalities will begin in fall 2015 for 2016–2017.

- **Participating municipalities will receive a GMF grant of up to \$175,000 to support them in undertaking their Phase 1 and Phase 2 projects. The GMF grant will reimburse up to 50% of total eligible project costs.**

For more information, contact Isabelle Pitre. The application deadline is June 15, 2015.

<http://www.fcm.ca/home/programs/green-municipal-fund/get-started-today/leadership-in-asset-management-program.htm>

12. Eastern Ontario Development Program

The Eastern Ontario Development Program (EODP) advances economic development in rural eastern Ontario. Through EODP, FedDev Ontario is collaborating with Community Futures Development Corporations (CFDCs) in eastern Ontario and the Eastern Ontario Community Futures Development Corporations Network Inc. (EOCFDC Network) to promote the growth of new and existing businesses in rural communities.

Once the funding has been provided to the CFDCs, interested recipients may apply directly to the EOCFDC Network or their local CFDC.

Eligible recipients may include:

- Not-for-profit organizations;
- Commercial enterprises;
- Aboriginal organizations; or
- Post-secondary institutions.

http://www.feddevontario.gc.ca/eic/site/723.nsf/eng/h_00042.html

13. The Canada 150 Fund

The goal of the Canada 150 Fund is to create opportunities for Canadians to participate in local, regional, and national celebrations that contribute to building a sense of pride and attachment to Canada.

A limited number of high impact, large-scale projects that are national in scope will also be supported through the Canada 150 Fund as Signature Initiatives.

If you think your project may qualify as a Signature Initiative please speak with a project officer prior to applying.

Eligibility details

Eligible funding recipients under the Canada 150 Fund include the following types:

- Canadian not-for-profit organizations, including corporations, trusts, cooperatives and unincorporated associations;

- Canadian business corporations, including partnerships, trusts and joint ventures where projects are non-commercial in nature;

- Canadian schools; and,

- Canadian municipal governments and their institutions.

Federal departments, agencies and institutions, Provincial and Territorial governments and their institutions, private individuals and political parties are not eligible under the Canada 150 Fund.

Application deadline

There is no established deadline to submit a funding application under the Canada 150 Fund.

For Signature Initiatives, an Expression of Interest must be submitted by May 29, 2015.

<http://canada150.gc.ca/eng/1424795454758>

Appendix - 2014 Council Orientation Sessions - Outline

Ministry Context

- Minister's Mandate
- Legislation
- Municipal Services Offices

Role of Council, Councillor and Staff

- Roles of offices
- Representative Role
- Policy Making Role
- Stewardship Role
- Accountability and Transparency
- Strategic Planning
- Succession Planning

Overview of Local Government

- Municipal Roles and Responsibilities
- Service Managers
- Municipal Organization
- Aboriginal Peoples
- Committees and Local Boards

Councillors as Lawmakers

- Sources of Law
- Municipal Powers
- Council and Local Board Meetings
- Procedure By-Law
- Effective Meetings
- Minutes
- Open and Closed Meetings
- Conflict of Interest
- Codes of Conduct
- Freedom of Information and Protection of Privacy
- By-Laws and Resolutions
- Actions Against the Municipality
- Councillors as Lawmakers

The Fiscal Context

- Budgeting
- Financial Reporting
- Financial Information Return
- Sources of Municipal Revenue
- Capital Financing Sources

- Debt Management
- Property Taxes and Collection
- Shared Services
- Asset Management

Land Use Planning

- Characteristics of the Land Use Planning System
- What is a Provincial Interest?
- Land Use Planning Framework
- Provincial Policy Statement
- Ontario Municipal Board
- One-Window Planning Service
- Official Plans
- Zoning By-Laws
- Plans of Subdivision and Consents
- Site Plan Control
- Community Improvement
- Development Permit System
- Second Units and Garden Suites
- Engaging with Aboriginal Communities
- Economic Development through Land Use Planning

Building Regulation

- The Building Code
- Property Standards

Emergency Management and Disaster Financial Assistance

- Emergency Management
- Roles and Responsibilities
- Disaster Financial Assistance

Affordable and Social Housing

- Canada – Ontario Investment in Affordable Housing Program
- Community Homelessness Prevention Initiative
- The Housing Services Act “2011”
- Service Manager/District Social Services Administration Board Responsibilities