



Essex County Council Regular Meeting Agenda

Date: Wednesday, October 18, 2023
Time: 6:00 PM
Location: Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6
<https://video.isilive.ca/countyofessex/live.html>

Accessible formats or communication supports are available upon request. Contact Clerk's Office, clerks@countyofessex.ca, 519-776-6441 extension 1335

Pages

1. Closed Meeting

There is no Closed Meeting scheduled for October 18, 2023.

2. Moment of Reflection

3. Singing of 'O Canada'

4. Land Acknowledgement Statement

We acknowledge the land on which the County of Essex is located is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, Odawa and Potawatomie Peoples.

We specifically recognize Caldwell First Nation and other First Nations which have provided significant historical and contemporary contributions to this region.

We also value the contributions of all Original Peoples of Turtle Island, who have been living and working on this land from time immemorial.

5. Recording of Attendance

6. County Warden's Welcome and Remarks

7. Disclosure of Pecuniary Interest

8. Adoption of Regular Meeting Minutes

Minutes of the October 4, 2023 Special Meeting of Essex County Council - Official Plan Amendment #3, and Regular Meeting of Essex County Council dated October 4, 2023.

Recommendation:

That the minutes of the October 4, 2023 Special Meeting of Essex County Council - Official Plan Amendment #3, and Regular Meeting of Essex County Council dated October 4, 2023 be adopted as presented. (Vote by show of hands)

9. Delegations and Presentations

9.1 The Bridge Youth Resource Centre

26

Krista Rempel, Executive Director, and Will Good, Incoming Board Chair will make a presentation to Council regarding The Building Bridges Erie Shores Housing Project.

To be considered with agenda item 12.1 Building Bridges Erie Shores Housing Project

Recommendation:

That the delegation from The Bridge Youth Resource Centre be permitted to address County Council. (Vote by show of hands)

9.2 Ontario Ministry of Transportation

43

Kyle Saulnier, Area Manager and Sivaganesh Tharmabala, Senior Project Engineer - MTO, presenting virtually, regarding the Highway 3 Widening from Essex to Leamington: Phase 3 Contract 2 P3 Design Build Finance Delivery

To be considered with agenda item 12.2 Highway 3 Widening Construction Update

Recommendation:

That the delegation from the Ministry of Transportation be permitted to address County Council. (Vote by show of hands)

10. Communications

10.1 Correspondence

Recommendation:

That the correspondence listed on the Regular Agenda for October 18, 2023, be received and any noted action approved. (Vote by show of hands)

10.1.1 Association of Municipalities of Ontario (AMO)

- September 5, 2023 AMO Watchfile
- October 3, 2023 - AMO Policy Update - Affordable Homes and Good Jobs Act Introduced and Housing Affordability Task Force Recommendations Response
- October 5, 2023 - AMO Watchfile
- October 10, 2023 - AMO Members: Competing Rights: What You Need to Know!
- October 12, 2023 - AMO Watchfile
- October 12, 2023 - AMO Policy Update - Register Today for the AMO LAS Energy Symposium

10.1.2 GDH

58

September 28, 2023 - Notice of Road Closing - Highway 3 Widening and Safety Enhancements Study - 1.2 km east of Arner Townline (Essex Road 23) easterly to 1.1 km east of Union Avenue (Essex Road 34)

10.1.3 Ontario Provincial Government News and Notices

- October 1, 2023 - Ministry of Health - Even More Convenient Care Close to Home Coming to Communities Across Ontario - Local pharmacies now a one-stop-shop for 19 common ailments as Ontario expands list of medications pharmacists can prescribe
- October 1, 2023 - Ministry of Agriculture, Food and Rural Affairs - Ontario Celebrating 25th Anniversary of Agriculture Week
- October 3, 2023 - Ministry for Public and Business Service Delivery - Ontario Promoting Cyber Security Awareness Month to Keep People Safe Online
- October 3, 2023 - Ministry for Seniors and Accessibility - Ontario Celebrates National Disability Employment Awareness Month
- October 4, 2023 - Ministry of Health - Ontario Making it Easier and More Convenient to Connect to Home Care
- October 5, 2023 - Children, Community and Social Services Women's Social and Economic Opportunity - Ontario Celebrates Women's History Month
- October 06, 2023 - Ministry of Natural Resources and Forestry, Economic Development, Job Creation and Trade - Ontario Responds to NAFTA Panel Ruling on Anti-dumping Duties Province will continue to defend Ontario's forest sector and free trade
- October 6, 2023 - Ministry for Economic Development, Job Creation and Trade - Ontario Continues to Strengthen the Economy with New Jobs Province celebrates made-in-Ontario manufacturing

10.1.4	Ombudsman Ontario October 5, 2023 - <u>Ontario Ombudsman Paul Dubé releases his Annual Report today!</u>	
10.1.5	Windsor Essex County Health Unit (WECHU) October 3, 2023 - Letter regarding status of application for a Consumption and Treatment Services (CTS) site in the City of Windsor, 'SafePoint'	61
10.1.6	Western Ontario Wardens' Caucus September <u>WOWC Newsletter</u>	
10.1.7	Great Lakes and St. Lawrence Cities Initiative (GLSLCI) Making Waves - <u>September Newsletter</u>	
10.1.8	Rural Ontario Municipal Association ROMA Events - <u>ROMA 2024 Annual Conference Closer to Home, January 21 – 23, 2024</u>	
10.1.9	Guaranteed Livable Income - County of Brant - September 27, 2023 - Resolution RE Support for Guaranteed Livable Income - Township of Alnwick/Haldimand - September 19, 2023 - Resolution Establishing a Guaranteed Livable Income	63
10.1.10	Town of Aurora September 28, 2023 - Resolution RE Strong Mayor Powers - Opposition	66
10.1.11	Town of Stouffville October 3, 2023 - Resolution Supporting Illegal Land Use Enforcement	70
10.1.12	Waterloo MPP Catherine Fife, NDP, Finance and Treasury Board Critic September 28, 2023 - Request for Support for Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part) 2022	81

- 10.1.13 Municipality of West Lincoln** 83
October 5, 2023 Resolution RE Challenges Faced by
Smaller Developers in Ontario Communities

- 10.1.14 Municipality of Bluewater** 85
October 2, 2023 - Resolution RE Childcare Availability
in Ontario

10.2 Resolutions

There are no resolutions for Council's consideration for October 18, 2023.

11. Consent Agenda

Recommendation:

That the minutes listed as item 11.1, on the Consent Agenda for October 18, 2023, be approved. (Vote by show of hands)

- 11.1 Essex County Accessibility Advisory Committee (ECAAC)** 87
Minutes of the September 7, 2023 meeting of the Essex
County Accessibility Advisory Committee, Deputy Mayor
Kimberly DeYong, Committee Member

12. Reports and Questions

- 12.1 Building Bridges Erie Shores Housing Project** 92
Report Number 2023-1018-LCS-R26-JDF, Building Bridges Erie
Shores Housing Project, dated October 18, 2023 from Jeanie
Diamond Francis, Manager, Community Services

***To be considered with agenda item 9.1 The Bridge Youth
Resource Centre Delegation***

Recommendation:

That Essex County Council receive report number 2023-1018-LCS-R26-JDF, Building Bridges Erie Shores Housing Project as information, and further that County Administration be directed to present options in the 2024 proposed budget on providing a capital investment to this project. (Vote electronically)

- 12.2 Highway 3 Widening Construction Update** 95
Report number 2023-1018-IPS-R35-AB, Highway 3 Widening Construction Update, dated October 18, 2023 from Allan Botham, Director, Infrastructure and Planning Services
To be considered with agenda item 9.2 Ontario Ministry of Transportation
Recommendation:
That Essex County Council authorize the Warden and the Clerk to execute an Agreement with MTO in substantially the form of Agreement appended to this Report. (Vote electronically)
- 12.3 Council Code of Conduct Revision and By-law** 111
Report number 2023-1018-LCS-R24-KH, Code of Conduct for Council Members and Members of Local Boards, dated October 18, 2023, from Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk
Recommendation:
That Essex County Council receive report number 20231018-LCS-R24-KH, Code of Conduct for Council Members, and Members of Local Boards, as information; and,
That Essex County Council adopt By-law 2023-48, being a By-law to adopt a new Code of Conduct for Council Members, and Members of Local Boards attached hereto as Appendix A. (Vote electronically)
- 12.4 River Canard Bridge Plaque Proposal** 203
Report number 2023-1018-IPS-R33-AB, River Canard Bridge Plaque Proposal, dated October 18, 2023, from Allan Botham, Director, Infrastructure Services and Planning
Recommendation:
That Essex County Council receive report 2023-1018-IPS-R33-AB, and
That Administration be directed to prepare and submit application to the Ontario Heritage Trust requesting a plaque to be installed at the River Canard Bridge B-08-02, including the suggested wording provided the by the County of Essex. (Vote electronically)

- 12.5 Quarry Access Culvert** 210
Report Number 2023-1018-IPS-R36-KT-DMS, Quarry Access Culvert, from Karyn Templin, Manager, Design and Construction, dated October 18, 2023.

Recommendation:

That Essex County Council authorize construction of the Tunnel and further authorize the Warden and the Clerk to execute a Road User and Easement Agreement permitting the construction of the Tunnel. (Vote electronically)

- 12.6 2024 Infrastructure Expansion Program Update** 214
Report number 2023-1018-IPS-R34-AB, 2024 Infrastructure Expansion Program Update, dated October 18, 2023 from Allan Botham, Director, Infrastructure Services and Planning

Recommendation:

That Essex County Council receive report 2023-1018-IPS-R34-AB 2004 Expansion Program Update as information. (Vote electronically)

13. Unfinished Business

- 13.1 Unfinished Business - Summary of Outstanding Reports for October 18, 2023** 229
Report Number 2023-1018-LCS-R25-MB, Unfinished Business - Summary of Outstanding Reports for October 18, 2023

Recommendation:

That Essex County Council receive report number 2023-1018-LCS-R25-MB, Summary of Outstanding Reports as information. (Vote by show of hands)

14. New Business

14.1 Notice of Motion from October 4, 2023 Regarding the Rescinding of By-law 2023-40

Sherry Bondy brought forward the following Notice of Motion at the October 4, 2023 meeting:

That By-law 2023-40, being a By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, be rescinded and repealed, by a vote of a simple majority of members of County Council.

Recommendation:
(Vote electronically)

15. Adoption of By-Laws

Recommendation:

That By-laws 2023-48 through 2023-51, having been read a first, second and third time, be finally passed and enacted. (Vote electronically)

- | | |
|--|-----|
| 15.1 By-law Number 2023-48 | 234 |
| Being a By-law to adopt a new Code of Conduct for Members of Essex County Council and Members of its Local Boards | |
| 15.2 By-law Number 2023-49 | 236 |
| A By-law to authorize the execution of a Road User and Easement Agreement with Walker Aggregates Inc. | |
| 15.3 By-law Number 2023-50 | 238 |
| A By-law to authorize the execution of an Agreement with His Majesty the King in right of the Province of Ontario as represented by the Minister of Transportation regarding the expansion of King's Highway 3 between County Road 23 and County Road 34 | |
| 15.4 By-law Number 2023-51 | 240 |
| Being a By-law to confirm the proceedings of the Council of the Corporation of the County of Essex, for the October 18, 2023 Special and Regular meetings. | |

16. Notice of Motion

17. Adjournment



Essex County Council Regular Meeting Minutes

Wednesday, October 4, 2023

6:00 PM

Council Chambers, 2nd Floor

360 Fairview Avenue West

Essex, Ontario N8M 1Y6

<https://video.isilive.ca/countyofessex/live.html>

Council:	Michael Akpata, Deputy Mayor - Town of LaSalle Joe Bachetti, Deputy Warden / Deputy Mayor - Town of Tecumseh Tracey Bailey, Mayor - Municipality of Lakeshore Sherry Bondy, Mayor - Town of Essex Kimberly DeYong, Deputy Mayor - Town of Kingsville Chris Gibb, Deputy Mayor - Town of Amherstburg Hilda MacDonald, Warden / Mayor - Municipality of Leamington Crystal Meloche, Mayor - Town of LaSalle Michael Prue, Mayor - Town of Amherstburg Dennis Rogers, Mayor - Town of Kingsville Rob Shepley, Deputy Mayor - Town of Essex Larry Verbeke, Deputy Mayor - Municipality of Leamington Kirk Walstedt, Deputy Mayor - Municipality of Lakeshore Brian Houston - Councillor, Town of Tecumseh (Alternate Member)
Absent:	Gary McNamara, Mayor - Town of Tecumseh
Administration:	Mary Birch, Director, Legislative and Community Services/Clerk Allan Botham, Director, Infrastructure & Planning Services Adam Craig, CEO and Chief Librarian - Essex County Library Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk

Bruce Krauter, Chief, Essex Windsor Emergency Medical Services
Don McArthur, Manager, Communication and Organizational Development
Melissa Ryan, Director, Financial Services/Treasurer
David Sundin, County Solicitor
Crystal Sylvestre, Coordinator, Legislative and Community Services
Sandra Zwiers, Chief Administrative Officer

1. Closed Meeting

There was no Closed Meeting scheduled for October 4, 2023.

2. Moment of Reflection

3. Singing of 'O Canada'

4. Land Acknowledgement Statement

We acknowledge the land on which the County of Essex is located is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, Odawa and Potawatomie Peoples.

We specifically recognize Caldwell First Nation and other First Nations which have provided significant historical and contemporary contributions to this region.

We also value the contributions of all Original Peoples of Turtle Island, who have been living and working on this land from time immemorial.

5. Recording of Attendance

Warden MacDonald and all members of Council attended the meeting at the Essex County Civic Centre, Council Chambers.

Gary McNamara was absent.

Brian Houston attended as an alternate member for the Town of Tecumseh.

6. County Warden's Welcome and Remarks

Warden MacDonald welcomed the audience and reflected on the events of the weekend past where celebrations were held in recognition of Truth and Reconciliation Day.

The Warden offered Thanksgiving greetings to all.

7. Disclosure of Pecuniary Interest

There were no disclosures of pecuniary interest raised.

8. Adoption of Regular Meeting Minutes

Minutes of the Regular Meeting dated September 20, 2023

260-2023

Moved By Rob Shepley

Seconded By Kirk Walstedt

That the minutes of the September 20, 2023 Regular Meeting of Essex County Council be adopted as presented.

Carried

9. Delegations and Presentations

9.1. ProsperUs

Lorraine Goddard, CEO, United Way Windsor Essex County and Caroline Taylor, Co-chair of ProsperUs Advocacy Group and Windsor Essex resident, to provide a presentation regarding Regional Primary Care Access

261-2023

Moved By Kimberly DeYong

Seconded By Larry Verbeke

That the delegation from Prosper Us be permitted to address County Council. (Voted by Show of Hands)

Carried

Lorraine Godard was not able to be in attendance at the delegation.

Caroline Taylor, ProsperUs Advocacy Group Co-chair and Amy Kwan, Leadership Planning Committee member provided Council with information pertaining to the Cradle to Career program.

Caroline explained that access to primary health care was a common issue province wide.

Amy Kwan reviewed the statistics pertaining to access to primary care in the Windsor Essex region.

Caroline explained that ProsperUs was seeking a collaboration to support advocacy efforts for the equitable expansion of primary care in our Region.

10. Communications

10.1. Correspondence

262-2023

Moved By Tracey Bailey

Seconded By Brian Houston

That the correspondence listed on the Regular Agenda for October 4, 2023, be received and any noted action approved. (Voted by Show of Hands)

Carried

10.1.1 Association of Municipalities of Ontario (AMO)

- [AMO Policy Update - Toronto New Deal and Housing Affordability Task Force Responses](#)
- [AMO Training: Navigating Conflict Relationships as an Elected Official](#)
- September 21, 2023 - [AMO Watchfile](#)
- [AMO Policy Update - New Ministers and Transit Legislation](#)
- [September 28, 2023 - AMO Watchfile](#)

10.1.2 Trevor Jones, MPP, Chatham-Kent-Leamington

Correspondence dated September 19, 2023 in response to Essex County Council inquiry regarding Waste Diversion Programs for Industrial, Commercial and Institutional Sector - Food and Organic Waste.

10.1.3 'Invisible No More - An Accessibility Forum'

Registration is open for the Essex County Accessibility Advisory Committee's event, 'Invisible No More - An Accessibility Forum'. The event is October 19, 2023; reach out to Crystal Sylvestre for registration or for more information about attending.

10.2. Resolutions

There were no resolutions for the October 4, 2023 meeting.

11. Consent Agenda

263-2023

Moved By Joe Bachetti

Seconded By Rob Shepley

That the minutes listed as Item 11.1 on the Consent Agenda for October 4, 2023 be approved, and further that the information item listed as item 11.2, on the said Consent Agenda be received. (Voted by Show of Hands)

Carried

11.1. Essex County Accessibility Advisory Committee (ECAAC)

Minutes of the Essex County Accessibility Advisory Committee, dated August 3, 2023

11.2. Essex County Library Board

Minutes of the Essex County Library Board, dated August 30, 2023

12. Reports and Questions

12.1. Electricity and Natural Gas Update – Commodity Price Hedging Strategy

Report Number 2023-1004-FIN-R20-MR, Electricity and Natural Gas Update - Commodity Price Hedging Strategy, from Melissa Ryan, Director, Financial Services/Treasurer, dated October 4, 2023.

Melissa Ryan provided the annual report outlining the results of hedging programs for electricity and natural gas that the County participated in through LAS.

Melissa explained the County's goals by participating in the hedging program and outlined the savings that were being realized as a result.

264-2023

Moved By Crystal Meloche

Seconded By Michael Prue

That Essex County Council receive report number 2023-1004-FIN-R20-MR the Electricity and Natural Gas Hedging Strategy – 2022 report for information. (Voted Electronically)

In Favour (14): Michael Akpata, Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

12.2. Staffing Requests – 2023 Budget (2)

Report Number 2023-1004-CAO-R03-SZ, Staffing Requests - 2023 Budget (2), from Sandra Zwiers, Chief Administrative Officer, dated October 4, 2023.

Sandra Zwiers provided the follow up report regarding positions that were accounted for in the 2023 budget.

Sandra explained that the Information Technologies (IT) department had underwent a Service Delivery Review and the position of Project Manager was defined from the gaps identified in the review.

Sandra further explained that the 2024 budget will include a reorganization of the IT department to further improve the effectiveness of the department.

265-2023

Moved By Larry Verbeke

Seconded By Chris Gibb

That Essex County Council approve the hiring of an IT Project Coordinator/Manager and authorize the development of a recruitment strategy to fill the new position. (Voted Electronically)

In Favour (14): Michael Akpata, Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

12.3. Striking Committee Recommendation - Vacancy on Essex County Library Board

Report of the Striking Committee dated October 3, 2023.

266-2023

Moved By Kimberly DeYong

Seconded By Crystal Meloche

That Essex County Council approve the minutes of the Essex County Striking Committee dated October 03, 2023; and further, that Essex County Council appoint Terry Burns to the Essex County Library Board as the Representative for the Town of LaSalle for the remainder of the current term ending in 2026. (Voted Electronically)

In Favour (14): Michael Akpata, Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

13. Unfinished Business

13.1. Summary of Outstanding Reports

Report Number 2023-1004-LCS-R23-MB, Summary of Outstanding Reports, Director of Legislative and Community Services, dated October 4, 2023.

267-2023

Moved By Crystal Meloche

Seconded By Chris Gibb

That Essex County Council receive report number 2023-1004-LCS-R23-MB, Summary of Outstanding Reports as information. (Voted by Show of Hands)

Carried

14. New Business

14.1. Notice of Motion from September 20, 2023 - Traffic Control Study Request –Intersection of County Road 9 (Howard Ave) and County Road 10 (Middle Side Road)

268-2023

Moved By Michael Prue

Seconded By Dennis Rogers

Whereas Amherstburg Town Council has voted at their September 11, 2023 meeting to direct Mayor Prue and/or Deputy Mayor Gibb to introduce a Notice of Motion to County Council requesting a Traffic Control Study at the intersection of County Rd 9 and County Rd 10;

And whereas this intersection is owned by the County of Essex and is located within the Municipality of Amherstburg;

Now therefore, Essex County Council requests that County Administration conduct a Traffic Study to study the intersection of County Road 9 (Howard Ave) and County Road 10 (Middle Side Road) to assess the requirement for traffic signalization. (Voted Electronically)

In Favour (13): Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

14.2. Notice of Motion from September 20, 2023 - Civic Centre Tour

269-2023

Moved By Sherry Bondy

Seconded By Rob Shepley

Ahead of the 2024 budget that Essex County Council (council members that are interested) have a tour of the County of Essex building including recently renovated rooms and rooms that need to be renovated to ensure we are educated and informed for making budgetary decisions for any future building improvement requests from administration. (Voted Electronically)

In Favour (13): Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

14.3. Notice of Motion from September 20, 2023 - Current Financial Agreements

270-2023

Moved By Sherry Bondy

Seconded By Tracey Bailey

Ahead of the 2024 budget that Essex County Council be given a report on all the current financial agreements in place where the County allocates budget dollars.

And, that Essex County Council requests a report from Administration regarding cost sharing agreements currently in place between the City and the County, the County and other third parties. (Voted Electronically)

In Favour (14): Michael Akpata, Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

15. Adoption of By-Laws

271-2023

Moved By Rob Shepley

Seconded By Joe Bachetti

That By-law 2023-47, having been read a first, second and third time, be finally passed and enacted. (Voted Electronically)

In Favour (14): Michael Akpata, Joe Bachetti, Tracey Bailey, Sherry Bondy, Kimberly DeYong, Chris Gibb, Hilda MacDonald, Crystal Meloche, Michael Prue, Dennis Rogers, Rob Shepley, Larry Verbeke, Kirk Walstedt, and Brian Houston

Carried

15.1. By-law Number 2023-47

Being a By-law to confirm the proceedings of the Council of the Corporation of the County of Essex for the October 4, 2023 Special Public and Regular meetings.

16. Notice of Motion

16.1. By-law 2023-40

Sherry Bondy brought forward the following Notice of Motion:

That By-law 2023-40, being a By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, be rescinded and repealed, by a vote of a simple majority of members of County Council.

17. Adjournment

272-2023

Moved By Larry Verbeke

Seconded By Crystal Meloche

That the Essex County Council meeting for October 4, 2023 be adjourned at 6:51 PM.

Carried

Hilda MacDonald,
Warden, County of Essex

Mary Birch
Director, Legislative and Community Services/Clerk

Date Signed



Essex County Council Special Meeting Minutes

Official Plan Amendment No. 03 Public Meeting

Wednesday, October 4, 2023

4:00 PM

Council Chambers, 2nd Floor

360 Fairview Avenue West

Essex, Ontario N8M 1Y6

<https://video.isilive.ca/countyofessex/live.html>

- Council:
- Michael Akpata, Deputy Mayor, Town of LaSalle
 - Joe Bachetti, Deputy Warden / Deputy Mayor, Town of Tecumseh
 - Tracey Bailey, Mayor, Municipality of Lakeshore
 - Sherry Bondy, Mayor, Town of Essex
 - Kimberly DeYong, Deputy Mayor, Town of Kingsville
 - Chris Gibb, Deputy Mayor, Town of Amherstburg
 - Hilda MacDonald, Warden / Mayor, Municipality of Leamington
 - Crystal Meloche, Mayor, Town of LaSalle
 - Michael Prue, Mayor, Town of Amherstburg
 - Dennis Rogers, Mayor, Town of Kingsville
 - Rob Shepley, Deputy Mayor, Town of Essex
 - Larry Verbeke, Deputy Mayor, Municipality of Leamington
 - Kirk Walstedt, Deputy Mayor, Municipality of Lakeshore
 - Brian Houston, Councillor, Town of Tecumseh (Alternate Member)
- Absent:
- Gary McNamara, Mayor, Town of Tecumseh
- Administration:
- Mary Birch, Director, Legislative and Community Services/Clerk
 - Allan Botham, Director, Infrastructure & Planning Services
 - Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk
 - Don McArthur, Manager, Communication and Organizational Development
 - Melissa Ryan, Director, Financial Services/Treasurer

David Sundin, County Solicitor
Crystal Sylvestre, Coordinator, Legislative and
Community Services
Sandra Zwiers, Chief Administrative Officer
Rebecca Belanger, Manager of Planning Services

1. Call to Order

The special public meeting was held, pursuant to Sections 17 & 22 of the Planning Act, R.S.O., 1990, as amended, for the purposes of obtaining public comments on the proposal to amend the County of Essex Official Plan to incorporate policies that would allow for the County to participate in grant programs of the County of Essex's seven (7) local municipalities that have Community Improvement Plans.

2. Land Acknowledgement Statement

We acknowledge the land on which the County of Essex is located is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, Odawa and Potawatomie Peoples.

We specifically recognize Caldwell First Nation and other First Nations which have provided significant historical and contemporary contributions to this region.

We also value the contributions of all Original Peoples of Turtle Island, who have been living and working on this land from time immemorial.

3. Recording of Attendance

Warden MacDonald and all members of Council attended the meeting at the Essex County Civic Centre, Council Chambers.

Gary McNamara was absent.

Brian Houston attended as an alternate member for the Town of Tecumseh.

4. Disclosure of Pecuniary Interest

There were no conflicts of pecuniary interest declared.

5. County Warden's Welcome and Remarks

Warden MacDonald welcomed Council, Administration and the viewing public to the Special meeting. The Warden explained that the amendment to the Official Plan would allow the municipalities within the County to maximize their opportunity to attract large scale businesses to the area for the betterment of all.

6. Delegations and Presentations

256-2023

Moved By Joe Bachetti

Seconded By Chris Gibb

That the delegations regarding OPA No.3 - Community Improvement Policies be permitted to address County Council.

Carried

6.1 Invest Windsor Essex

Marion Fantetti, Business Ombudsman, Invest Windsor Essex provided Council with a presentation supporting the exploration and incorporation of Community Improvement Plan (CIP) policies to allow for the County to participate in grant programs with the local tiers.

7. Communications

7.1 Correspondence

258-2023

Moved By Michael Prue

Seconded By Chris Gibb

That the correspondence listed on the special agenda for October 4, 2023, be received and any noted action approved.

Carried

7.1.1 Notice of Complete Application and Virtual Public Meeting

Official Plan Amendment - File Number OPA-03 Community Improvement Plan Policies

7.1.2 Town of Tecumseh

Correspondence supporting Community Improvement Plan Policies OPA Amendment. (See Appendix D under Item 6.1)

7.1.3 Invest Windsor Essex

Correspondence supporting Community Improvement Plan Policies OPA Amendment. (See Appendix E under Item 6.1).

7.1.4 Essex Region Conversation Authority

Correspondence indicated no objections to Community Improvement Plan Policies OPA Amendment. (See Appendix F under Item 6.1)

8. Reports and Questions

8.1 Public Meeting to Hear Comments on County Official Plan Amendment to Update the Community Improvement Plan Policies

Report Number 2023-1004-IPS-R32-RB, Public Meeting to Hear Comments on County Official Plan Amendment to Update the Community Improvement Plan Policies, from Rebecca Belanger, Manager, Planning Services, dated October 4, 2023.

Rebecca Belanger explained the feedback received regarding the amendment to the Official Plan from local municipalities, Essex Region Conservation Authority and Invest WindsorEssex. All of the correspondence supported the amendment.

257-2023

Moved By Larry Verbeke

Seconded By Kimberly DeYong

That Essex County Council receive Report Number 2023-1004-IPS-R32-RB regarding the County Official Plan Amendment Number 3 to update the community improvement plan policies.

Carried

9. Adjournment

259-2023

Moved By Crystal Meloche

Seconded By Michael Akpata

That Essex County Council Special Meeting for October 4, 2023 be adjourned at 4:37 PM.

Carried

Hilda MacDonald
Warden, County of Essex

Mary Birch
Director, Legislative and Community Services/Clerk

Date Signed

"Welcome home"
STARTS WITH YOU

THE
BRIDGE
YOUTH RESOURCE CENTRE



ABOUT US

The Bridge Youth Resource is a youth serving organization for individuals ages 14-24 where programming in collaboration with partners centres around education and job support, mental health and addiction services, life and coping skills, and social inclusion activities.

SLEEPINGOUT FOR



& THE GIVING SPOON





OUR YOUTH



The facility also has support for those experiencing homelessness or housing instability through The Quiring Family Fresh Start supportive housing facility for youth ages 16-24.





WHAT IS THE PROBLEM?

- 47% of renters in Windsor-Essex are spending 30% or more on rent, meaning they are living in a house that is not affordable to them.
- Households with incomes below \$23,990 are priced out of the rental market.
- 19% of homeless that access the service system are youth ages 16-24. There are no other youth focused housing options in this area.

WHAT CAN WE DO?

To fill the current housing gap and account for population growth and changes, Windsor-Essex would need 12,900 additional affordable rental housing units by 2028.

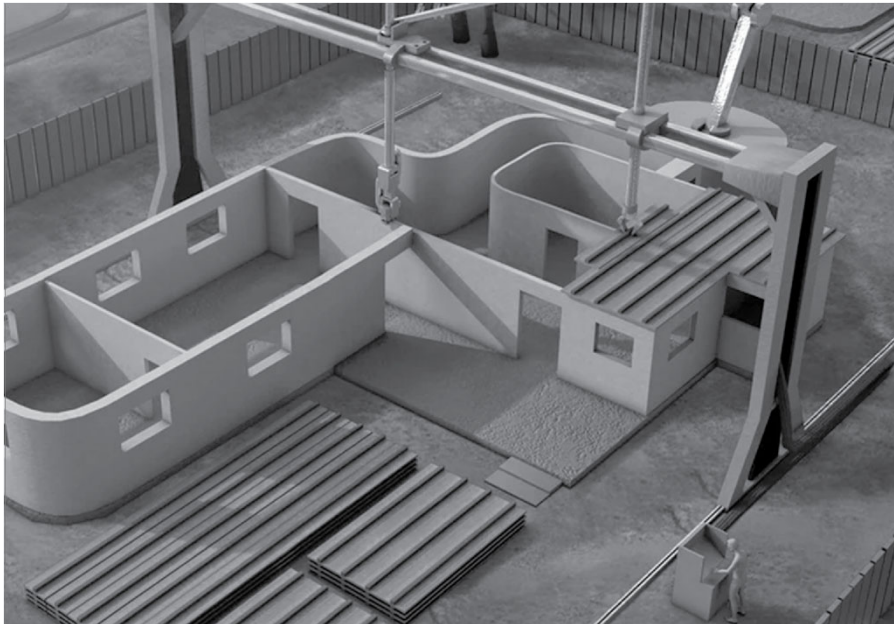


PHASE 3



PHASE 3

Imaging also reflects the completion of Phase Two, The Quiring Family Fresh Start Housing Facility.



BE A PART OF *HISTORY*

We have partnered with Habitat for Humanity and built 4 as 3D-printed homes for our community. These homes are the **first in Canada!**

One of the goals was to design 3D-printed homes that meet residential building code requirements and produce landmark precedents for future practices in **cost-effective and environmentally sustainable home construction.**

DONORS-TIER 3:

\$100,000

THE ESTATE OF
IRENE CLARK

UNI-FAB

**THE RYAN FRIESEN
TAILGATE EVENT**

DONORS-TIER 4:

\$50,000



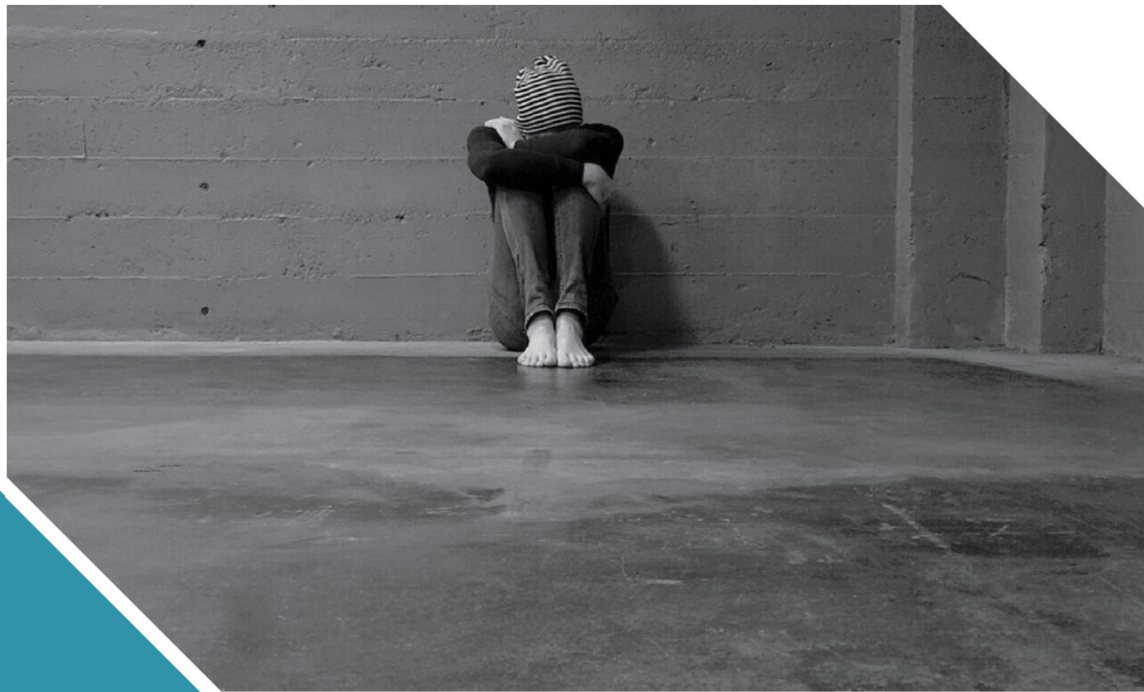
DONORS-TIER 5:

\$25,000



"Welcome Home"

CAN LITERALLY START WITH YOU.

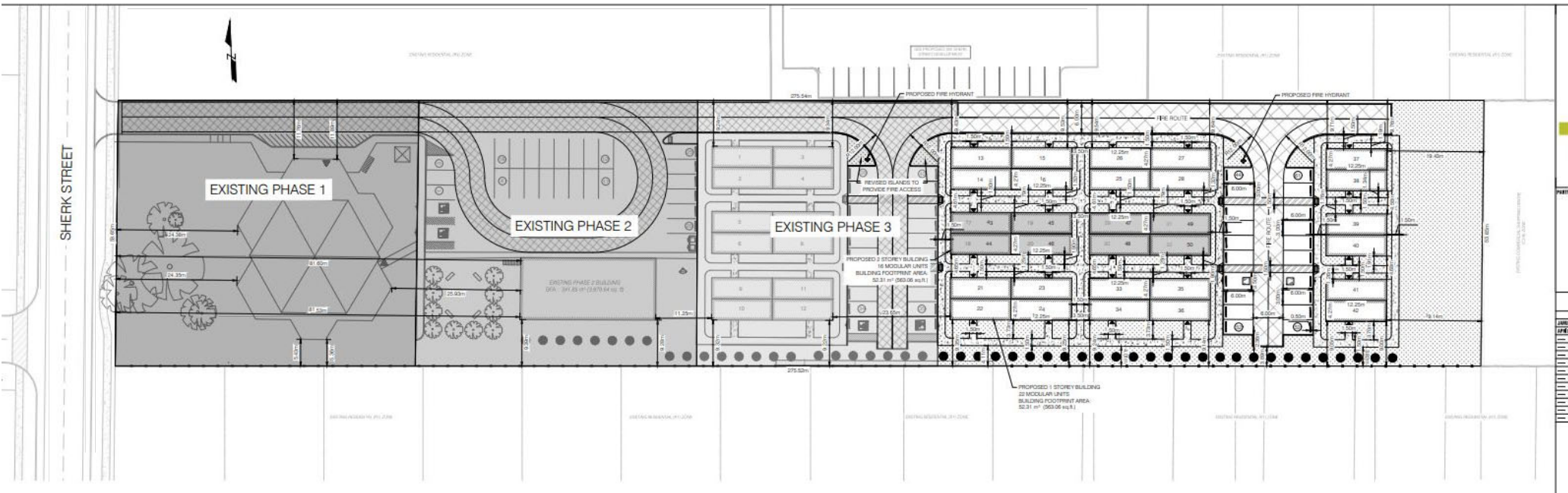


We need your help to start addressing these issues around housing and homelessness.

We want to build a safe and inclusive community that would have affordable, mid-level and market rate options.

With your help, you would not only be supporting our organization, but the community as a whole.

PHASE 4



THIS PROJECT IS ESTIMATED TO BE

★ **APPROX. 11M** ★

WE ARE SEEKING SUPPORT AT THE



**MUNICIPAL
LEVEL**



**REGIONAL
LEVEL**



**PROVINCIAL
LEVEL**



**FEDERAL
LEVEL**



**PRIVATE
FUNDERS**



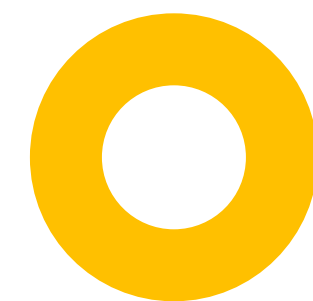
**THE ASK FROM
THE COUNTY OF ESSEX:**

★ **2M** ★

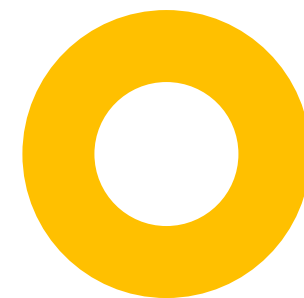
**DEDICATED TO
THE PROJECT**

**IN TOTAL WE WILL
HAVE ALMOST 50%
OF OUR
DEVELOPMENT AS
AFFORDABLE
HOUSING, WHICH IS
OVER DOUBLE THE
MINIMUM TARGET OF
20% WITHIN ALL NEW
DEVELOPMENT
DEFINED BY THE
COUNTY OF ESSEX
OFFICIAL PLAN**

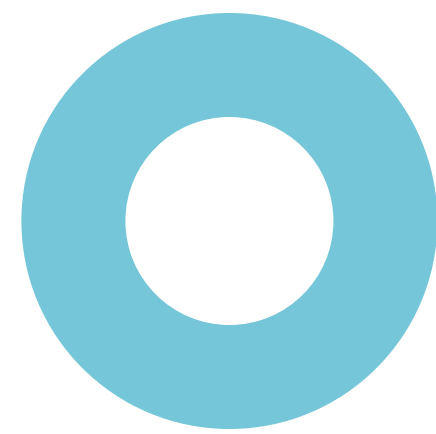
THE 2 M WILL BE DEDICATED TO:



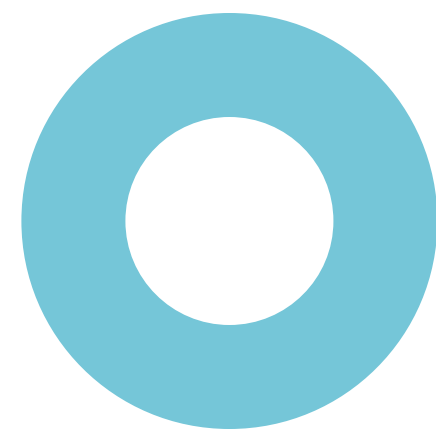
**DEVELOPMENT START-UP
COSTS INCLUDING SURVEYS,
REQUIRED REPORTS FOR
GRANTS, ETC.**



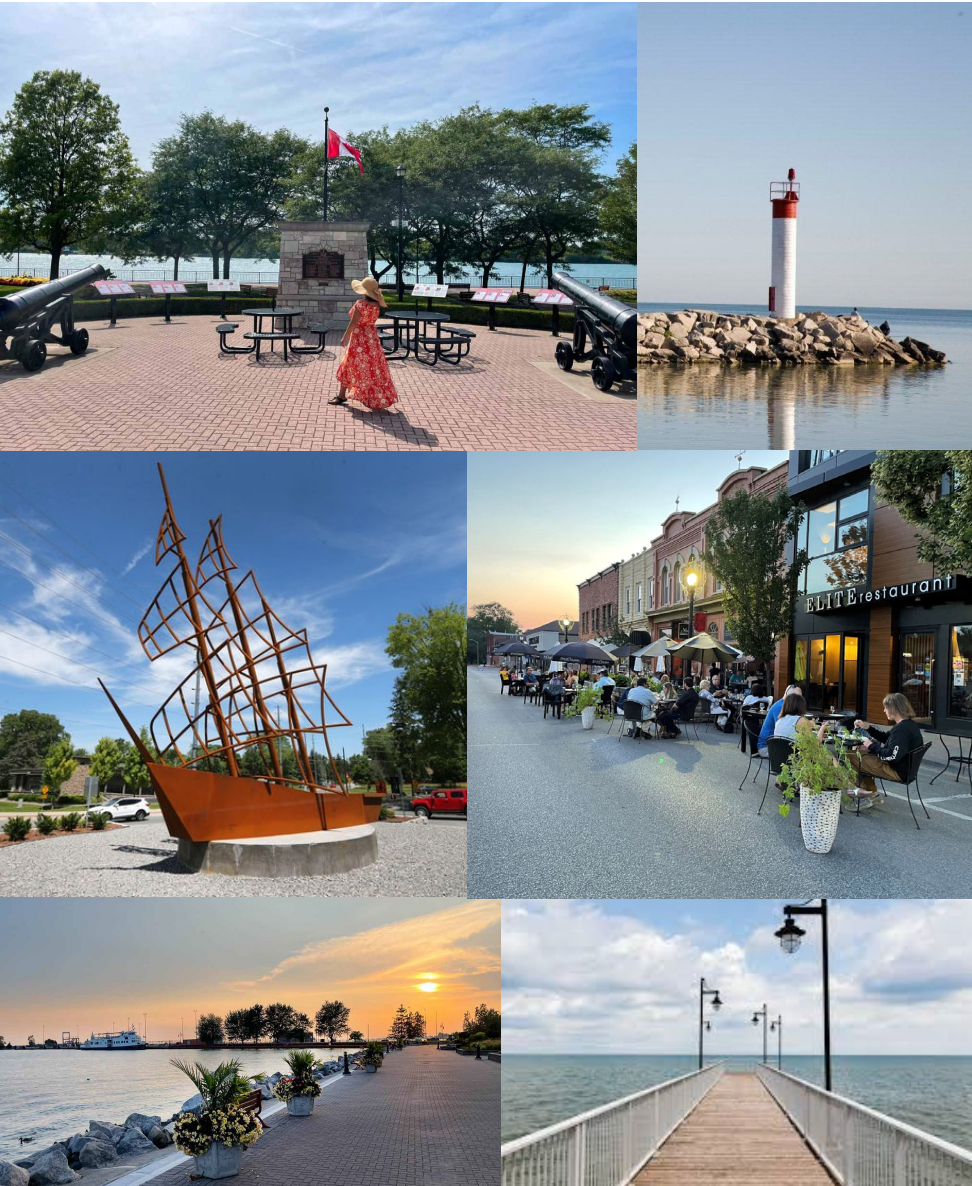
INFRASTRUCTURE



THE BRIDGE WILL BE REQUIRED TO RAISE 5M AT MINIMUM TO ENSURE THE VIABILITY OF THE PROJECT IN ORDER TO SEE AN ANNUAL SURPLUS OF DOLLARS FOR SUSTAINING OPERATIONS BASED ON OUR PROJECTED DEFICITS



THE GOAL IS TO APPLY TO THE FEDERAL CO-INVESTMENT FUND TO SUPPORT THE REMAINING 6M, ALONG WITH THE OTHER OPPORTUNITIES AS PREVIOUSLY IDENTIFIED TO LAYER FUNDING



FUTURE IMPACTS



HELP THE BRIDGE IN ITS PATH TO SELF-SUSTAINABILITY AS A YOUTH COUNTY RESOURCE



CREATE HOMES IN THE COUNTY TO ASSIST WITH ADDRESSING THE LOCAL HOUSING CRISIS



AS WE DEVELOP OUR NEXT STRATEGIC PLAN, WE WILL LOOK TO HOW WE CAN BEST SUPPORT THE REGION MOVING FORWARD WITH THE POTENTIAL OF EXPANDED YOUTH SERVICES

Highway 3 Widening from Essex to Leamington: Phase 3 Contract 2

P3 Design Build Finance Delivery

GWP 3021-18-00 Phase 3 Contract 2

East of the Town of Essex to West of the Municipality of Leamington

Agenda

- Project Overview
- Procurement Status
- EA Consultation & Project websites
- Traffic Impacts
- Schedule



**Ministry of
Transportation**



**Infrastructure
Ontario**



AltusGroup

Project Overview

Background and Project Location

- Contract 1, from Ellis Side Road easterly to east of Essex County Road 23 (approx. 5 km of widening), was awarded to the Design-Builder, Coco Paving, in October 2020 and construction started in March 2021
- Construction is anticipated to be completed by Fall 2023
- Contract 2, from east of Essex County Road 23 easterly to Essex County Road 34 (approx. 15.7 km of widening), is being delivered through Infrastructure Ontario's (IO's) Design-Build-Finance P3 model
- The contract was awarded, with a Premier's Podium announcement on June 1st, 2023



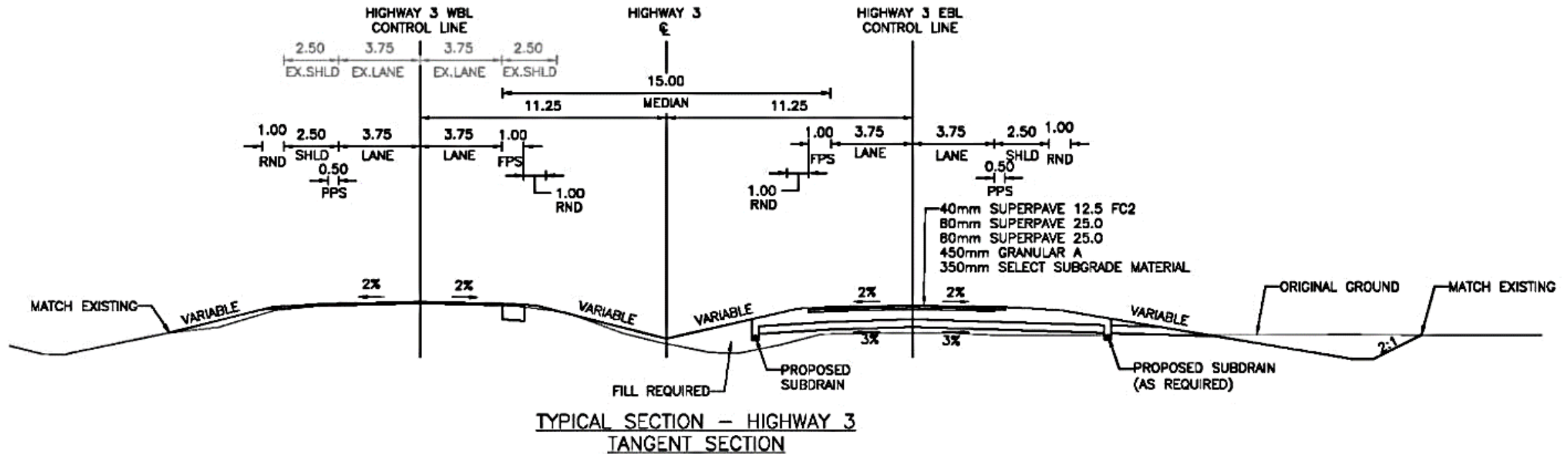
Project Overview

- Widening of Highway 3 for 15.7 km to a new four lane cross section with a 15 m depressed median on the existing alignment
- Two new lanes being constructed south of the existing alignment for the Eastbound direction and rehabilitation of the existing lanes for the Westbound direction
- Improvement and widening of five (5) intersections, including two (2) existing signalized intersections and three new signalized intersections
- Construction of several side road realignments and new side road alignments within the local network
- Drainage improvements including the extension of five (5) mainline structural culverts, replacement / relocation of one (1) structural culvert, replacement/extension of existing centerline culverts along with the installation of additional culverts for the modifications to the local road network



Project Overview

Cross Section



Procurement Status

Procurement completed. Awarded June 1, 2023

Detail Design and Construction Awarded to Green Infrastructure Partners (GIP) Hwy 3 Inc.

The Team consists of;

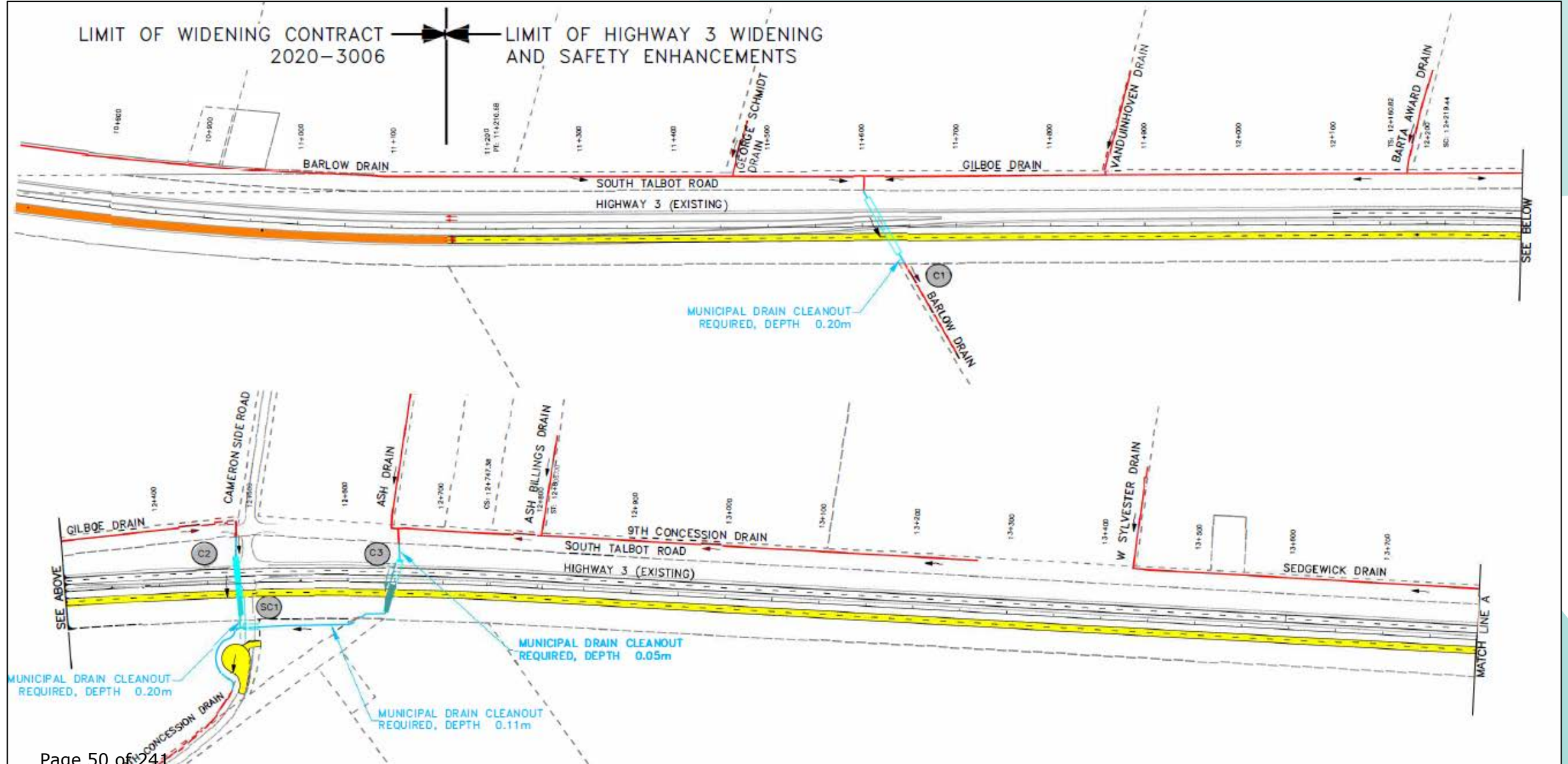
- Developer: GIP Paving Inc.
- Design Team: Dillon Consulting Ltd. And WSP
- Construction Team: GIP Paving Inc (formerly Coco Paving

Altus Group) continues to function as Technical Advisory Services.

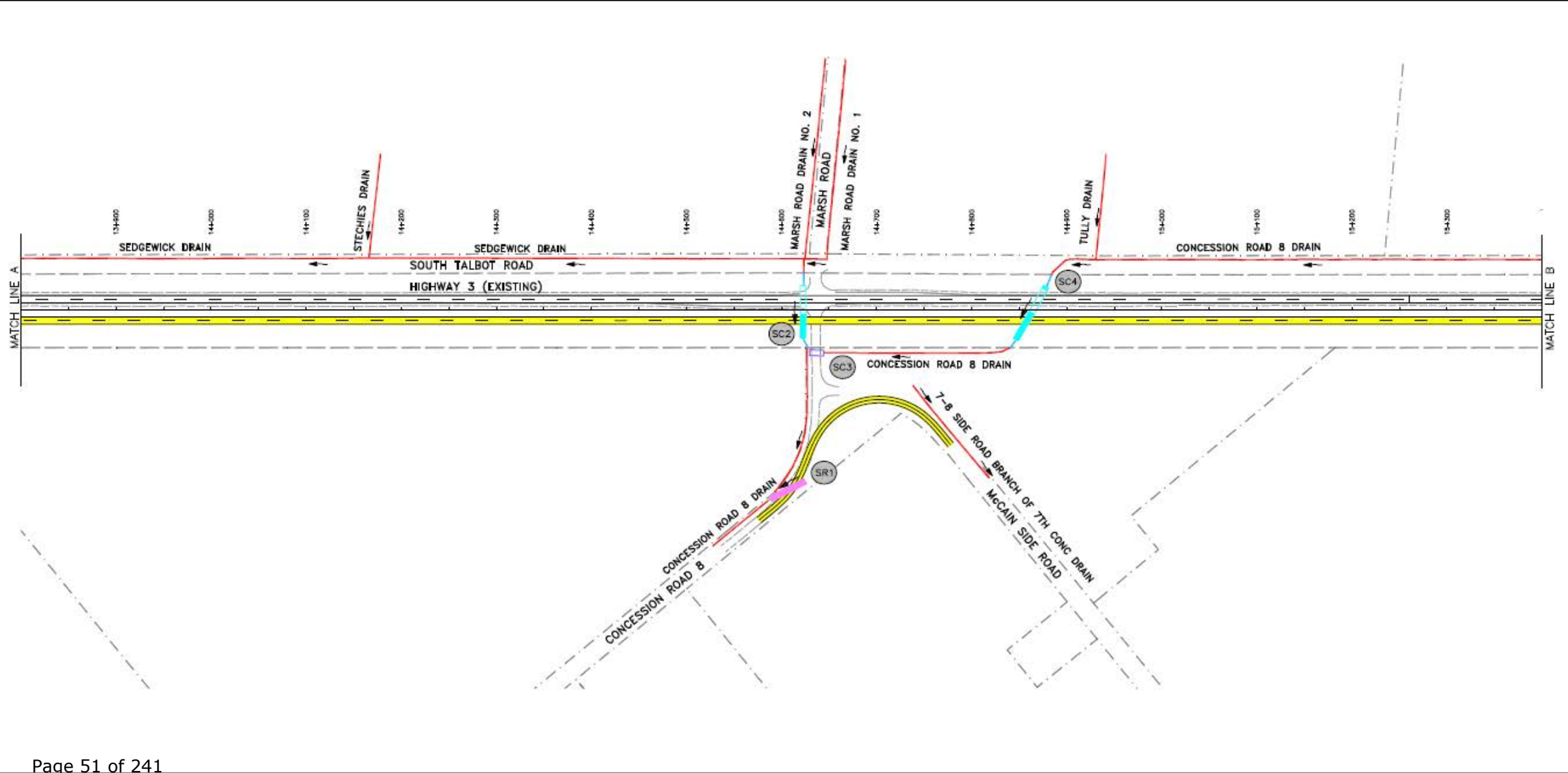
EA Consultation & Project Websites

- Project builds off the previously approved (Dec,2016) Transportation Environmental Study Report (TESR)
- Completed as an EA Group B Under MTO's Class EA
- Notice of Study Commencement (NOSC)
- Two Design and Construction Reports (DCR) are anticipated to be prepared to document the scope of work, potential impacts and mitigation measures
 - As each DCR is completed, it will be made available for a 30-day public comment period prior to the start of construction
- **<https://www.hwy3essex.com>** for project updates

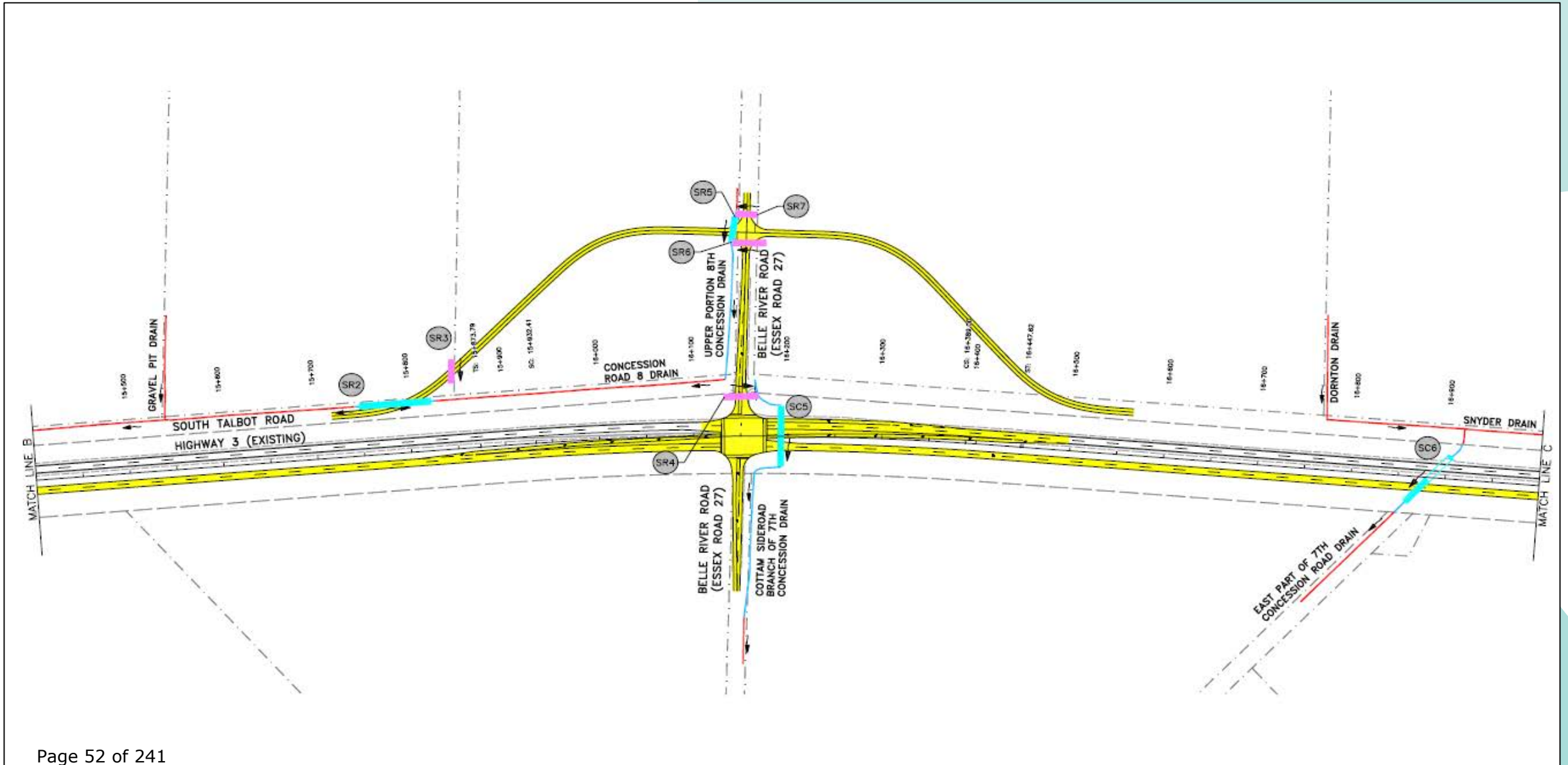
Cameron Side Road / Concession Road 9



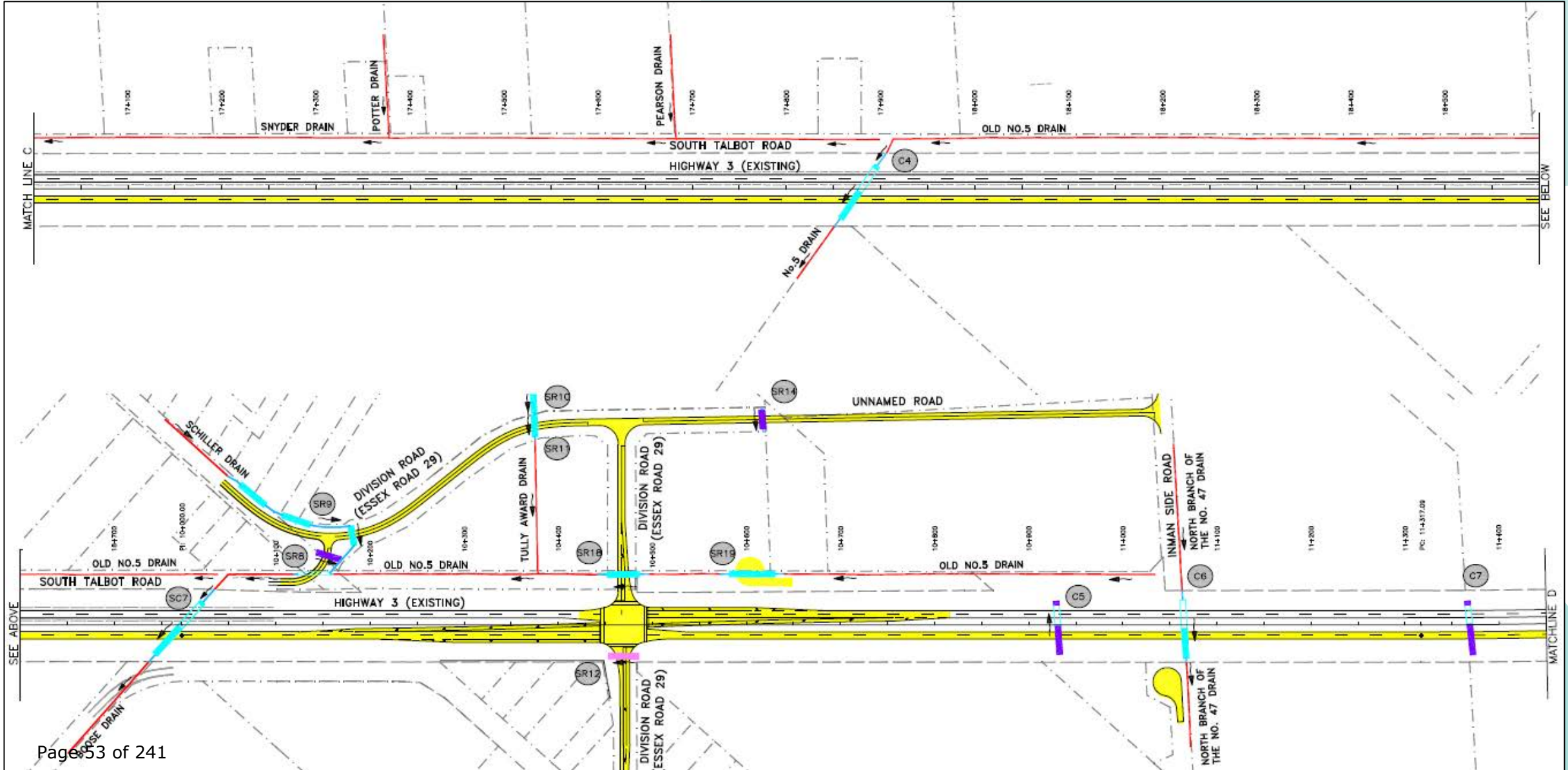
Marsh Road / Concession Road 8 / McCain Side Road



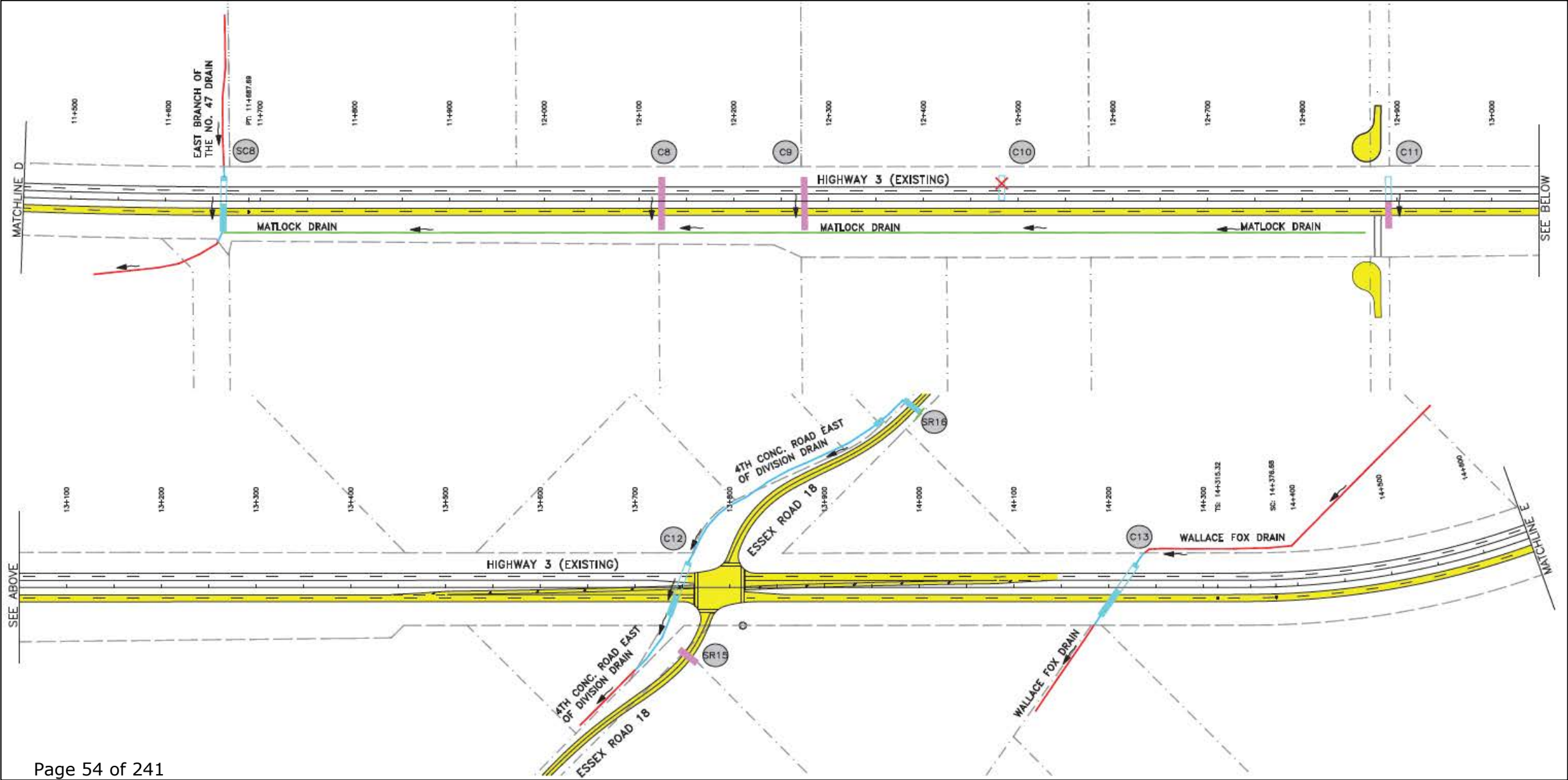
Essex Road 27 (Belle River Road) / South Talbot Road



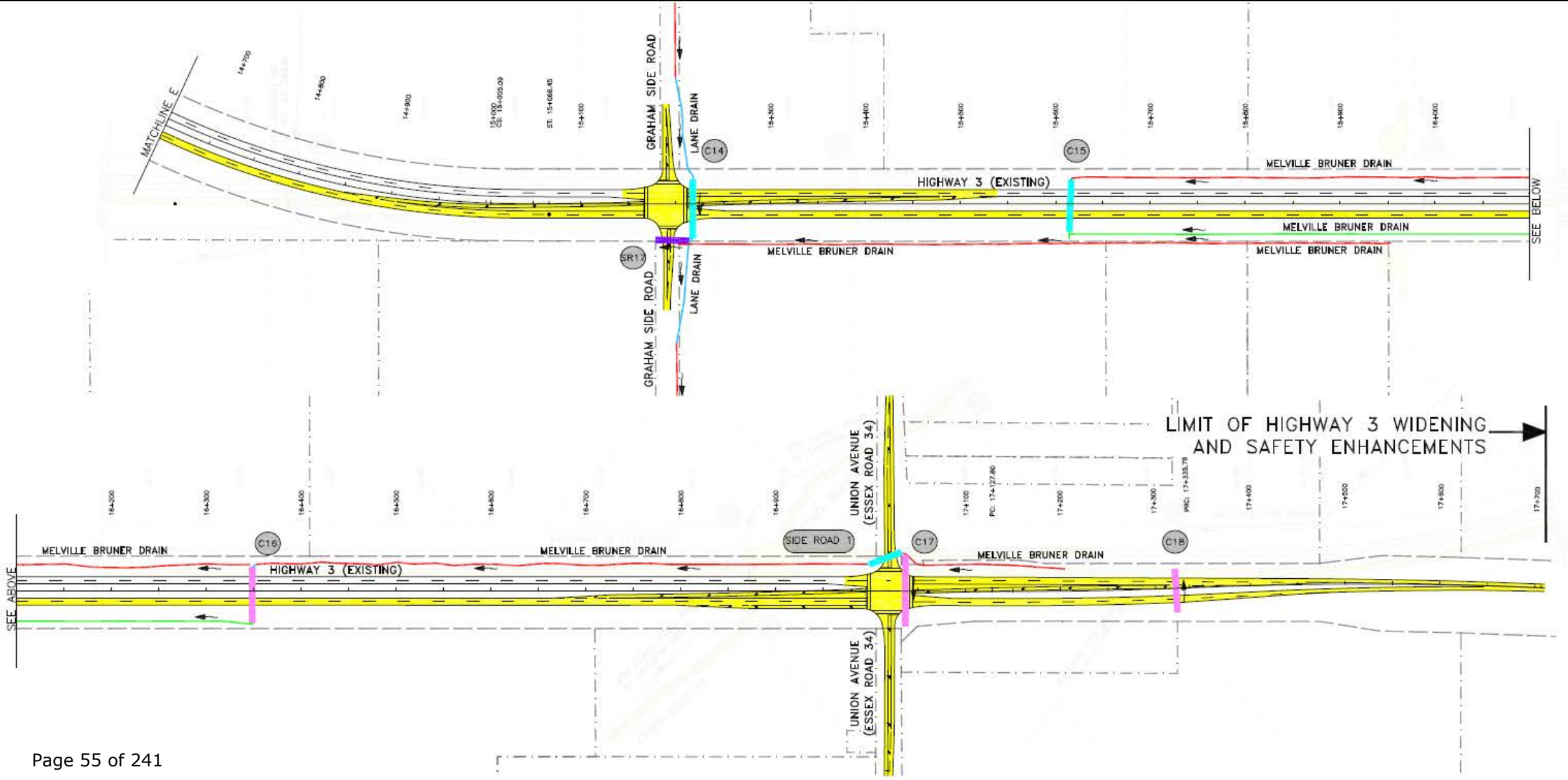
Essex Road 29 (Division Road) / South Talbot Road / Inman Side Road / Unnamed Road



Upcott Side Road / Essex Road 18



Graham Side Road / Essex Road 34 (Union Avenue)



Schedule

- Detail Design commenced April 2023
 - 50% - Late Summer 2023
 - 90% - Late Fall 2023
 - 100% - Early 2024
- The County will have the opportunity to comment at each milestone.
- Construction 2024 - 2027

Questions/Discussion



September 28, 2023

Reference No. 11202886

To whom it may concern:

**Re: Notice of Road Closing
Highway 3 Widening and Safety Enhancements Study - 1.2 km east of Arner
Townline (Essex Road 23) easterly to 1.1 km east of Union Avenue (Essex Road
34) (GWP 3021-18-00) OLT Case/File No. 22-002553**

On behalf of the Ministry of Transportation, please find attached the Notice of Road Closing for the Highway 3 Widening and Safety Enhancements Study. The Ministry of Transportation has applied to the Ontario Land Tribunal under subsection 37(2) of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, for approval of four road closings along Highway 3 east of Arner Townline (Essex Road 23) easterly to east of Union Avenue (Essex Road 34), Town of Kingsville.

A key plan illustrating the general location of the proposed road closings is included in the attached notice.

The notice also provides additional information about the proposed closing, details on the Ontario Land Tribunal Hearing, how to attend the hearing, and how to file an objection.

The closings of Cameron Side Road/ Concession Road 9, Marsh Road/ Concession Road 8, Inman Side Road/ South Talbot Road and Upcott Side Road at Highway 3 will address safety and operational concerns as these low volume intersections lead to unsafe driving maneuvers.

Sincerely,

Dan Green, P. Eng.
Consultant Project Manager
GHD Limited
Phone: 519 340 4374
Email: Dan.Green2@ghd.com

Encl.

Attachment A: Notice of Road Closing

cc: Ian Dobrindt, GHD
Kyle Saulnier, Sivaganesh Tharmabala, John Packer, MTO

NOTICE OF ROAD CLOSING

ONTARIO LAND TRIBUNAL

TRIBUNAL ONTARIEN DE L'AMÉNAGEMENT DU TERRITOIRE



The Ministry of Transportation (MTO) has applied to the Ontario Land Tribunal under subsection 37(2) of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, for approval of road closings along Highway 3 east of Arner Townline (Essex Road 23) easterly to east of Union Avenue (Essex Road 34), Town of Kingsville. Ministry of Transportation GWP 3021-18-00, OLT Case No. OLT-22-002553 and OLT Lead Case No OLT-22-002553.

THE STUDY

In 2006, MTO completed a study of Highway 3 from Outer Drive in Windsor easterly 33.5 km to Union Avenue (Essex Road 34), which recommended a series of improvements that was documented in a Transportation Environmental Study Report (TESR). The TESR was approved in 2006 and MTO has implemented the improvements in three phases with Phase 1 and Phase 2 being constructed in 2009 and 2012, respectively.

Recently, MTO completed a Design Study to review the 2006 TESR approved improvements from east of Arner Townline (Essex Road 23) easterly to east of Union Avenue (Essex Road 34) based on the current transportation and environmental conditions in the Study Area. The Study identified the following road closures as part of the confirmed improvements (Key Plan 1 and 2):

- The closure of the intersections with Highway 3 at Cameron Side Road / Concession Road 9, Marsh Road / Concession Road 8, Inman Side Road/ South Talbot Road and Upcott Side Road.

Information can be obtained at <https://www.hwy3essex.com/> or from Kyle Saulnier, P.Eng. Area Manager Construction, MTO, at (437) 771-6787.

APPOINTMENT FOR HEARING

The Ontario Land Tribunal will conduct a Hearing by video conference with details as follows:

AT: 10:00 AM

ON: Thursday, November 2, 2023

AT: <https://global.gotomeeting.com/join/927921077> Access Code: 927-921-077

The Tribunal has set aside one day for this hearing. The event will be held using GoToMeetings. The desktop application can be downloaded at <https://app.gotomeeting.com/install>. Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: 1-888-299-1889 (Toll Free) or +1 (647) 497-9391. The access code is 927-921-077.

This event is conducted under Rule 20 of the Tribunal's Rules. A party may object to the Tribunal conducting this event electronically by filing an objection with the Tribunal and the persons listed below in the Contact Information. The objection must be received by the Tribunal at least 20 days before the hearing date.

Persons other than the Ministry of Transportation who wish to participate in the proceeding, either as a party or as a participant, are expected to file a written status request with the Tribunal to outline their interest in the proceeding **at least 10 days** in advance of the hearing. Request forms are available at <https://olt.gov.on.ca/forms-submissions/>.

At least 10 days before the hearing, any person may deliver an objection to the MTO application for approval to close the roads, together with a statement of the reasons for such objection to the Tribunal and whose persons listed below in Contact Information.

Contact information: Provide materials to the Tribunal electronically to Tamara Zwarycz at tamara.zwarycz@ontario.ca with a copy to the Ontario Land Tribunal, 655 Bay Street, Suite 1500, Toronto, M5G 1E5 (Fax: 416-326-5370) and on the same day provide copies to the counsel for the Ministry of Transportation, Arjun Dogra and Antonin Pribetic at arjun.dogra@ontario.ca and antonin.pribetic@ontario.ca on the same day as it is emailed to the Tribunal Case Coordinator.

All parties and participants should attend at the start of the hearing at the time and date indicated. Hearing dates are firm. Adjournments will not be granted except in the most serious circumstances, and only in accordance with the Tribunal's Rules on Adjournments.

Accessible Services

The Tribunal is committed to providing accessible services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact Tribunal Accessibility

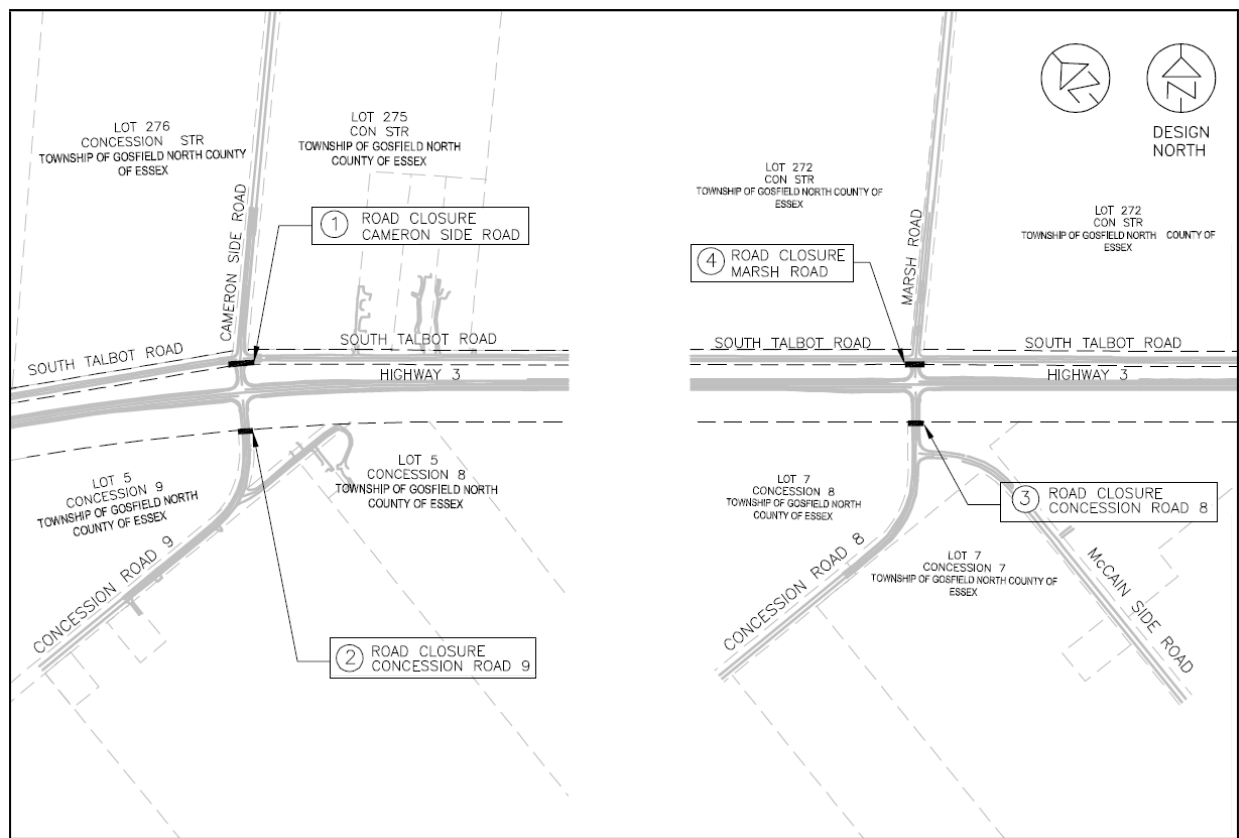
Coordinator as soon as possible by emailing OLT.COORDINATOR@ontario.ca. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let the Tribunal know so the Tribunal can make arrangements in advance.

Additional Information

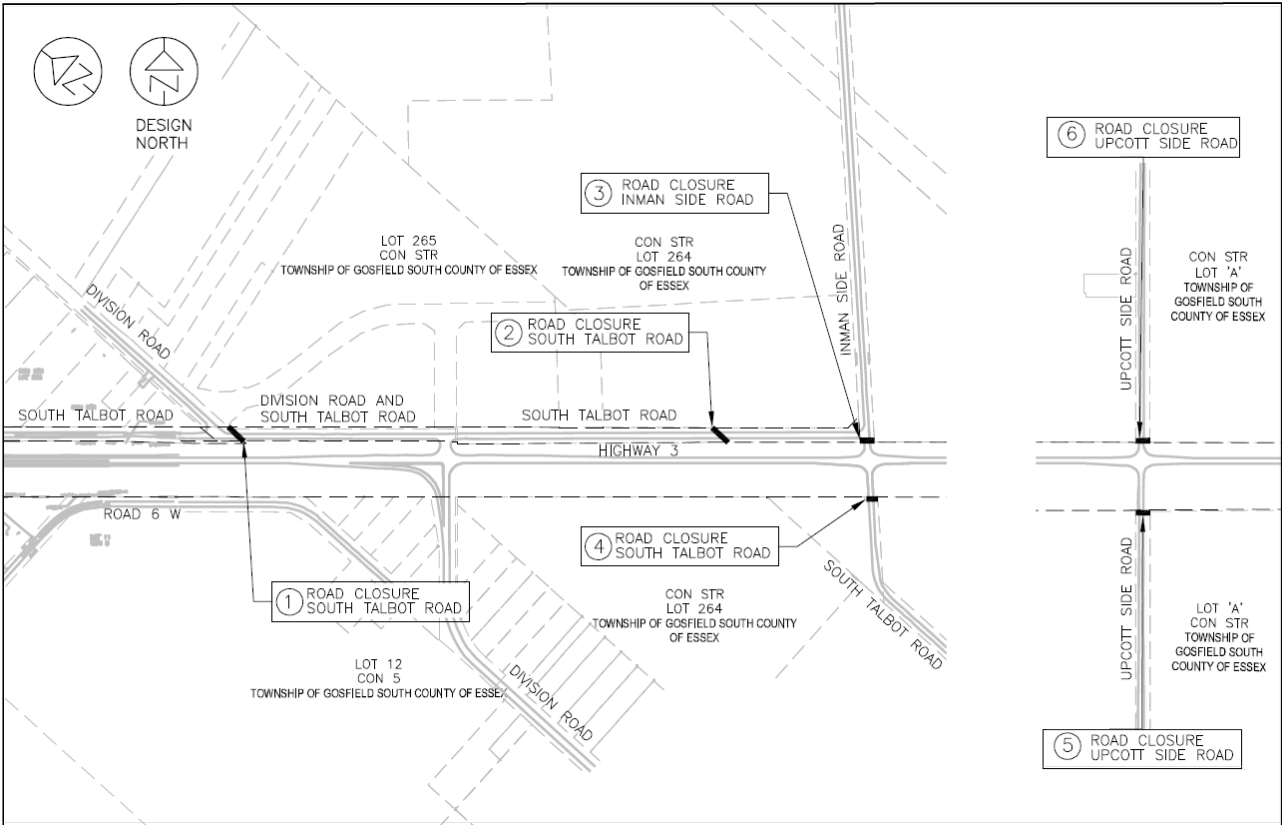
Pour recevoir des services en français, veuillez communiquer avec la Tribunal au 1-866-448-2248 / (416) 212-6349 ou OLT.COORDINATOR@ontario.ca.

For general information about the Tribunal, visit <https://olt.gov.on.ca> or you may contact the Tribunal's offices at 1-866-448-2248 or local (416) 212-6349.

DATED at Toronto, this 12th day of September, 2023.



Key Plan 1: Road Closures at Cameron Side Road/ Concession Road 9 and Marsh Road/ Concession Road 8



Key Plan 2: Road Closures at South Talbot Road, Inman Side Road and Upcott Side Road

October 3, 2023

The Honourable Sylvia Jones
Deputy Premier and Minister of Health
Ministry of Health
777 Bay St., 5th Floor
Toronto, ON M7A 2J3

Dear Hon. Minister Jones:

On behalf of the Windsor-Essex County Board of Health, we are contacting you requesting information on the timelines for approval of the application for a Consumption and Treatment Services (CTS) site in the City of Windsor.

The application was originally submitted on July 15, 2022, with regular dialogue occurring with Ministry of Health representatives throughout this time. We wish to commend our contacts at the Ministry who have been supportive, timely, and responsive on multiple occasions while reviewing materials in the first year since submission. To date however they have been unable to provide a timeline for approval. Most recently, following the receipt of primary approval from the Federal Controlled Substances Directorate (Health Canada) on July 21, 2023, all required materials were submitted and there were no remaining questions or concerns which required our attention before moving forward for approval. Subsequent communications on August 9, 2023, and September 7, 2023, confirmed that this was the case.

Since opening its doors on April 26, 2023, as a temporary Urgent Public Health Needs Site, "SafePoint" has had hundreds of visits from people in need of care. Dozens of referrals to addiction treatment, mental health supports, and social services have occurred in addition to primary care, wound care, and foot care on-site. The site has experienced no safety concerns, or issues requiring emergency response and has developed strong working relationships with the residents, law enforcement, and the business community in the surrounding area. In addition, the CTS site received municipal support in the spring of 2022 to proceed with the application that was later validated under the new municipal council. This work has been coordinated in large part by staff at the Windsor-Essex County Health Unit (WECHU), which led the application process and solely funds the operations of SafePoint. The site is operated by our regional experts in mental health and addiction, Hotel Dieu Grace Healthcare.

At present, the City of Windsor and the County of Essex are beginning their 2024 annual budgetary process and are doing so in the absence of clarity on future funding for SafePoint. In particular, whether they will be asked to fund SafePoint operations as part of the cost-sharing model with the province, or whether funding will be granted by the Ministry of Health as part of the provincial model for CTS sites in Ontario. In addition, the Board of Health representatives require this critical piece of information as part of their decision-making process for the WECHU's 2024 budget in order to be prudent and responsible representatives on behalf of local municipalities.

We thank you for your review and consideration of this letter, sent on behalf of the Windsor-Essex County Board of Health.

We require a response by October 13, 2023, in order for our Board of Health to set the 2023 budget for our municipal partners.

Sincerely,



Fabio Costante, Chair



Dr. Kenneth Blanchette, CEO

c:

- Hon. Doug Ford; Premier, Province of Ontario
- Andrew Dowie; Member of Provincial Parliament, Windsor-Tecumseh
- Lisa Gretzky; Member of Provincial Parliament, Windsor West
- Trevor Jones; Member of Provincial Parliament, Chatham-Kent - Leamington
- Anthony Leardi; Member of Provincial Parliament, Essex
- Drew Dilkens; Mayor, City of Windsor
- Steve Vlachodimos; City Clerk & Senior Manager of Council Services, City of Windsor
- Hilda Macdonald; Warden, County of Essex
- Mary Birch; Director, Legislative and Community Service/Clerk, County of Essex



The Township of Alnwick/Haldimand

COUNCIL RESOLUTION

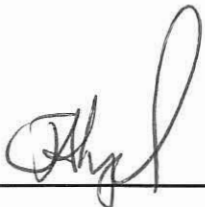
Council Meeting Date: **September 19, 2023**
Council Resolution Number: _____
Agenda Item Number: 10.1
Agenda Item Title: Communications "Establishing a Guaranteed Livable Income"

"Whereas the Council of the Township of Alnwick/Haldimand reviewed the resolution supported by the Town of Grimsby re: 'establishing a guaranteed livable income';

Therefore be it resolved that Council directs staff to review the current salary grids for Township jobs and make recommendations during the 2024 Budget Process as to how an Eastern Ontario living wage could be established for any jobs that are below the living wage hourly salary, and the financial impact that would result; and

Further be it resolved that Council directs staff to circulate this resolution to: MPP David Piccini, MP Philip Lawrence, the Association of Municipalities of Ontario (AMO), and all municipalities in Ontario."

- ☒ Carried
☐ Defeated
☐ Deferred
☐ Recorded Vote



Mayor John Logel

September 27, 2023

to Whom it May Concern

Re: Support for Motion RE: Guaranteed Livable Income

At the meeting of September 26, 2023, the Council of the County of Brant adopted the following resolution in support of the September 5th resolution passed by the Town of Grimsby on Guaranteed Livable Income :

“Whereas the Canadian livable wage for the Brant—Niagara—Haldimand—Norfolk Region, two years ago was determined to be \$19.80. This was \$6000 above the annual income of a minimum wage employee; and

Whereas County of Brant residents on programs such as Ontario Works, receive targeted fixed monthly incomes of \$733, and ODSP recipients receive \$1376; and

Whereas at the current Ontario minimum wage rate, a person working 37.5 hours per week will earn approximately \$2,500 monthly (before tax); and

Whereas the median rent for one bedroom in the County of Brant as of 2022 was \$1143.90 a month, and the County of Brant does not have current AMR for September 2023; and

Whereas rent is considered affordable, when it is less than 30% of income. In the County of Brant, rent is approximately 156% of Ontario Works, 83.13% of Ontario Disability Support Services, 45% of minimum wage full-time (before tax), and 90% of minimum wage part time; and

Whereas an annual 2.5% allowable rent increase can be combined with an additional 3-6.5% capital investment increase, raising the cost of rental housing another minimum of \$110 monthly; and

Whereas the recent report by the County of Brant Policy Planning and Corporate Strategy departments determined that the County of Brant has serious shortfalls in both affordable and attainable housing supply;

Therefore be it resolved the County of Brant supports the resolution shared by the Town of Grimsby; and

Be it further resolved that The County of Brant circulate correspondence to Ontario municipalities encouraging them not only to collect data of their housing and poverty statistics, but also to examine their pending economic vulnerability as a result; and

Be it further resolved that The County of Brant encourage these same municipalities to join the County of Brant in advocating on behalf of our communities with this data, and by writing a letter to the Prime Minister, Premier, and local politicians calling for a united effort in establishing a Guaranteed Livable Income program.”

Respectfully,

Alysha Dyjach
Director of Council Services, Clerk
County of Brant

September 28, 2023

The Honourable Doug Ford, Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

**Re: Town of Aurora Council Resolution of September 26, 2023
Motion 10.4 - Councillor Weese; Re: Aurora Council Opposition to Strong Mayor
Powers in Aurora**

Please be advised that this matter was considered by Council at its meeting held on September 26, 2023, and in this regard, Council adopted the following resolution:

Whereas the Head of Council is required to confirm in writing his commitment to meet a municipal housing target by October 15, 2023, in order to receive Strong Mayor Powers; and

Whereas the municipality is required to submit a formal housing pledge which will outline how the municipality plans to meet the housing target by December 15, 2023; and

Whereas Strong Mayor Powers will result in the Head of Council being granted powers such as:

- **Choosing to appoint the municipality's chief administrative officer;**
- **Hiring certain municipal department heads and establishing and re- organizing departments;**
- **Creating committees of council, assigning their functions, and appointing the chairs and vice-chairs of committees of council;**
- **Proposing the municipal budget, which would be subject to council amendments and a separate head of council veto and council override process;**
- **Vetoing certain by-laws if the head of council is of the opinion that all or part of the by-law could potentially interfere with a provincial priority;**

- **Bringing forward matters for council consideration if the head of council is of the opinion that considering the matter could potentially advance a provincial priority; and**

Whereas these Strong Mayor Powers undermine democratic processes executed through municipal elections; and

Whereas Strong Mayor Powers may also violate by-laws established in Aurora that provides accepted and legal procedures for governance; and

Whereas Aurora Town Council recognizes the important role each Councillor provides the residents in their Ward and the community-at-large;

- 1. Now Therefore Be it Hereby Resolved That the Aurora Town Council opposes Strong Mayor Powers provided to the Head of Council; and**
- 2. Be It Further Resolved That this approved Motion is to be sent to the Premier of Ontario, the Honourable Doug Ford; the Minister of Municipal Affairs and Housing, the Honourable Paul Calandra; the Regional Municipality of York; and each of the Municipalities in Ontario.**

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

Yours sincerely,



Michael de Rond

Town Clerk

The Corporation of the Town of Aurora

MdR/lb

Attachment (Council meeting extract)

Copy: Hon. Paul Calandra, Minister of Municipal Affairs and Housing
Christopher Raynor, Regional Clerk, The Regional Municipality of York
All Ontario Municipalities



10. Motions

10.4 Councillor Weese; Re: Aurora Council Opposition to Strong Mayor Powers in Aurora

Moved by Councillor Weese

Seconded by Councillor Gaertner

Whereas the Head of Council is required to confirm in writing his commitment to meet a municipal housing target by October 15, 2023, in order to receive Strong Mayor Powers; and

Whereas the municipality is required to submit a formal housing pledge which will outline how the municipality plans to meet the housing target by December 15, 2023; and

Whereas Strong Mayor Powers will result in the Head of Council being granted powers such as:

- Choosing to appoint the municipality's chief administrative officer;
- Hiring certain municipal department heads and establishing and re-organizing departments;
- Creating committees of council, assigning their functions, and appointing the chairs and vice-chairs of committees of council;
- Proposing the municipal budget, which would be subject to council amendments and a separate head of council veto and council override process;
- Vetoing certain by-laws if the head of council is of the opinion that all or part of the by-law could potentially interfere with a provincial priority;
- Bringing forward matters for council consideration if the head of council is of the opinion that considering the matter could potentially advance a provincial priority; and

Whereas these Strong Mayor Powers undermine democratic processes executed through municipal elections; and

Whereas Strong Mayor Powers may also violate by-laws established in Aurora that provides accepted and legal procedures for governance; and

Whereas Aurora Town Council recognizes the important role each Councillor provides the residents in their Ward and the community-at-large;

1. Now Therefore Be it Hereby Resolved That the Aurora Town Council opposes Strong Mayor Powers provided to the Head of Council; and
2. Be It Further Resolved That this approved Motion is to be sent to the Premier of Ontario, the Honourable Doug Ford; the Minister of Municipal Affairs and Housing, the Honourable Paul Calandra; the Regional Municipality of York; and each of the Municipalities in Ontario.

Yeas (4): Councillor Weese, Councillor Gilliland, Councillor Gaertner, and Councillor Gallo

Nays (3): Mayor Mrakas, Councillor Thompson, and Councillor Kim

Carried (4 to 3)

October 3, 2023

The Honourable Doug Ford, Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

**Re: Town of Whitchurch-Stouffville Council Resolution of September 27, 2023, Re:
Correspondence from Township of Puslinch and Town of Caledon, re: Illegal Land Use
Enforcement**

Please be advised that this matter was considered by Council at its meeting held on September 27, 2023, and in this regard, Council passed the following resolution:

WHEREAS the Town of Whitchurch-Stouffville Council supports the resolution from the Town of Caledon regarding illegal land use enforcement; and

WHEREAS the Town of Whitchurch-Stouffville recognizes that combatting illegal land use enforcement effectively is challenging, and an issue of municipal importance; and

WHEREAS the Town of Whitchurch-Stouffville recognizes that illegal land use has a negative impact on local residents and the surrounding area; and

WHEREAS the Town of Whitchurch-Stouffville believes that the tools currently available to municipalities under the Municipal Act are insufficient to combat illegal land uses; and

THAT Council direct Staff to send a support resolution accordingly.

THEREFORE, the Town of Whitchurch-Stouffville passes this resolution regarding Illegal Land Use Enforcement:

THAT the Province be requested to strengthen municipal enforcement powers by:

- Amending the Municipal Act to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations; and
- Increasing the maximum penalty amounts in the Planning Act to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted; and

- Including provisions to ensure a corporation is liable to fines of not more \$100,000 upon first conviction and not more than \$50,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

THAT a copy of this report be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Paul Calanda, Minister of Municipal Affairs and Housing, the Honourable Sylvia Jones, MPP, Dufferin-Caledon; the Honourable Doug Downey, Attorney General of Ontario; and

THAT a copy of this report be provided to the municipalities within the Greater Golden Horseshoe area seeking support in the request for strengthened enforcement powers to combat significant illegal land uses negatively impacting communities across Ontario and to the Association of Municipalities of Ontario (AMO) and Rural Ontario Municipal Association (ROMA).

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

Kind regards,

Monica Beattie

Monica Beattie
Senior Clerk's Coordinator

Attachment

Copy: Hon. Paul Calanda, Minister of Municipal Affairs and Housing
Hon. Sylvia Jones, MPP, Dufferin-Caledon
Hon. Doug Downey, Attorney General of Ontario
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities
Rural Ontario Municipal Association (ROMA)

Meeting Date: June 6, 2023

Subject: Illegal Land Use Enforcement Update

Submitted By: Mark Srage, Director, Building Services and Municipal Law Enforcement

RECOMMENDATION

That the Illegal Land Use Enforcement Taskforce's mandate be expanded to include other types of illegal land uses and not solely on illegal trucking land uses; and

That the Province be requested to strengthen municipal enforcement powers by:

- Amending the *Municipal Act* to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations;
- Increasing the maximum penalty amounts in the *Planning Act* to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted; and
- Including provisions to ensure a corporation is liable to fines of not more than \$100,000 upon first conviction and not more than \$50,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

That a copy of this report be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Sylvia Jones, MPP, Dufferin-Caledon; and

That a copy of this report be provided to the municipalities within the Greater Golden Horseshoe area seeking support in the request for strengthened enforcement powers to combat significant illegal land uses negatively impacting communities across Ontario and to the Association of Municipalities of Ontario (AMO) and Rural Ontario Municipal Association (ROMA).

REPORT HIGHLIGHTS

- Constant and undeterred enforcement efforts by both the Municipal Law Enforcement Division and the Legal Services Division is achieving the results that were envisioned when Council approved the creation of this dedicated enforcement effort.



- The Town has been successful in pursuing injunctions through the courts and will continue utilizing this enforcement mechanism for property owners that do not come into compliance to the Town's By-laws through normal enforcement actions.
- Land use permissions and performance standards should be developed and enacted through the Town's Zoning By-law to permit and regulate the creation of legal truck storage facilities.
- Advocacy with the Ministry of Municipal Affairs and Housing is necessary to secure additional enforcement powers that are needed to provide more effective and cost-efficient enforcement of municipal land use B-law with respect to illegal land use.
- That the Illegal Land Use Enforcement Taskforce (Trucking) expand its mandate to include other types of illegal land uses including but not limited to event centres, institutional uses and places of worship.

DISCUSSION

Background

In 2019, staff were approved by Council to implement an Illegal Land Use Enforcement Taskforce with the objective of addressing the growing illegal land use issues related to the parking and storage of tractor trailers and commercial vehicles. This includes all property types in the Town, both those of a smaller scale (e.g., one or two trucks parked on rural properties), as well as those properties with a larger commercial operation. To effectively address the scope and scale of the issue, it was determined that staff would take a proactive approach to identify properties where the parking and storage of tractor trailers and commercial vehicles exist rather than relying solely on a complaint-based method and engage in education and enforcement. The dedicated resources allocated for this initiative included the following staff compliment; two (2) Municipal Law Enforcement Officers, one (1) assistant Town Solicitor and one (1) coordinator. Due to the Covid-19 Pandemic, implementation of this dedicated staff group was delayed until July 2021. Since that time, they have been actively involved in undertaking proactive educational and enforcement efforts.

Education and Communication Strategy

As part of the initiative to address the illegal land use issue, staff engaged with an external consultant to develop a public education and strategic communications strategy in consultation with our Communications staff. The objective of the strategy is to effectively educate external stakeholders and property owners on the Town's land use policies and Zoning By-law; the types of properties on which the parking and storage of tractor trailers and commercial vehicles are permitted; the processes that must be followed to be in compliance with the applicable regulations; and updated enforcement efforts undertaken by enforcement staff assigned to this initiative. The result of this effort was the creation of a guide that provides an easy-to-understand explanation of the Zoning By-laws as it

relates to truck parking and storage along with the actions being taken by the Town with respect to enforcing these rules.

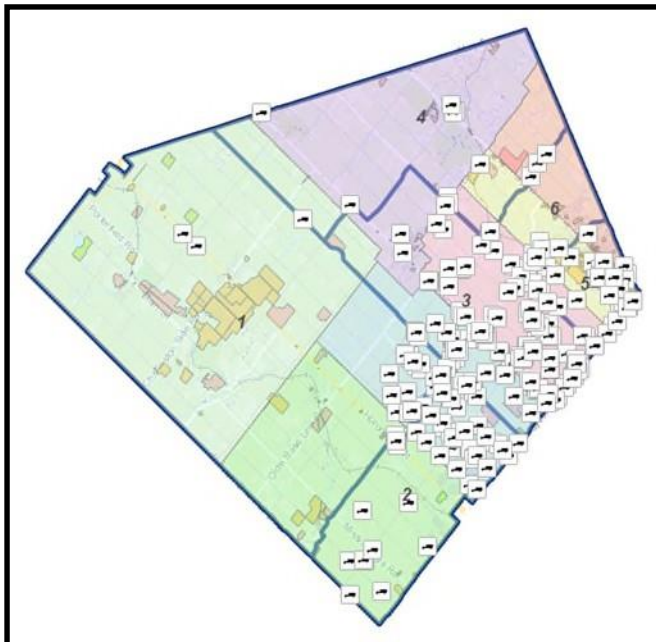
Along with the production of this guide, staff continue to utilize a variety of communication tactics to help inform residents and operators of illegal truck storage facilities of the rules and consequences for violating the Town's By-laws. These efforts include:

- a month-long radio campaign on Parvasi radio,
- resident focused social media campaign,
- numerous media releases highlighting successful outcomes through the courts
- media interviews and responses

Enforcement Efforts

As previously referenced the commencement of proactive enforcement efforts began in July 2021 with the Officers conducting inspections on properties that had been previously identified by residents or Town staff as possibly having illegally stored trucks. Since then, Officers have investigated over 310 properties for potential illegal truck storage violations occurring (see Figure 1 for illustration of location of properties investigated).

Figure 1: Location of properties investigated



Over 137 enforcement actions have been commenced because of these investigations. Depending on the severity of the By-law contraventions different enforcement actions were employed to seek compliance with the Town's By-laws. These enforcement actions

include the issuance of letters notifying the property owner of the By-law contravention(s), issuance of tickets, laying of charges or seeking court injunctions. While voluntary compliance has been achieved for some of the properties there are 36 properties where the matters are still before the courts.

While the overall enforcement objective is to achieve compliance with the Town's By-laws, the Town seeks meaningful financial penalties for those property owners who willfully ignore the Town's By-laws or do not voluntarily come into compliance. Through the combined efforts of the Officers (who are employing additional investigative techniques to provide stronger evidence) and Legal staff (who can educate and demonstrate in Court of the severity of these offences) the Courts are now imposing very significant fine amounts when a defendant is found guilty of a violation related to an illegal trucking operation. The Courts have the sole discretion in determining the fine amounts and staff have been successful in achieving fine amounts between \$35,000 - \$50,000 dollars which is the maximum amount prescribed in the *Planning Act*. To date the total amount of fines levied by the courts has been over \$350,000.00. Along with these significant fine amounts the Courts are also starting to issue Prohibition Orders. Prohibition Orders are a Court directive for the convicted party to cease using the property in noncompliance with the Order effective the date the Order is issued. Should the prohibition use continue then the Enforcement Team may lay charges for failing to comply with an Order, which would result in fines that could be imposed daily. This can result in significant consequences for the owner/operator as these daily fines can become financially onerous depending on how long the property remains noncompliant.

In addition to these court charges the Town has been successful in obtaining Superior Court issued injunctions against some of the most egregious illegal trucking operations and to date there have been 3 successful court injunctions issued for the following properties:

- 6086 Mayfield Road
- 6186 Mayfield Road
- 6230 Mayfield Road (all illegally stored vehicles have been removed from this property – see Schedule A).

While these injunctions are a very powerful enforcement tool, they are very costly for the Town to instigate and carry through the Court systems and can in some instances be a slow process, taking up to a year or beyond to achieve a Superior Court decision and Order. Along with these Zoning related enforcement actions staff have also undertaken actions to achieve compliance with the Town's other By-laws, such as the Traffic By-law and the Fill By-law, where possible and warranted. This includes actions such as placing concrete barriers on the Town's right-of-way when illegal entrances have been created

(see Figure 2) with intent of preventing the continued unpermitted use of the Town's right-of-way or the removal of illegally placed fill.

Figure 2: Example of physical enforcement action



Along with physical actions being taken such as the placement of barriers or removal of illegally placed fill, another action undertaken to help reduce the cost advantage of operating illegally has been to inform the Municipal Property Assessment Corporation (MPAC) through Finance staff of changes in use of the property and have the property reassessed. Often, illegal operators are surreptitiously converting farm properties to commercial properties and by informing MPAC of the actual use of the property appropriate taxes can be levied, ensuring equal treatment for legal and illegal operators. To date there have been 25 properties reassessed and this has resulted in more than a \$384,000 increase in the tax levy for these properties; another 24 properties are still waiting to be reassessed. Staff also regularly inform our contacts at the Canadian Revenue Agency (CRA) of these operations as we have found that there is a significant amount of cash transactions between the vehicle operators storing their vehicles on the property and the operators of these yards. Staff also regularly communicate with other enforcement agencies such as the Toronto and Region and Conservation Authority (TRCA), Ontario Ministry of Transportation (MTO), Ministry of Environment, Conservation and Parks (MECP), and the Electrical Safety Authority (ESA) on these illegal operations and coordinate our enforcement efforts with them as much as possible.

Current Challenges and Solutions

Illegal land uses are not just restricted to illegal trucking operations/storage facilities but other uses such as event centres, institutional uses or places of worship are becoming more common in Caledon. These illegal uses all have significant impacts on adjacent property owners due to the disturbances created and non-compatibility with adjacent

residential properties or road safety. Therefore, it is recommended that this taskforce's enforcement mandate be expanded to include these other types of illegal land uses and not just focused solely on the illegal trucking land uses. While this change to the mandate will not have an immediate impact on the staff compliment it will re-enforce the work the team is doing and enable them to utilize their enforcement/legal skills on these complex files. The investigative and enforcement tools used for the illegal trucking uses are identical to the ones used for these other types of illegal uses and they are all regulated by the same provincial legislation and municipal regulations (ie. *Planning Act* and Zoning By-law) as well as the same enforcement challenges while pursuing compliance amongst non-compliant property owners.

Prosecution matters can typically take months and sometimes years to resolve and while the matter is being dealt with through the Courts, the illegal operation continues to make money for the operator. Also, while the fine amounts being ordered by the Courts are increasingly significant, for some of the larger illegal operations these fines are just considered the "cost of doing business". More robust and efficient enforcement measures are needed if the Town is to be successful in combatting these illegal operations. These suggested new enforcement measure need to include more significant financial penalties prescribed in the *Planning Act* including special fines provisions. Currently, the maximum fine amounts are as follows:

- An individual is liable to a fine of not more than \$25,000 upon first conviction and on a subsequent conviction, not more than \$10,000 for each day in which the contravention has continued after the day in which the person was initially convicted.
- A corporation is liable to fines of not more \$50,000 upon first conviction and not more than \$25,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

It should be noted that directors or officers of corporations can also be charged and if found guilty of the charges they would be subject to the same penalty provisions as an individual.

In view of the revenues being generated from some of these large illegal operations the maximum fine amounts should be doubled, and special fine provisions like those found in the *Municipal Act* should also be introduced in the legislation. A special fine amount would enable a Court to levy a fine higher than the maximum amount prescribed in the legislation in circumstances where there has been an economic advantage or gain by violating the Zoning By-law. An example of this is in the Town's Business Licensing By-law which has a special fine provision that states, "a special fine equal to the amount of the economic gain may be imposed".

In addition to these increased fines the Town needs further enhanced enforcement powers including the authority for the municipality to bar entry to the property in circumstances where the illegal land use is occurring and it is having significant detrimental impacts on adjacent properties/occupants, the environment or creating unsafe situations such as traffic safety. These enhanced enforcement powers should be like the ones that currently exist in the provincial *Cannabis Control Act* in terms of that authority to issue a closure order along with the authority to physically block or restrict access to the property. Recognizing that this type of enforcement authority is very significant it is necessary to also have an appeal mechanism which property owners or tenants can avail themselves of when such orders and actions are taken, or the property owner has removed the illegal use. This appeal process should be through the Superior Court of Justice so that a hearing by a Judge can be held and the Judge should have the authority to confirm, modify or rescind a closure order. Implementation of such powers would be extremely effective and efficient in addressing illegal land uses such as the ones that are currently occurring in Caledon.

It needs to also be understood that even if the province was to implement these additional enforcement provisions there is a clear need for proper truck parking/storage facilities within the Town. Currently the Town's Zoning By-law does not permit such a use and considering the number of logistic facilities that have been constructed in the Town and the volume of new ones that are slated to be built both within and within proximity to the Town then this need will only continue to grow. Having clear land use designations in the most appropriate locations in the Town along with the necessary performance standards to mitigate the impacts these uses may have will help reduce the volume of illegal operations especially when combined with a very robust enforcement program regarding the illegal operations.

Recommended Advocacy to Combat Illegal Land Use Issues

Staff are recommending that the Town advocate to the Province to support municipalities in efforts to combat illegal land use issues through the following means:

- Amend the *Municipal Act* to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations.
- Increase the maximum penalty amounts in the *Planning Act* to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted.
- Include provisions to ensure a corporation is liable to fines of not more \$100,000 upon first conviction and not more than \$50,000 for each day in which the

contravention has continued after the day in which the corporation was initially convicted.

Summary

Constant and undeterred enforcement efforts by both the Municipal Law Enforcement division and the Legal division is achieving the results that were envisioned when Council approved the creation of this dedicated Enforcement initiative. This success can be directly attributed to the professionalism and commitment of the staff and the leadership who have been assigned to this endeavour. Even though it will take time to achieve compliance with some of the more flagrant contraveners, staff will utilize all the enforcement tools provided for in the *Planning Act* along with other legal remedies as we work towards achieving compliance amongst these non-compliant property owners.

FINANCIAL IMPLICATIONS

Financial implications are contained throughout this report.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

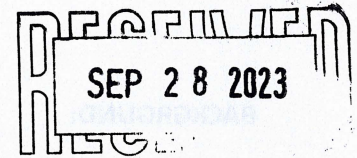
Schedule A: Illustration showing the successful enforcement action at 6230 Mayfield Road





Catherine Fife

MPP Waterloo



Hilda MacDonald
Mayor of Municipality of Leamington
360 Fairview Ave. W., Essex, ON, N8M 1Y6

RE: Requesting your support for Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022

September 25, 2023

Dear Mayor MacDonald,

I am writing to you today to share an update on Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022, and to request your support for this important legislation.

Bill 21 amends the Residents' Bill of Rights set out in section 3 of Fixing Long-Term Care Act, 2021 by adding the right of residents not to be separated from their spouse upon admission but to have accommodation made available for both spouses so they may continue to live together.

The Act was inspired by Cambridge resident Jim McLeod, who will have been separated from his wife of 65 years Joan, on September 17, 2023. Nearly 6 years later, Jim continues to champion spousal reunification. He often says that he will talk to anyone and has two giant binders full of his advocacy work on the Bill. Last week, he told me that his heart is breaking because of his separation from Joan. He has brought other seniors who are separated from their spouses into the advocacy – you cannot sit with these folks for any amount of time and not care deeply about this legislation.

I know that you value the many contributions that older adults have made to Waterloo Region, and care deeply that they can live their final years with dignity and love. **I am hoping you will consider bringing a motion forward to your Council, in support of the Till Death Do Us Part Act.** Your support will help us to keep attention on this important legislation, so that it can finally be called to the Standing Committee on Social Policy – one step closer to Royal Assent.

I would be happy to discuss the Bill with you further, via phone call or an in-person meeting at your convenience. Thanks in advance for considering my request.

Sincerely,

Catherine Fife, Waterloo MPP
Finance & Treasury Board Critic

Constituency Office

100 Regina St. S., Suite 220
Waterloo, ON N2J 4A8

Ph: 519-725-3477 | Fax: 519-725-3667

Email: cfife-co@ndp.on.ca

Queen's Park Office

Room 154, Main Legislative Bldg.
Queen's Park, Toronto ON M7A 1A5

Ph: 416-325-6913 | Fax: 416-325-6942

Email: cfife-qp@ndp.on.ca

BACKGROUND:

On November 15, 2022, the Till Death Do Us Part Act, passed second reading in the Ontario legislature after being [introduced for the third time in September 2022](#). The bill was then referred to the Ontario Legislature's Social Policy Committee. You can view highlights of the second reading debate here: <https://www.youtube.com/watch?v=mYRIgQgDe2k>

I have been pushing for the Standing Committee on Social Policy to schedule a time to begin the work of reviewing Bill 21 since November 2022. **Today marks 286 days since the Act passed second reading at the Legislative Assembly of Ontario.** Unfortunately, the Bill has yet to be called to committee.

Bill 21, which was formerly Bill 153 and 95, respectively, had passed second reading and was sent to the Justice Committee in December 2019, but was wiped off the order paper when Premier Ford prorogued the house in 2021. It was reintroduced early 2022 but did not have time to progress before the election.

Since I first introduced this Bill in 2019, the number of people who've reached out to my offices with heartbreaking stories of couples entering long-term care who are torn apart has skyrocketed. Simply put, Ontario seniors deserve dignity in care and should have the right to live with their partner as they age. Of note, Nova Scotia passed similar legislation, titled the [Life Partners in Long-Term Care Act](#) in 2021.

Following many meetings with stakeholders, it's clear that "care campuses" which offer different levels of care (independent, assisted living and long-term care) are the progressive model for investing in quality care for Ontario's aging population. Care campuses are an essential element to keeping couples together as they often age at different rates. This level of choice has been brought to my attention as especially important to rural and northern municipal leaders across Ontario. The care campus model for seniors housing that builds different levels of care has unique financial savings that will be critical as we grapple with a rapidly aging province.

We need the Bill to be called to the Standing Committee on Social Policy as soon as possible. We know that couples who are separated across Ontario cannot wait any longer for this legislative change to be made.

Here are the links to recent media coverage of the Till Death Do Us Part Act, which provide more specific insights into the lived experiences of older adults who are separated from their spouses:

- [CTV News Kitchener: Ontario seniors separated in long-term care pushing for the right to remain together](#)
- [CityNews Kitchener: Waterloo MPP appeals for seniors bill to be brought forward](#)
- [Waterloo Region Record: Cambridge senior calls for end to separating couples in long-term care](#)

Constituency Office

100 Regina St. S., Suite 220
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Oct 5, 2023

Association of Municipalities of Ontario (AMO)
200 University Ave #801
Toronto, ON
M5H 3C6

Dear AMO Members:

Re: Challenges Faced by Smaller Developers in Ontario Communities

This is to confirm that at the Sept 25, 2023 Council Meeting the following resolution was adopted with respect to the above noted matter:

That, a letter be drafted for signature by the Mayor and that the letter be forwarded to the Minister of Municipal Affairs, Association of Municipalities of Ontario (AMO) and its member municipalities, outlining the issues and constraints brought to the Township Council's attention with respect to holding back development applications of new homes within the community.

The Township of West Lincoln is writing to bring to your attention a significant matter that has recently come to our attention at the Township of West Lincoln. This issue pertains to the challenges faced by small developers in communities like ours, across the province of Ontario. These challenges are currently making it difficult for communities like West Lincoln to meet the housing goals of the province.

We recently received a request from a developer regarding their development project in Smithville, Ontario which was first draft approved approximately in 2015. The developer has presented a compelling case for an extension to the draft plan of condo approval, citing several noteworthy factors that have emerged since their initial application and which are delaying the start of development. Initially Council wanted to refuse extension approval to force the development but it was clear that would not be possible. The challenges are a symptom of broader issues felt by the Municipality on numerous planning issues, and some of these challenges as outlined to us by the developer, are noted below.

A significant challenge is the current state of the market, characterized by severe material supply chain constraints. These constraints have made it exceedingly difficult for the developer to secure pricing for essential construction materials, introducing financial uncertainty. An extension is deemed necessary to ensure the viability of the project, which aligns with our community's need for diverse housing options.

Furthermore, the recent and unexpected increase in interest rates by the Bank of

Canada has created volatility in the marketplace for pre-sale condo townhomes. These rate hikes have affected both the developer's financing costs and potential buyer's ability to secure financing. An extension would provide the developer with the opportunity to adapt their financial strategies in response to this rapidly changing environment.

Additionally, the challenging market conditions in the Niagara Region, as indicated by the Niagara Association of Realtors, have led to declining home values and shifting market dynamics. These changes necessitate a reassessment of the project timelines, for dwelling types and sizes, to ensure its long-term viability and success. Granting an extension will allow the developer to adapt to these current market dynamics and make informed decisions.

Importantly, extending the draft plan of condo approval would help conserve our Township's valuable resources. Re-submitting the entire approval package and undergoing the approval process again would be resource-intensive for both the developer and our local government. We believe that an extension at this time is a pragmatic solution that aligns with efficient resource utilization.

In light of these challenges, our commitment to supporting responsible and sustainable development in our community, and a desire to help address the identified housing shortfall, we kindly request that AMO and the Provincial government consider the current issues faced by developers in communities across Ontario. The challenges outlined by this developer reflect a broader trend that warrants attention and will severely hamper the ability to achieve increased housing starts if not addressed.

We recommend that the decision-making process for future planning applications be allowed to be guided by a balanced approach that takes into account market conditions, historical precedence, and resource conservation. This approach should ultimately contribute to provide much-needed housing supply to communities like West Lincoln, albeit at slower rates than first contemplated.

We appreciate your attention to this matter and believe that addressing these challenges will help promote equitable development opportunities across the province. Please do not hesitate to reach out if you require any additional information or clarification on this issue.

We look forward to collaborating with AMO and the Provincial government to find solutions that support the growth and vitality of our community and others like it.

Sincerely,



Mayor Cheryl Ganann
cc.. Minister Paul Calandra
All AMO member municipalities

October 2, 2023

The Honourable Lisa M. Thompson
Member of Provincial Parliament (MPP)
408 Queen Street, P.O. Box 426
Blyth, ON N0M 1H0

Re: Childcare availability in Ontario

Dear Minister Thompson:

The Municipality of Bluewater is concerned about the critical issue of childcare availability in our province and how it is linked to educational requirements and low wages within the childcare sector. We believe that addressing these issues is crucial for the well-being of our families and the future prosperity of Bluewater and Ontario.

Childcare availability in Ontario has become an increasingly pressing problem for parents and guardians. Access to affordable, high-quality childcare is essential for families to balance work and family responsibilities, and it plays a vital role in supporting the early development and education of our children. However, the lack of available childcare spaces is a significant barrier for many parents, limiting their ability to participate fully in the workforce and achieve financial stability.

We suspect that one of the key factors contributing to the shortage of childcare spaces is the educational requirements imposed on childcare workers. While it is important to ensure the safety and well-being of children in childcare settings, the current educational requirements may be overly restrictive. These requirements often result in a shortage of qualified childcare providers, making it challenging to expand the availability of childcare services.

This year in the Municipality of Bluewater, we have childcare facilities and before and after school programs that have closed or have reduced capacity due to lack of qualified staffing. These recent closures and capacity issues have imposed a significant amount of stress on families in our community.

Additionally, low wages within the childcare sector are a significant concern. Many qualified and passionate individuals are discouraged from pursuing a career in childcare

due to the low wages and limited opportunities for professional growth. This low-wage structure not only makes it difficult to attract and retain skilled childcare educators but also effects the quality of care children receive. Investing in the professional development and fair compensation of early childcare educators is essential to ensure that our children receive the best care possible and the best start in life.

To address these issues and improve childcare availability in Ontario, the Municipality urges you to consider the following actions:

1. Review and Reform Educational Requirements: Work with relevant stakeholders to review and potentially revise the training methods of early childcare educators, striking a balance between safety and accessibility by increasing the praxis model to learning.
2. Invest in Professional Development: Advocate for increased investment in professional development opportunities for childcare workers to enhance their skills and qualifications.
3. Increase Wages: Support initiatives to increase the wages of childcare workers, ensuring that they are paid a fair and competitive salary for the vital work they do.
4. Expand Funding: Work to secure additional funding for the expansion of childcare services and facilities, especially in underserved and rural communities.
5. Promote Public Awareness: Raise public awareness about the importance of accessible and high-quality childcare services and the need for policy changes.

This is an urgent matter that is expected to worsen and your timely response to these concerns is needed.

By addressing these issues, we can make significant strides toward improving childcare availability in Bluewater and Ontario and ensuring that families have the support they need to thrive. We kindly request your timely support and advocacy on these matters and would be grateful for any updates or initiatives related to childcare reform in our province.

Thank you for your attention to this critical issue. We look forward to your continued dedication to the well-being of Ontario's families and children.

Sincerely,



Mayor Paul Klopp for the
Council of the Municipality of Bluewater

cc: Premier Doug Ford
Ben Lobb, Huron-Bruce MP
Hon. Michael Parsa, Minister of Children, Community and Social Services
All Ontario Municipalities



Essex County Accessibility Advisory Committee Meeting Minutes

Thursday, September 7, 2023

5:00 PM

**IT Training Room - Lower Level
360 Fairview Ave. W., Essex ON N8M 1Y6**

Committee Members: Debbie Alexander, Vice Chair
Sherri Currie
Rachel Jewell
Julie Miles
Kimberly DeYong, Deputy Mayor - Town of Kingsville

Absent: Diana Kirkbride
Dennis Sanson, Chair

Administration: Katherine Hebert, Manager, Records and
Accessibility/Deputy Clerk
Crystal Sylvestre, Coordinator, Legislative and Community
Services

1. Facility Walk-Through (5:00PM)

The ECAAC met for a walk-through of the renovated office space in the main lobby of the Essex County Civic Centre at 5:00PM. The ECAAC Regular Agenda followed.

2. Call to Order

The Vice Chair called the meeting to order at 5:28 PM.

3. Land Acknowledgement Statement

We begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, Odawa and Potawatomie Peoples.

To recognize the land is an expression of gratitude to those whose territory you reside on, and a way of honouring the Indigenous people who have been living and working on the land from time immemorial.

We value the significant historical and contemporary contributions of local and regional First Nations and all the Original Peoples of Turtle Island.

4. Recording of Attendance

All members of the Essex County Accessibility Advisory Committee were present in Essex County Civic Centre Council Chambers with the exception of Dennis Sanson and Diana Kirkbride who were absent.

Debbie Alexander chaired the meeting.

5. Disclosure of Pecuniary Interest

There were no conflicts of pecuniary interest declared.

6. Adoption of the Minutes

Minutes of the August 3, 2023 Essex County Accessibility Advisory Committee meeting.

Moved By Kimberly DeYong

Seconded By Sherri Currie

That the minutes of the August 3, 2023 meeting of the Essex County Accessibility Advisory Committee be adopted as presented.

Carried

7. Delegations and Presentations

There were no Delegations and Presentations for September 7, 2023.

8. Communications

Moved By Julie Miles

Seconded By Rachel Jewell

That the ECAAC receive communications for September 6, 2023.

Carried

8.1 Accessibility for Ontarians with Disabilities Act (AODA)

[AODA Toolbox Latest Edition and Archives](#)

8.2 Accessibility for Ontarians with Disabilities Act Alliance

AODA Alliance - What's New in Our Program?

8.3 AODA Canada

[Latest Headlines and other resources](#)

8.4 Accessibility News

- [CNIB - News Updates](#)
- [Easter Seals - News and Notices](#)
- CTV London - [Appealing to the Ontario Accessibility Directorate](#)

9. Unfinished Business

9.1 Workshop Update

- Save the Date - Attached
- Ticket sales launch date - Discussion
- Training Presentation - Julie to provide update
- Review of Agenda
- Assignment of Duties
- Budget

Save the date has been created and is ready to be shared on social media.

Local AACs, CK and Windsor have been notified about the day and have been asked to share among their groups.

Julie Sawchuk mock inspection has a maximum of 20 participants and priority will be given to AAC members to take advantage of the opportunity.

Two open half hour spaces in the agenda remain. Planning on Ministry representative and EMS for Emergency Preparedness with Red Cross or ERCA.

Volunteers from the committee will be needed in the following roles:

- Registration upon arrival and distribution of neck wallets – Debbie, Shari and Diana
- Introductions to the speakers – Debbie (Community Living) Kim (CMHA) Dennis (Julie) Rachel (Julie Sawchuk)
- Lunch servers/clearing - Shari and Rachel

Deadline for registrations online is October 12, 2023. We will ask for the RSVP deadline to be October 5th but can extend to the 12th if needed.

Discussion took place regarding the ECAAC portion of the presentations, namely Julie Miles presentation. It was noted that the presentation is pretty well all about AODA Customer Service and portions of it have sound.

Discussion took place regarding the registration form and launch of same.

Discussion took place regarding information tables. It was decided that the ECAAC would not pursue having information tables this year, but would consider that for future events.

County administration to prepare a post-event survey for feedback and possibly print tent cards with QR code to link to the survey directly.

9.2 Phase 3 WE Check the Trails Promotion Launch

Discussion RE date for Phase 3 Launch and photo opportunity with ECAAC members.

Phase 3 of WE Check the Trails has been launched online, but a campaign launch is awaiting a photo with the ECAAC. Since it is unlikely that the whole group will be able to coordinate a time to meet at the trail segment site to have their photo taken, please consider heading to that piece of trail in Lakeshore, and take a photo and send it to County Admin for posting. County Communications will work with the Chair to get a photo in the coming weeks.

9.3 Policy Review: County of Essex Accommodation Policy

[Accommodation Policy Review](#)

Policy being circulated in advance of the October meeting. Please review and provide comments at next meeting of the ECAAC.

If any proposed changes are put forward, these would be brought before Council for their consideration at the year end report.

9.4 Policy Review: Integrated Accessibility Standards Regulation Policy

[Integrated Accessibility Standards Policy](#)

Policy being circulated in advance of the October meeting. Please review and provide comments at next meeting of the ECAAC.

If any proposed changes are put forward, these would be brought before Council for their consideration at the year end report.

10. Reports from Administration

10.1 2023 ECAAC Workplan

September Update

Social media campaign for Invisible Disabilities week.

Send any suggestions for social media campaigns to Shari

11. New Business

12. Next Meeting Date

October 5, 2023 5:00 PM

13. Adjournment

Moved By Julie Miles

Seconded By Debbie Alexander

That the September 7, 2023 meeting of the Essex County Accessibility Advisory Committee be adjourned at 6:50 PM.

Carried



Administrative Report

Office of the Manager, Community Services

To: Warden MacDonald and Members of Essex County Council

From: Jeanie Diamond-Francis
Manager, Community Services

Date: Wednesday, October 18, 2023

Subject: Building Bridges Erie Shores Housing Project

Report #: 2023-1018-LCS-R26-JDF

Purpose

The purpose of this Administrative Report (the "**Report**") is to seek County Council support to pre-commit the allocation of capital funding to the Building Bridges Erie Shores ("The Bridge") fourth phase housing project.

Background

The Bridge is a not for profit organization that was established in 2018 when they opened their Youth Resource Centre. They provide a multitude of services and support to youth aged 14-24.

In 2020, they expanded their program to include a supportive housing facility. This congregate housing program is supported by the County of Essex through its Residential Services Homes Program and provides safe and affordable supportive housing to ten (10) youth ages 16-24. This program was the second phase of their overall vision.

In addition, through fundraising initiatives, federal funding (Rapid Housing Initiative) and collaborations with community partners such as Habitat for Humanity, the City of Windsor, and the County of Essex, The Bridge was able to achieve the third phase of their vision which includes twelve tiny homes and the purchase of the adjacent land that would eventually become the fourth phase of their overall project. These twelve homes will provide affordable housing to youth and other vulnerable populations in the County.

Discussion

The Bridge is seeking County Council support as they begin the process to add thirty-six (36) housing units to create a safe and inclusive community that will have affordable, mid-level and market rent housing. In order to accomplish this project, they will require funding from various levels of government and will need to continue their fundraising efforts.

Furthermore, the Bridge has begun the process to apply for the Federal Co-Investment Fund through CMHC (Canada Mortgage and Housing Corporation). Through various discussions, they feel confident that they will be successful in receiving a grant to cover partial cost of the project. The amount of funding they will receive is still unknown. With sufficient capital funding, the Bridge will be able to fund the ongoing operations of the housing units with rental income.

Finally, The Bridge is seeking a capital investment from the County of Essex to proceed with the fourth phase of their project. Demonstrating financial support from the County will be crucial while applying for the Co-Investment Fund as this federal program requires the applicants to demonstrate support from other levels of government in order to qualify for the funding.

Financial Implications

The success of accessing Federal and Provincial funding programs designed to increase the affordable housing stock all typically require some type of financial commitment from municipal partners. Funds have not historically been included within the County budget for these types of investments. County Administration will require some time to formulate options on how this request could be funded and the impact on the overall County Budget, for County Council to consider.

Consultations

Meetings between County Administration and the leadership team at the Bridge have taken place to discuss the need for County support for this project.

County Administration consultations occurred with:

Mary Birch, Director of Legislative and Community Services/Clerk

Sandra Zwiers, Chief Administrative Officer

Recommendation

That Essex County Council receive report number 2023-1018-LCS-R26-JDF , Building Bridges Erie Shores Housing Project as information, and further that County Administration be directed to present options in the 2024 proposed budget on providing a capital investment to this project.

Approvals

Respectfully Submitted,

Jeanie Diamond-Francis

Jeanie Diamond-Francis, Manager, Community Services

Concurred With,

Mary Birch

Mary Birch, Director, Legislative and Community Services/Clerk

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
N/A	N/A



Administrative Report

Office of the Director, Infrastructure & Planning Services

To: Warden MacDonald and Members of Essex County Council

From: Allan Botham, P.Eng.
Director, Infrastructure & Planning Services

Date: Wednesday, October 18, 2023

Subject: Highway #3 Widening Construction Update

Report #: 2023-1018-IPS-R35-AB

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with the necessary background information for Council to direct the Warden and the Clerk to execute an Agreement with the Province of Ontario as represented by the Minister of Transportation ("**MTO**") for the further widening of Highway 3.

Background

The MTO has been progressively widening Highway 3 from a 2-lane highway to a 4-lane highway for a number of years now. During the 2024 construction season the MTO wants to proceed with expanding Highway 3 from 1.1 km east of County Road 23 to 1.1 km east of County Road 34 (the "**MTO Project**").

In order for the MTO Project to proceed, the MTO requires that a formal Agreement be entered into. The County Solicitor and I have been involved in negotiating the terms of the Agreement in the form appended to this Report as **Appendix "A"**.

The subject agreement defines and acknowledges typical project parameters such as:

- Lines of communication between the MTO and the County;
- Timely review and responses to questions from both parties;
- Technical design standards for areas of work on County roads required for transition or tie-in;

- Minimum maintenance of basic service such as garbage collection and winter control; and
- Permission to enter on and modify County roads as required for transitions and tie-ins.

Discussion

Representatives from the MTO will be in attendance during the presentation of this Report, and will (1) provide a presentation on behalf of the MTO and (2) answer technical questions Council may have with respect to the MTO Project.

Financial Implications

There are no direct financial implications to the County, with the MTO Project being fully funded by the Province.

Consultations

I have consulted with the County Solicitor in negotiating the terms of the Agreement and in preparing this Report.

Recommendation

That Essex County Council authorize the Warden and the Clerk to execute an Agreement with MTO in substantially the form of Agreement appended to this Report.

Approvals

Respectfully Submitted,

Allan Botham

Allan Botham, P.Eng., Director, Infrastructure and Planning Services

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
A	Agreement

THIS AGREEMENT made this _____ day of October, 2023.

B E T W E E N:

**HIS MAJESTY THE KING in right of the Province of Ontario as
represented by the Minister of Transportation**
(hereinafter referred to as the "**Ministry**" or "**MTO**")

- and -

The Corporation of the County of Essex
(hereinafter referred to as the "**County**")

Individually a "**Party**" and collectively the "**Parties**"

WHEREAS:

- A. The Ministry is proceeding with the expansion of King’s Highway 3 from 1.1 km east of Arner Townline (Essex Road 23) easterly to 1.1 km east of Union Avenue (Essex Road 34) situated in the Town of Kingsville and within the County of Essex as illustrated in Schedule ‘A’ and as set out in Schedule ‘B’ attached to this Agreement (the "**MTO Project**").
- B. The MTO Project includes various municipal improvements set out in Schedule ‘B’, ‘C’, ‘D’, and ‘E’ attached to this Agreement, which shall, upon completion and acceptance by the County, fall within County Jurisdiction, at which point, subject to the Warranty Period, the County shall become solely responsible for the ongoing maintenance, repair and rehabilitation of such municipal improvements (the "**County Works**").

NOW THEREFORE in consideration for the terms and conditions of this Agreement and the sum of Ten Dollars (\$10.00) of lawful money of Canada paid by each of the Parties to the other, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

DEFINITIONS

- 1. In addition to those words and terms elsewhere defined in this Agreement, in this Agreement:

 "**Business Day**" means any day other than a Saturday, a Sunday, a statutory holiday in the Province of Ontario or any day on which banks are not open for business in the City of Toronto, Ontario.

 "**County Jurisdiction**" shall mean the lands, roads, and side roads that are owned and maintained by the County, or are otherwise within the County’s jurisdiction and control, that fall within the limits of the MTO Project, including:
 - a. Essex Road 27 (Belle River Road)
 - b. Essex Road 29 (Division Road)

- c. Essex Road 18
- d. Essex Road 34 (Union Avenue)

“Design” shall mean the detailed engineering design of the MTO Project which shall conform to the criteria and standards set by the Ministry.

“Highway 3” means that portion of the MTO right-of-way Highway Number 3, in the Town of Kingsville, County of Essex.

“Project Co” shall mean the entity retained by the Ministry to complete the Design and to construct the MTO Project through the RFP.

“RFP” means RFP No. 21-165 which is the request for proposals for the Design and construction of the MTO Project, issued on December 3, 2021, as amended from time to time.

“Warranty Period” shall have the meaning ascribed to it in section 16 of this Agreement.

PROCUREMENT

1. The Ministry is in the process of procuring a Project Co to undertake and complete the Design and construction of the MTO Project.

DESIGN AND REVIEW

2. The Design of the County Works shall conform to and meet the design standards set out in the RFP.
3. The Ministry will provide the Design of the County Works, and/or design submissions in respect of the County Works, to the County.
4. The County shall review the Design of the County Works, or the design submission in respect of the County Works as applicable and shall provide any comments to the Ministry within fifteen (15) Business Days.
5. If the County requires additional time to conduct its review, the County shall, as soon as reasonably possible, notify the Ministry and shall specify the additional time required. The County acknowledges that any additional time required for its review may negatively impact the MTO Project schedule and that the provision of additional review time is therefore at the sole and absolute discretion of the Ministry.
6. If requested by the Ministry, the County shall promptly meet with the Ministry and its representatives in order to efficiently resolve any County comments so as to not negatively impact the MTO Project schedule.
7. If the County and the Ministry cannot resolve a County comment relating to a Design component in respect of the County Works, and if the subject component is or becomes a critical path item such that any further delay may result in a claim against the Ministry, the Ministry may, in its sole and absolute discretion, proceed with the construction of the subject component in accordance with the standards set out in the RFP.

CONSTRUCTION AND ADMINISTRATION

8. As between the County and the Ministry, the Ministry shall be responsible for, and shall administer the MTO Project, including the County Works and any necessary utility relocations, at the Ministry's sole expense without cost to the County.
9. The County hereby permits, and shall at all times necessary for the MTO Project, permit the Ministry, including its servants, agents, employees, assignees, contractors, and subcontractors, to access and enter upon the County's lands, roads, sideroads, and right-of-way until the completion of the MTO Project, and for the duration of any warranty and maintenance periods applicable to the County Works that may be set out in the RFP.
10. The Ministry shall work amicably with the County to allow the County to complete any work within County Jurisdiction, or otherwise within the MTO Project, limits that the County wishes to undertake. The County acknowledges that the MTO Project has priority over such works and shall at all times ensure that any such work does not interfere with or impede the MTO Project or Project Co. The County shall provide thirty (30) calendar days' notice prior to commencing any such work. Notwithstanding the foregoing, should the County require emergency work to be completed on any work within the County Jurisdiction within the MTO Project limits, the Ministry will take all reasonable steps to provide the County with the required access to complete the necessary emergency work.
11. For any closure of any road or side road within County Jurisdiction, the Ministry shall cause to be provided a Traffic Disruption Notice which shall include: (i) notice number; (ii) revision number; (iii) date; (iv) type of disruption; (v) location; (vi) area(s) affected; (vii) start date/time; (viii) end date/time; (ix) details regarding the purpose of the closure; and (x) the emergency contact from Project Co.
12. At all times throughout the duration of this Agreement and/or the MTO Project, the County shall continue to be responsible for, and shall provide municipal services in respect of the roads and side roads falling within County Jurisdiction including without limitation snow removal, de-icing, garbage pickup, etc. The Ministry shall cause Project Co to work with the County to facilitate a road maintenance turnover.
13. The Ministry shall cause Project Co to resolve any liens arising on the MTO Project and to assume all obligations for occupational health and safety for the MTO Project. The Ministry shall, or shall cause Project Co, to inform the County in writing, of any incident resulting in personal injury and/or property damage occurring within County Jurisdiction or in respect of the County Works within twenty-four (24) hours after the occurrence of the incident.
14. The Ministry shall advise the County of any changes to the County's road network that would require County Council approval by the County, such as new traffic control devices, speed limit changes, no-parking zones, etc., and shall provide a report outlining the rationale for same.
15. Upon completion of the County Works, the Ministry shall provide notice to the County. The County shall inspect the County Works and shall within thirty (30) calendar days of the date of notice from the Ministry, or such other time as may be agreed to by the Parties acting reasonably, provide written notice to the Ministry setting out any defects or deficiencies in the construction of the County Works identified by the County. The Ministry shall cause Project Co to promptly correct such defects or deficiencies to the satisfaction of the County acting reasonably, at which point the County shall accept the County Works and, subject to section 16 of this Agreement,

the County shall thereafter be solely responsible for the operation, ongoing maintenance, repair, and rehabilitation of the County Works.

16. For any defects or deficiencies identified by the County that appear during the twelve (12) months following the County's acceptance of the County Works (the "**Warranty Period**"), or such longer period that may be applicable for certain specified materials or components, the Ministry shall cause Project Co to submit a comprehensive repair proposal, which shall include traffic control measures if appropriate, to the County within fifteen (15) Business Days. The Ministry shall cause Project Co to promptly correct, at no cost to the County, such defects, or deficiencies in the construction of the County Works.
17. Subject to the correction of any defects or deficiencies identified during the Warranty Period, at the expiration of the Warranty Period, the County shall release the Ministry from all claims, actions, causes of actions, demands for damages, loss, or injury, howsoever arising in respect of the County Works.

LAND OWNERSHIP AND TRANSFER

18. The Ministry has ownership of certain lands that will be used for the County Works. It is the intention of the Parties that the Ministry will identify the lands it wishes to transfer to the County within six (6) months of the expiration of the Warranty Period. After the expiration of the Warranty Period, if there remain any lands which the Ministry have ownership of and that County Works are located on, the County may continue to access and use the said lands, and the Parties will negotiate and enter into an easement agreement to provide for access to the County.

GENERAL PROVISIONS

19. This Agreement shall be governed by the laws of the Province of Ontario and any applicable federal laws of Canada.
20. Notices under this Agreement shall be in writing and sent by personal delivery, facsimile transmission ("Fax") or by registered mail. Notices by registered mail shall be deemed to have been received on the fourth business day after the date of mailing. Notices by personal delivery or by Fax shall be deemed to have been received at the time of the delivery or transmission, unless delivered or transmitted on a weekend or holiday, in which case such notice shall be deemed to have been received on the next business day. In the event of an interruption in postal service, notice shall be given by personal delivery or by Fax. The address, contact person and Fax of the Parties under this Agreement, unless otherwise noted is:
21. The address of the Ministry for notice under this Agreement is:

Mr. Michael Nadeau, P.Eng.
Manager, Engineering Program Delivery West
Transportation Infrastructure Management Division
Ministry of Transportation Ontario
659 Exeter Road, London, Ontario, N6E 1L3
Telephone: (519) 873-4373

22. The address of the County for notice under this Agreement is:

Allan Botham
County Engineer, Director - Infrastructure & Planning Services
The Corporation of the County of Essex
360 Fairview Avenue West
Essex, Ontario N8M 1Y6
(T) 519-776-6441 ext. 1397
(E) abotham@countyofessex.ca

23. The County warrants that it has taken all necessary steps, done all acts, passed all by-laws, and obtained all approvals required to give the authority to enter into this Agreement.
24. The County acknowledges and agrees that except as specifically set out in the Agreement, the Ministry shall not be responsible in any way whatsoever to the County for any loss of use or damages, losses, or injuries, whether in law or in equity, arising out of or in connection of the MTO Project.
25. Any amendments to this Agreement shall be in writing and executed by the Parties.
26. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements. This Agreement shall be governed by the laws of the Province of Ontario and any applicable federal laws of Canada.

THIS AGREEMENT shall ensure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF contained in this Agreement.

SIGNED this _____ day of _____, 20____.

**HIS MAJESTY THE KING in right of the
Province of Ontario, represented by the
Minister of Transportation for the Province
of Ontario**

Director, Design and Engineering Branch

SIGNED AND SEALED this _____ day of _____, 20____.

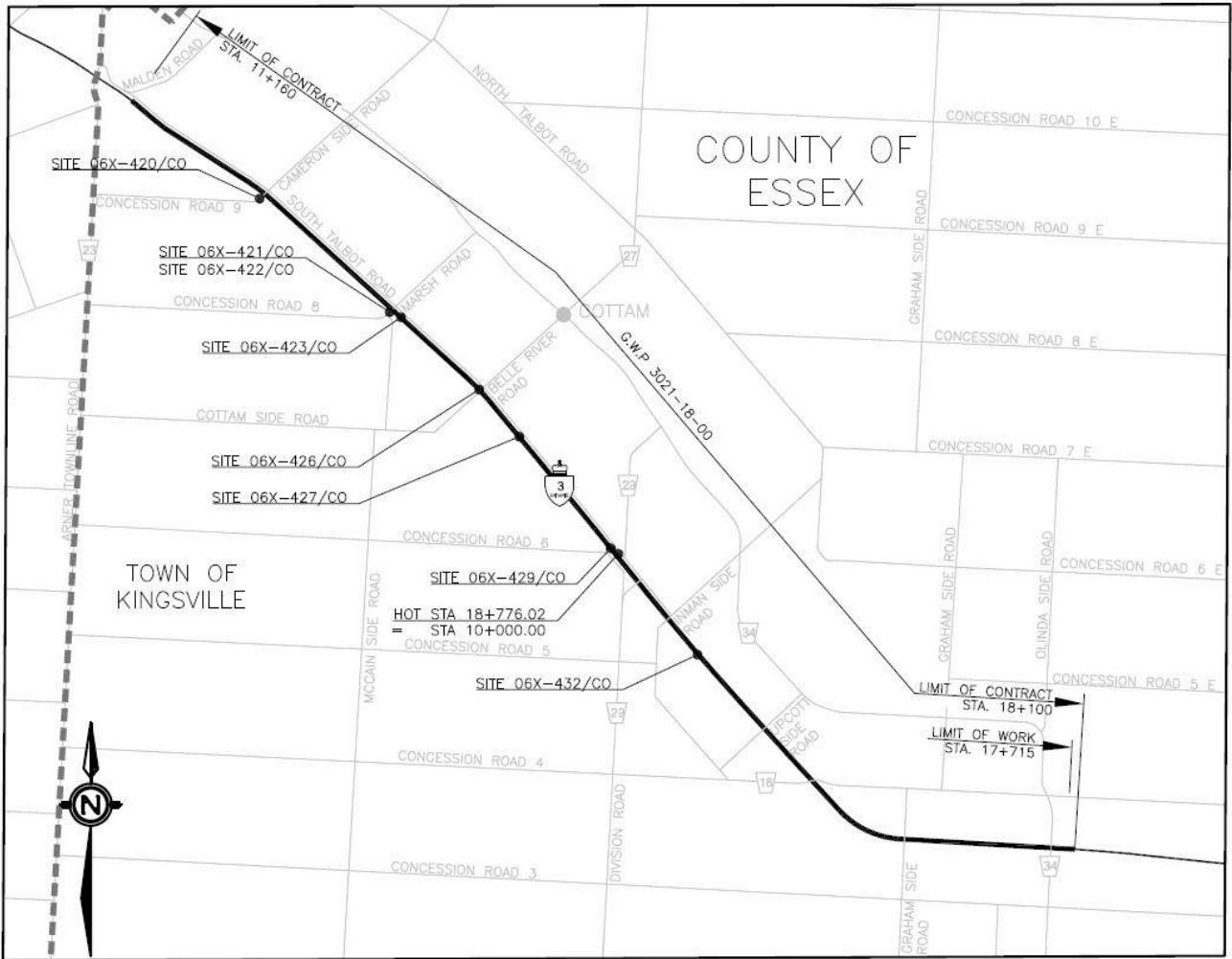
The Corporation of the County of Essex

Hilda MacDonald, Warden

Mary Birch, Clerk

SCHEDULE 'A' – HIGHWAY 3 PHASE 3 CONTRACT 2 KEY PLAN

To an Agreement between the Ministry and the Corporation of the County of Essex



SCHEDULE 'B' – MTO PROJECT AND COUNTY WORKS

To an Agreement between the Ministry and the Corporation of the County of Essex

The MTO Project, which includes the County Works, and which includes certain works that are, or will be, owned and maintained by the Town of Kingsville, is comprised of the following scope:

- Widening Highway 3 to four lanes with a 15 m depressed grass median. The project will tie into the four-lane section being built as part of Phase 3 Contract 1 at 1.1 km east of Arner Townline (Essex Road 23) and extend easterly to 1.1 km east of Union Avenue (Essex Road 34).
- Access to and from Highway 3 at Cameron Side Road shall be removed. The existing Cameron Side Road pavement between Highway 3 and South Talbot Road shall be removed. The remaining platform shall be regraded and covered with topsoil and seed. The intersection of Cameron Side Road and South Talbot Road shall remain open as a 3-leg stop-controlled intersection.
- Access to and from Highway 3 at Concession Road 9 shall be removed and a cul-de-sac shall be constructed south of the MTO right-of-way. The existing Concession Road 9 pavement between Highway 3 and the new cul-de-sac shall be removed. The Concession Road 9 crossing culvert shall be removed, and the lands will be regraded and covered with topsoil and seed, such that there is open drainage into the municipal drain.
- Access to and from Highway 3 at Marsh Road shall be removed. The existing Marsh Road pavement between Highway 3 and South Talbot Road shall be removed. The remaining platform shall be regraded and covered with topsoil and seed. The intersection of Marsh Road and South Talbot Road shall remain open as a 3-leg stop-controlled intersection.
- Access to and from Highway 3 at Concession Road 8 shall be removed. The intersection of Concession Road 8 and McCain Side Road shall be removed and a curve connection between Concession Road 8 and McCain Side Road shall be constructed. The existing Concession Road 8 pavement between Highway 3 and the new Concession Road 8/McCain Side Road connection shall be removed. The Concession Road 8 crossing culvert shall be removed, and the lands will be regraded and covered with topsoil and seed, such that there is open drainage into the municipal drain.
- Access to and from Highway 3 at Belle River Road (Essex Road 27) shall be signalized.
- Access to and from South Talbot Road at Belle River Road (Essex Road 27) shall be removed. South Talbot Road shall be realigned east and west of Belle River Road to intersect with Belle River Road approximately 215 m north of Highway 3. The intersection shall be stop controlled on South Talbot Road. Driveway accesses shall be provided to old South Talbot Road for the existing utility maintenance.
- Access to and from Highway 3 at Division Road (Essex Road 29) shall be signalized.
- Division Road (Essex Road 29) shall be extended northerly to approximately 215 m north of Highway 3, turn 90° and continue southwesterly to connect to existing Division Road west of existing South Talbot Road.

- Access to and from South Talbot Road from Division Road (Essex Road 29) west of the Highway 3 and Division Road (Essex Road 29) intersection shall be closed and a new connection road shall be designed and constructed to intersect with the new Division Road (Essex Road 29) with South Talbot Road being stop controlled. The concrete box culvert at the existing South Talbot Road and Division Road (Essex Road 29) intersection shall remain. Driveway accesses shall be provided to old South Talbot Road for the existing utility maintenance.
- An Unnamed Road shall be constructed between the 90° turn of the Division Road (Essex Road 29) extension north of Highway 3 to Inman Side Road. The intersection of Division Road (Essex Road 29) and the Unnamed Road shall be 3-way stop controlled. The intersection of the Unnamed Road and Inman Side Road shall be stop controlled on the Unnamed Road.
- Access to and from South Talbot Road from Division Road (Essex Road 29) east of the Highway 3 and Division Road (Essex Road 29) intersection shall be removed. A cul-de-sac shall be designed and constructed on South Talbot Road approximately 115 m east of Division Road (Essex Road 29).
- Access to and from Division Road (Essex Road 29) from Concession Road 6 shall be maintained.
- Access to and from Highway 3 at Inman Side Road shall be removed. The existing Inman Side Road pavement between Highway 3 and Inman Side Road shall be removed. The remaining platform shall be regraded and covered with topsoil and seed. The intersection of Inman Side Road and South Talbot Road shall remain open.
- Access to and from Highway 3 at South Talbot Road shall be removed and a cul-de-sac shall be constructed south of the MTO right-of-way. The existing South Talbot Road pavement between Highway 3 and the new cul-de-sac shall be removed. The remaining platform shall be regraded and covered with topsoil and seed.
- Access to and from Highway 3 at Upcott Side Road shall be removed. A cul-de-sac shall be constructed on the north and south side of Highway 3, outside of the MTO right-of-way. The existing Upcott Side Road pavement north and south of Highway 3 shall be removed between Highway 3 and the new cul-de-sac. The remaining platform north and south of Highway 3 shall be regraded and covered with topsoil and seed.
- Access to and from Highway 3 at Essex Road 18 shall be signalized.
- Essex Road 18 shall be realigned at Highway 3 and shifted approximately 30 m to the east.
- Access to and from Highway 3 at Graham Side Road shall be signalized.
- Access to and from Highway 3 at Union Avenue (Essex Road 34) shall be signalized.

SCHEDULE ‘C’ – STANDARDS TABLES

To an Agreement between the Ministry and the Corporation of the County of Essex

Standards Table: Essex Road 27 (Belle River Road)

Design Year: 2043	Superelevation Maximum Rate for Determining the Radius: 6 %		
	Present Conditions	Design Standards	Proposed Standards
Functional Highway Classification	RAU100	RAU100	RAU100
Minimum Stopping Sight Distance (m)	> 185	185	> 185
Crest: Minimum “K” factor for Stopping Sight Distance	N/A	60	N/A
Sag: Minimum “K” factor for Stopping Sight Distance	N/A	45	N/A
Grades Maximum (%)	2.2	6 – 8	1.0
Radius Minimum (m)	Tangent	450	Tangent
Lane Widths (m)	2 x 3.50	2 x 3.50	2 x 3.50 (through) 1 x 3.25 (left-turn lane)
Shoulder Width (Left / Right) (m)	2.00	2.50	2.50
Shoulder Rounding (m)	0.50	0.50	0.50
Median Width (m)	N/A	N/A	N/A
R.O.W. Width – nominal (m)	Varies		Varies
Posted Speed – prevailing (km/h)	80	80	80
Miscellaneous	N/A	N/A	N/A

Standards Table: Essex Road 29 (Division Road)

Design Year: 2043	Superelevation Maximum Rate for Determining the Radius: 6 %		
	Present Conditions	Design Standards	Proposed Standards
Functional Highway Classification	RCU80	RCU60	RCU60 (a)
Minimum Stopping Sight Distance (m)	265	85	91
Crest: Minimum “K” factor for Stopping Sight Distance	N/A	12	N/A
Sag: Minimum “K” factor for Stopping Sight Distance	N/A	18	N/A
Grades Maximum (%)	0.7	6 – 12	0.5
Radius Minimum (m)	120	130	120 (b)
Lane Widths (m)	2 x 3.50	2 x 3.50	2 x 3.50 (through) 1 x 3.25 (left-turn lane)
Shoulder Width (Left / Right) (m)	1.50	2.50	2.50
Shoulder Rounding (m)	0.50	0.50	0.50
Median Width (m)	N/A	N/A	N/A
R.O.W. Width – nominal (m)	Varies		Varies
Posted Speed – prevailing (km/h)	80	50	60 (a)
Miscellaneous	N/A	N/A	N/A

Standards Table: Essex Road 18

Design Year: 2043	Superelevation Maximum Rate for Determining the Radius: 6 %		
	Present Conditions	Design Standards	Proposed Standards
Functional Highway Classification	RCU80	RCU60	RCU60 (c)
Minimum Stopping Sight Distance (m)	89	85	87
Crest: Minimum “K” factor for Stopping Sight Distance	N/A	12	N/A
Sag: Minimum “K” factor for Stopping Sight Distance	N/A	18	N/A
Grades Maximum (%)	1.6	6 – 12	2.0
Radius Minimum (m)	82	130	130
Lane Widths (m)	2 x 3.50	2 x 3.50	2 x 3.50 (through)
Shoulder Width (Left / Right) (m)	2.00	2.50	2.50
Shoulder Rounding (m)	0.50	0.50	0.50
Median Width (m)	N/A	N/A	N/A
R.O.W. Width – nominal (m)	Varies		Varies
Posted Speed – prevailing (km/h)	80	50	60 (c)
Miscellaneous	N/A	N/A	N/A

Standards Table: Essex Road 34 (Union Avenue)

Design Year: 2043	Superelevation Maximum Rate for Determining the Radius: 6 %		
	Present Conditions	Design Standards	Proposed Standards
Functional Highway Classification	RAU100	RAU100	RAU100
Minimum Stopping Sight Distance (m)	> 185	185	> 185
Crest: Minimum “K” factor for Stopping Sight Distance	N/A	60	N/A
Sag: Minimum “K” factor for Stopping Sight Distance	N/A	45	N/A
Grades Maximum (%)	0.7	6 – 8	0.7
Radius Minimum (m)	Tangent	450	Tangent
Lane Widths (m)	2 x 3.75	2 x 3.50	2 x 3.50 (through) 1 x 3.25 (left-turn lane)
Shoulder Width (Left / Right) (m)	3.00	2.50	2.50
Shoulder Rounding (m)	0.50	0.50	0.50
Median Width (m)	N/A	N/A	N/A
R.O.W. Width – nominal (m)	Varies		Varies
Posted Speed – prevailing (km/h)	80	80	60 (d)
Miscellaneous	N/A	N/A	N/A

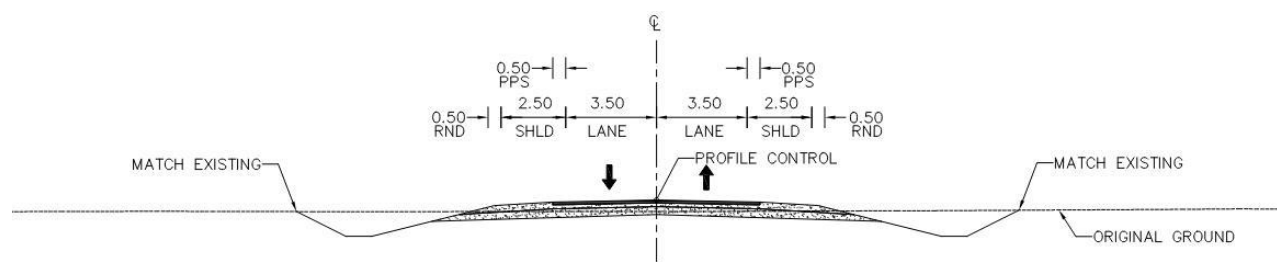
NOTES:

- a) The posted speed for Essex Road 29 (Division Road) is 80 km/h. Staff from Essex County support a RCU60 design and a posted speed reduction for Essex Road 29 (Division Road) to 60 km/h.
- b) The existing horizontal curve for Essex Road 29 (Division Road) at the south limits of the work will not be improved as part of this project.
- c) The posted speed for Essex Road 18 is 80 km/h. Staff from Essex County support a RCU60 design and a posted speed reduction for Essex Road 18 to 60 km/h to reflect the horizontal alignment approaching the Highway 3 intersection and to improve the operation of the intersection.
- d) Essex Road 34 (Union Avenue) is part of the old Highway 3 alignment. The posted speed for Essex Road 34 (Union Avenue) is 60 km/h within the project limits. The left-turn lane will be designed to RAU100.

SCHEDULE 'D' – TYPICAL ROAD SECTIONS

To an Agreement between the Ministry and the Corporation of the County of Essex

TYPICAL ROAD SECTIONS – COUNTY JURISDICTION:



ESSEX ROAD 27 (BELLE RIVER ROAD)
ESSEX ROAD 29 (DIVISION ROAD)
ESSEX ROAD 18

SCHEDULE 'E' – PAVEMENT DESIGN CRITERIA

To an Agreement between the Ministry and the Corporation of the County of Essex

Pavement Design Criteria – Sideroads and Local Roads		
Facility	Pavement Rehabilitation	Lane Widening / Reconstruction / New Alignment
Belle River Road (Essex Road 27)	Remove asphalt (full depth), regrade, add new Granular A as required, compact and pave 40 mm Superpave 12.5 FC 2 over 60 mm Superpave 19.0 and 60 mm Superpave 19.0	<u>Lane Widening:</u> Starting at the existing EP, excavate vertically to provide: 40 mm Superpave 12.5 FC2 60 mm Superpave 19.0 60 mm Superpave 19.0 450 mm Granular A
Division Road (Essex Road 29)	Profile milling for crossfall correction and pave 40 mm Superpave 12.5FC 2	<u>Lane Widening:</u> Starting at the existing EP, excavate vertically to provide: 40 mm Superpave 12.5 FC2 60 mm Superpave 19.0 60 mm Superpave 19.0 450 mm Granular A <u>New Alignment:</u> 40 mm Superpave 12.5 FC2 60 mm Superpave 19.0 60 mm Superpave 19.0 450 mm Granular A
Essex Road 18	N/A	<u>Reconstruction / Realignment:</u> 40 mm Superpave 12.5 FC2 60 mm Superpave 19.0 60 mm Superpave 19.0 450 mm Granular A
Union Ave (Essex Road 34)	Profile milling for crossfall correction and pave 40 mm Superpave 12.5 FC2	<u>Lane Widening:</u> Starting at the existing edge of pavement (EP), excavate vertically to provide: 40 mm Superpave 12.5 FC2 60 mm Superpave 19.0 70 mm Superpave 19.0 450 mm Granular A



Administrative Report

Office of the Director, Legislative and Community Services/Clerk

To: Warden MacDonald and Members of Essex County Council

From: Katherine Hebert
Manager, Records and Accessibility/Deputy Clerk

Date: Wednesday, October 18, 2023

Subject: Code of Conduct for Council Members, and Members of Local Boards

Report #: 2023-1018-LCS-R24-KH

Purpose

To seek County Council approval for the new Essex County Council Code of Conduct as proposed by Aird and Berlis LLP, Integrity Commissioner appointed by Essex County Council.

Background

Essex County Council adopted the first Council Code of Conduct in February of 2008, following amendments to the *Municipal Act* by Bill 130, the Municipal Statute Law Amendment Act, 2006. That amendment provided municipalities with greater powers and autonomy but also increased accountability and transparency measures. The decision to adopt a Council Code of Conduct was recommended, but still not mandatory at that time. There was also no requirement for municipalities to appoint an Integrity Commissioner and no complaint process enforcement or sanctions for non-compliance.

In September 2016, Essex County Council entered into an agreement for Integrity Commissioner services. As a result, a new Council Code of Conduct which set out the roles and responsibilities of the Integrity Commissioner and established a complaint protocol, was adopted.

In 2018, as a result of Bill 68 – Modernizing Ontario's Municipal Legislation Act, 2016, a number of new provisions were enacted in the *Municipal Act*. One of those new provisions was the requirement for municipalities to

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appoint an Integrity Commissioner. The new powers and responsibilities that were given to the Integrity Commissioner required revisions to the previously established procedures for filing complaints about non-compliance with the Essex County Council Code of Conduct. Further, the new duties of the Integrity Commissioner related to conflict of interest of Councillors and also required amendments to the Code of Conduct be made to the Integrity Commissioner procedures.

In September 2023, County Council appointed Aird & Berlis to provide Integrity Commissioner services for the Essex County Council and its Local Boards and Agencies.

Discussion

The appointment of a new provider of Integrity Commissioner services has necessitated the need to review the Council Code of Conduct, including the role of the Integrity Commissioner, complaint process, investigations, reporting of investigation findings, and sanctions.

A new Code of Conduct for Council Members, and Members of Local Boards is attached as Appendix A. This Code of Conduct has been provided by Aird & Berlis, and its contents are reflective of the language and provisions included in many of the Codes of Conduct for the municipalities within the Province of Ontario, particularly those that use Aird & Berlis for Integrity Commissioner services.

For comparison purposes, a copy of the current Code of Conduct for Essex County Council and Boards is attached as Appendix B.

An Integrity Commissioner from Aird & Berlis will be present at a special meeting of County Council on October 18, 2023 at 1:00 PM to provide training and respond to any questions on the new Council Code of Conduct.

Financial Implications

There are no financial implications from the implementation of a new Code of Conduct.

Consultations

Consultation on the new proposed Code of Conduct included County Solicitor, David Sundin and Director, Legislative and Community Services, Mary Birch.

Recommendation

That Essex County Council receive report number 20231018-LCS-R24-KH, Code of Conduct for Council Members, and Members of Local Boards, as information; and,

That Essex County Council adopt By-law 2023-48, being a By-law to adopt a new Code of Conduct for Council Members, and Members of Local Boards attached hereto as Appendix A.

Approvals

Respectfully Submitted,

Katherine Hebert

Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk

Concurred With,

Mary Birch

Mary Birch, Director, Legislative and Community Services/Clerk

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
A	Policy Number 2023-005 Code of Conduct for Council Members, and Members of Local Boards
B	By-law Number 2023-48 A By-law to Adopt a Code of Conduct for Members of Council, and Members of Local Boards (Attached to Agenda)

County of Essex Policy and Procedures Manual

Code of Conduct for Council Members, and Members of Local Boards

Policy Number:	2023-005 Appendix A to By-law 2023-48
Policy Type:	Corporate Policy
Approval Authority:	Essex County Council
Office of Responsibility:	Legislative and Community Services
Issuance Date:	YYYY-MM-DD (Date approved/effective)
Revised on Date:	YYYY-MM-DD
Scheduled Review Date:	YYYY-MM-DD (Review cycle is at minimum every 4 years or more frequently.)
Replaces Policy:	(Number or N/A)

1.0 Application and Purpose

- 1.1 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedural By-law and other sources of applicable law, including but not limited to:

- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act, 1996
- Municipal Freedom of Information and Protection of Privacy Act
- Human Rights Code
- Occupational Health and Safety Act

- Provincial Offences Act
 - Criminal Code
- 1.2 This Code of Conduct applies to all Members of the Council of the County of Essex and, unless specifically indicated otherwise and with all necessary modifications, to all members of the County's local boards.
- 1.3 While this Code of Conduct applies to members of the County's local boards it is recognized that such members do not hold elected office nor do they represent the County in general and at all times.

2.0 Statement of Principles

- 2.1 This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the County by its Members as duly elected and/or appointed public representatives of local boards to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.
- 2.2 The principles set out in Sections 2.1 and 2.2 are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are not operative provisions of the Code of Conduct and are not intended to and shall not be enforced independently as such.
- 2.3 All Members shall:
- serve and be seen to serve the public in a conscientious and diligent manner;
 - observe and act with the highest standard of ethical conduct and integrity;
 - avoid the improper use of the influence of their office and act without self-interest;
 - perform their functions with honesty, integrity, accountability and transparency;

- perform their duties of office and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- be cognizant that they are at all times representatives of the County and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the County; and
- uphold the spirit and the letter of the laws of Ontario and Canada and the laws and policies adopted by Council.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Code of Conduct:

- a) “CAO” means the Chief Administrative Officer of the County or designate;
- b) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- c) “Clerk” means the Clerk of the County or designate;
- d) “confidential information” includes information or records that are in the possession, in the custody or under the control of the County that the County is either precluded from disclosing under the Municipal Act, 2001 or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, and all information, records and deliberations arising from any closed meetings;
- e) “conflict of interest” means a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and his or her public interests

as an elected representative such that it might influence his or her decision in a particular matter;

- f) “Council” means the council for the County and includes, as the context may require and with all necessary modifications, any of the County’s local boards;
- g) “County” means The Corporation of the County of Essex and includes, as the context may require and with all necessary modifications, any of the County’s local boards;
- h) “family” means a Member’s spouse, parent (including step-parent and legal guardian), child (including step-child), siblings, sister-in-law, brother-in-law, mother-in-law, father-in-law, as well as step-relationships and half-relationships;
- i) “frivolous” means of little or no weight, worth, importance or any need of serious notice;
- j) “gift” means any kind of benefit, contribution or hospitality that has any financial or monetary value and includes the forms of benefits, contributions and hospitality that are set out in Section 7.0;
- k) “Integrity Commissioner” means the person appointed by Council pursuant to section 223.3 of the Municipal Act, 2001 to independently carry out the functions set out therein and such other functions as may be assigned by Council from time to time;
- l) “local board” means a local board as that term is defined in subsection 1(1) and section 223.1 of the Municipal Act, 2001;
- m) “media” includes any radio, television, newspaper, magazine, website, blog, social media, Twitter feed, YouTube or any other vehicles for the public dissemination of information, whether digital, electronic or print;
- n) “meeting” means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and

- (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- o) “Member” means a Member of the Council for the County or a member of a local board of the County, including a member of a joint board if that member is appointed by the Council to the joint board;
- p) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- q) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- r) “pecuniary” means relating to or consisting of money or having financial, economic or monetary value;
- s) “social media” means any third-party hosted technologies that allow the creation and exchange of user-generated content to share opinions, information and documents, and includes blogs, discussion boards and forums, microblogs, photo-sharing sites, social networks and video sharing services;
- t) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- u) “staff” means the CAO and all officers, directors, managers, supervisors and all administrative staff, whether full-time, part-time, contract, seasonal or volunteer, as well as agents, consultants and volunteers acting in furtherance of the County’s business and interest (not including a Member);

- v) “vexatious” means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4.0 General Obligations

4.1 A Member shall:

- a) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, gender identity, gender expression, race, creed, religion, ability and spirituality;
- b) not make statements that are or ought to be reasonably known to be false or with the intent to mislead or misinform Council or the public;
- c) not make disparaging comments about any other person (including a Member) or unfounded accusations about the motives of any person (including a Member); and
- d) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the County’s Procedural By-law or other applicable procedural rules and policies

5.0 Respectful Conduct

- 5.1 A Member shall always act civilly, respectfully and professionally when dealing with or communicating with any persons, including a member of the public and other Members as well as staff of the County.
- 5.2 An individual Member neither directs nor oversees the functions of the staff of the County. Council as a whole approves the budget, policies and governance of the County and provides direction and instruction through its by-laws and resolutions.
- 5.3 Staff serve Council and work for the County as a body corporate under the specific direction of the CAO. Members shall acknowledge,

respect and have regard for the administration, managerial and organizational structure of the County when requesting information, advice or services from staff.

- 5.4 A Member shall comply with the County's Council and Staff Relations Policy.
- 5.5 A Member shall not publicly criticize staff and any issue with respect to any staff member shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior (if not the CAO).
- 5.6 A Member shall respect the role of staff in the administration of the business and governmental affairs of the County, and acknowledge and appreciate that staff:
- a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of Staff members whether professional or ethical or otherwise;
 - b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - c) carry out their municipal duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite nor request or pressure any staff to act in furtherance or any Member's individual direction, to engage in partisan political activities or be subjected to any reprisal for refusing to engage in such activities.

6.0 County Property

- 6.1 Council is the custodian of the assets of the County. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the County's property, including but not limited to land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the County, unless they are entitled to such use equally with any other resident and have paid fair market value for such use. No Member shall seek financial gain for themselves, family or friends from the use or sale of the County's intellectual property, computer programs, technological innovations, or other patent, trademarks, official marks or copyright held by the County.
- 6.3 A Member shall not use any County property for activities not associated with their duties of office unless prior approval has been granted by Council.

7.0 Gifts, Benefits and Hospitality

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the County. A Member shall not accept any gift connected directly or indirectly with the performance of his or her duties except as provided in Section 7.3.
- 7.2 A gift provided to a Member's family that is connected directly or indirectly to the performance of the Member's duties shall be deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.3 For greater clarity, despite Sections 7.1 and 7.2, a Member is entitled to accept any compensation, remuneration or benefit authorized by law but shall not accept any gift other than in the following circumstances:
- a) a gift that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation as set out in 7.3(g);
 - b) a political contribution otherwise reported by law, in the case of a Member running for office;

- c) services provided without compensation by persons volunteering their time for a charitable or non-profit event or for the Member's re-election campaign;
- d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
- e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the County;
- f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate municipal business purpose related to the business of the County,
 - (ii) the person extending the invitation or a representative of the organization is in attendance,
 - (iii) the invitations are infrequent, and
 - (iv) the value is not greater than \$500.00 from a single source over a calendar year;
- g) a gift (other than gifts as set out in Section 7.3(f)) not having a value greater than \$300.00 from a single source over a calendar year; and
- h) a gift received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member.

7.4 A Member who has received and accepted a gift pursuant to Section 7.3(a), (f), (g) and (h) shall file a disclosure of the gift indicating the person, body or entity from which it was received together with the estimated value of the gift in accordance with the Disclosure Statement set out in Appendix "A". A Member shall submit the Disclosure Statement to the Clerk on an annual basis no later than

March 31 for the preceding calendar year and it shall be a matter of public record.

- 7.5 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

8.0 Confidential Information

- 8.1 A Member shall not disclose the content of any confidential information, or the substance of deliberations, from a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations or information to anyone, unless authorized by Council or as required by law.
- 8.2 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the County that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the County and must follow the same processes as any private person to obtain such information.
- 8.3 A Member shall not misuse or attempt to release, relay, disclose or impart confidential information in any way or manner as it may cause detriment to the County, Council or any other person, or in a manner that creates a financial or other gain for themselves or others.
- 8.4 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, municipal policies, procedures and rules, ethical standards and, where appropriate, professional standards.

- 8.5 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

9.0 Discrimination and Harassment

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive, demeaning or insulting words, phrases or expressions toward any member of the public, another Member or staff.
- 9.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, gender identity, gender expression, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.
- 9.4 A Member shall comply with the County's Employee Harassment in the Workplace Policy and Workplace Violence Policy.

10.0 Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves or their family, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member is required to comply with the requirements of the Municipal Conflict of Interest Act with respect to obligations relating to pecuniary interests. A contravention of the Municipal Conflict of

Interest Act by a Member shall not constitute a breach of the Code of Conduct but may be enforced in accordance with the provisions of the statute and section 223.4.1 of the Municipal Act, 2001.

- 11.2 A Member shall also avoid any conflict of interest that is a non-pecuniary interest in order to maintain public confidence in the County and its local boards. If a Member has a non-pecuniary interest, the Member shall declare the non-pecuniary interest and then leave the meeting at which the matter is being considered. Under no circumstance shall the Member participate in any discussion or vote on the matter or attempt to influence the voting on the matter in any way, before during or after the meeting. A Member having a non-pecuniary interest is not entitled to remain at the meeting and to abstain from voting, thus having their abstention recorded as a negative vote.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and strictly adhere to any policies, procedures and rules enacted and/or established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the Municipal Elections Act, 1996 and any of the County's policies pertaining to elections. The use of the County's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

14.0 Communications and Media Relations

- 14.1 In order to foster respect for the decision-making process of Council, Members shall fairly and accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings. Members may publicly express the reason for voting differently than the majority but shall always do so in a respectful manner that supports the decisions of Council.

- 14.2 Members shall not indicate, implicitly or explicitly, in any communications with the media that they speak on behalf of Council, unless they have been expressly authorized to do so by Council.
- 14.3 Members shall refrain from making comments of a disparaging nature about Members, staff or persons that relate to the business of the County.

15.0 Social Media

- 15.1 Members using social media shall:
- a) ensure that all posts are accurate before uploading content to the internet;
 - b) obtain permission before posting any third-party content;
 - c) follow the same principles and guidelines as for other forms of communication by employing sound judgment and common sense, by acting with respect, dignity, courtesy and empathy; and
 - d) ensure that it is noted that communications that are Member and constituent-related do not necessarily reflect the existing or future opinions, views or decisions of the Council.

16.0 Respect for the Code of Conduct

- 16.1 A Member shall respect the process for complaints made under the Code of Conduct, applications under the Municipal Conflict of Interest Act or through any process for complaints adopted by the County.
- 16.2 A Member shall not act in reprisal or threaten reprisal against any person, including another Member, who makes a complaint or provides information to the Integrity Commissioner during an investigation.
- 16.3 A Member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner. A Member shall not act in

reprisal or threaten reprisal against the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner. The Integrity Commissioner is authorized to report any incidents of threats or reprisals by a Member to Council or the local board and may recommend penalties or remedial or corrections measures or actions against such Member. The Integrity Commissioner is also authorized to report to Council or the local board any attempt by a Member to use their office to influence any decision or recommendation of the Integrity Commissioner.

- 16.4 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct and shall not:
- a) interfere with or obstruct an investigation by the Integrity Commissioner;
 - b) destroy or damage documents or erase any digital or electronic communications or records;
 - c) refuse to respond or provide records, information or documents to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the County; or
 - d) attempt to influence any other Member or staff with respect to the subject matter of the investigation or inquiry except as may be permitted pursuant to subsections 5(2.1) and 5.2(2) of the Municipal Act Conflict of Interest Act.
- 16.5 Staff shall remain neutral and impartial, and not seek to interfere with or attempt to subvert or obstruct the Integrity Commissioner in any way in carrying out its responsibilities and functions. Staff shall comply with any requests from the Integrity Commissioner for any assistance or information.

17.0 Penalties for Non-Compliance with the Code of Conduct

- 17.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:
- a) a reprimand; and/or

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

17.2 In the case of a local board, if the Council has not imposed either of the penalties set out in Section 17.1 on its Member, the Integrity Commissioner may report to the local board that, in his or her opinion, the Member has contravened the Code of Conduct in which case the local board may impose the penalties set out in Section 17.1.

18.0 Remedial Measures or Corrective Actions

18.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective actions or remedial measures, and require that the Member:

- a) provide a written or verbal apology;
- b) return property or make reimbursement of its value or of money spent;
- c) be removed from or not be appointed to the membership on a committee of Council;
- d) be removed from or not be appointed as chair of a committee of Council; and
- e) comply with any other remedial measure or corrective action deemed appropriate by the Integrity Commissioner.

18.2 In the case of a local board, if the Council has not any remedial or corrective actions under Section 18.1, the local board may, to the extent it is authorized at law, impose such remedial or corrective actions as are set out in Section 18.1(a)-(e).

19.0 Legal Fees

19.1 A Member is entitled to seek the advice of the Integrity Commissioner with respect to their own obligations under the Code of Conduct, any ethical procedure, policy or rule, and sections 5, 5.1, 5.2 and 5.3 of the Municipal Conflict of Interest Act. As such, a Member is solely responsible for their own legal costs if they retain a

lawyer or paralegal to provide legal counsel, advice or representation on any matter related to the Code of Conduct, any ethical procedure, policy or rule, and sections 5, 5.1, 5.2 and 5.3 of the Municipal Conflict of Interest Act, including, but not limited to, an investigation and the imposition of penalties or remedial or corrective actions recommended by the Integrity Commissioner or as imposed by Council, a complaint to the Ontario Ombudsman or a judicial review application to the courts from a decision based on a report and recommendations from the Integrity Commissioner, or any other related proceeding

20.0 Complaint Protocol

20.1 The Complaint Protocol is Appendix “B” to the Code of Conduct and applies to complaints under the Code of Conduct and applications under the Municipal Conflict of Interest Act.

21.0 Short Title

This Code of Conduct for Members of Council and Local Boards shall be referred to by its short title “Council Code of Conduct”

22.0 Summary of Amendments

Date	Amendment(s)
2023-10-18	Code of Conduct for Members of Council and Local Boards presented for approval at the County Council meeting along with By-law number 2023-48

Appendices

- Appendix A – Disclosure Statement for Gifts
- Appendix B - Complaint Protocol

APPENDIX “A”
DISCLOSURE STATEMENT FOR GIFTS

Member's Name: _____

Gift Received: _____

Received From: _____

Date of Receipt: _____ Value or Estimate of Gift: _____

Please describe the circumstances under which the Gift was received:

Please describe your intentions with respect to the Gift:

Do you anticipate transferring the Gift described above to the County or the local board?

Yes, immediately _____ No _____

Member's Signature

Date

APPENDIX “B”

CODE OF CONDUCT COMPLAINT PROTOCOL FOR MEMBERS OF COUNCIL

PART A - INFORMAL COMPLAINT PROCEDURE

- 1) Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:
 - a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - b) advise another person about the concerns regarding the Member’s actions for the purpose of corroborating the incident(s) or actions;
 - c) directly advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - f) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - g) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in

accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

- 2) Individuals are encouraged to pursue the Informal Complaint Procedure as the first means of remedying the behaviour or activity of a Member that they believe contravenes the Code of Conduct.
- 3) The Integrity Commissioner may be requested to assist in an attempt to settle or resolve the issue with the Member and the individual but the Integrity Commissioner will participate only if both or all parties have consented to its participation.
- 4) The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

PART B - FORMAL COMPLAINT PROCEDURE

Formal Complaints

- 5) (1) Any individual who has reasonable grounds to believe that a Member has contravened a provision of the Code of Conduct may file a formal complaint ("Complaint") to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
 - a) a Complaint shall be in writing on the prescribed form (Formal Complaint Form # 1 attached hereto) and shall be dated and signed by an identifiable individual ("the complainant");
 - b) a Complaint must set out reasonable grounds for the allegation that the Member has contravened the Code of Conduct and set out the evidence in support of the allegation; and
- (2) Council may also file a Complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a resolution requesting the Integrity Commissioner to undertake an inquiry.
- (3) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest (collectively, "a complainant") may file a formal application requesting that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of section 5, 5.1, 5.2 or 5.3 of that statute by a Member in accordance with the following requirements:
 - a) an application (also referred to as a "Complaint" herein) shall be in writing on the prescribed form (Complaint Form # 2 attached hereto), dated and signed by an identifiable individual;
 - b) the application shall include a statutory declaration attesting to the fact that:

- (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the application; or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
- (4) Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 5(2) to be sworn by a Member of Council.
- (5) Complainants who file a formal Complaint under Section 5 must provide a full and complete record of the evidence they purport to rely upon to substantiate or support the allegations set out in the Complaint to the Integrity Commissioner. The Integrity Commissioner is under no obligation whatsoever to, but may, seek additional information.

Filing of Complaint and Classification by Integrity Commissioner

- 6) (1) The Complaint may be filed either with the Clerk or with the Integrity Commissioner by hard copy or by email at the following mailing or email addresses:
- a) to the Clerk (who will provide a copy to the Integrity Commissioner):

Mary Birch
Director, Legislative and Community Services / Clerk
County of Essex
360 Fairview Ave. W.
Essex, ON N48 1Y6

Email: mbirch@countyofessex.ca

Tel: 519-776-6441 x 1343

or

(b) directly with the Integrity Commissioner:

Aird & Berlis LLP
181 Bay Street, Suite 1800
Toronto, ON M5J 1T9
Attention: Laura Dean
Email: ldean@airdberlis.com
Tel: 416-865-7706

(2) The Integrity Commissioner shall initially review the Complaint to determine if the matter is, on its face, a Complaint with respect to a contravention of the Code of Conduct and not covered by other legislation or other Council procedures, policies or rules as set out in Section 7 or whether it is a Complaint with respect to an alleged contravention of section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act*.

Complaints Outside the Integrity Commissioner's Jurisdiction or Not for Investigation

7) (1) If the Complaint is not, on its face, a Complaint with respect to a contravention of the Code of Conduct or the Complaint relates to matters addressed by other legislation under another procedure, policy or rule of the County, or whether it is a Complaint with respect to an alleged contravention of section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

a) if the Complaint is, on its face, an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that the complainant may pursue it with

the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

- b) if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Clerk to deal with under any access and privacy policies of the County under that statute;

Other Procedure, Policy or Rule Applies

- c) if the Complaint appears to fall within the scope of another procedure, policy or rule of the County, the complainant shall be advised to pursue the matter under such procedure, policy or rule with the appropriate municipal official or staff member; and

Lack of Jurisdiction

- d) if the Complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of Council as a whole and not one or more individual Members), the complainant shall be so advised and provided with any additional reasons and referrals, if any, as the Integrity Commissioner considers appropriate.
- (2) If it becomes apparent to the Integrity Commissioner at any time that the Complaint with respect to a contravention of the Code of Conduct or with respect to an alleged contravention of section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act*, relates to any of the following matters, the Integrity Commissioner shall advise the complainant in writing as follows:

Matter Already Pending

- a) if the Complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment

complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- b) if the Complaint is in relation to a similar matter which is subject to an outstanding Complaint before the Integrity Commissioner, the Integrity Commissioner may, in his/her sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the Complaint in the similar matter; and

Other Ethical Code or Policy Applies

- c) if the Complaint is in relation to a matter which is governed by a code of conduct, ethical code or similar procedure or policy of another body or entity which also governs the Members (for example, another board, body or committee to which the Member has been appointed), the Integrity Commissioner shall consider the most appropriate forum for the Complaint and may, in his/her sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.

(3) Nothing in Section 7 precludes the Integrity Commissioner from reporting to Council on any matter that is suspended, summarily dismissed, terminated or not otherwise investigated.

Limitation Period

- 8) (1) The Integrity Commissioner shall not accept a Complaint under the Code of Conduct for which the event giving rise to the Complaint occurred more than six (6) months prior to the date of the filing of the Complaint, notwithstanding when it was discovered.

(2) The Integrity Commissioner shall not accept an application with respect to an alleged contravention of section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act* more than six (6) weeks after the complainant became aware of the alleged contravention except in accordance with the requirements of subsections 8(3)-(7) of that statute and section 223.4.1 of the *Municipal Act, 2001*.

Refusal to Conduct Investigation

- 9) The Integrity Commissioner always has a discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied at any time, after considering the information contained in the Complaint, that the Complaint:
- a) is frivolous or vexatious,
 - b) is not made in good faith,
 - c) constitutes an abuse of process,
 - d) discloses no grounds or insufficient grounds for an investigation,
 - e) does not warrant a full investigation, or
 - f) is not otherwise in the public interest to investigate,

the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the Complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the investigation and provide notice to the complainant and, if necessary, to the Member. The Integrity Commissioner is under no obligation to report the refusal to conduct an investigation to Council.

Opportunities for Resolution

- 10) Following receipt and review of a Complaint or at any time during an investigation where the Integrity Commissioner, in its sole discretion, believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member

agree, efforts may be pursued to achieve an informal resolution.

Investigation

11) (1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in its sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:

a) provide the Member with a copy of the Complaint which shall not disclose:

(i) the identity of the complainant, or

(ii) the identity of any witnesses set out in the Complaint or persons that are to be questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the Complaint, which determination shall be made by the Integrity Commissioner, in its sole discretion;

b) request that the Member provide a written response to the allegations in the Complaint to the Integrity Commissioner within ten (10) calendar days;

c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) calendar days.

(2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other documents or electronic materials, including any materials on the County's computers and servers, and may enter any municipal work location

relevant to the Complaint for the purpose of investigation and potential resolution.

(3) If during the course of an investigation of a Complaint, the Integrity Commissioner discovers that the member may have committed another contravention of the Code of Conduct, the Integrity Commissioner shall have the authority to investigate and report on that matter.

(4) A draft of the proposed final report on the Complaint shall be provided to a Member if the Integrity Commissioner considers that the Member may have contravened the Code of Conduct and the Member shall have five (5) calendar days to make final submissions.

(5) The Integrity Commissioner may, but is under no obligation, to provide the complainant with a draft of the proposed final report.

(6) The Integrity Commissioner may make interim reports to Council where the Integrity Commissioner considers it necessary or required to address any instances of interference, obstruction, intimidation, delay, reprisal or retaliation by the Member or by any other person encountered during the formal investigation, and may also disclose such information as is necessary in the Integrity Commissioner's opinion for the purposes of the interim report(s) or any final report(s).

(7) The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to Council where necessary and as required to address any instances of non-compliance with any decision of Council including the failure to comply with any penalties or remedial measures/corrective actions imposed by Council or on any matter that the Integrity Commissioner considers necessary.

No Complaint Prior to Municipal Election

- 12) (1) Notwithstanding any other provision of this Complaint Protocol, no Complaint may be filed with the Integrity Commissioner, nor shall any report shall be made by the Integrity Commissioner to Council during the period of time starting on nomination day for a regular municipal election year, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- (2) If the Integrity Commissioner has received a Complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same Complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act, 2001*.

Advice Provided to Member by Integrity Commissioner

- 13) (1) Subject to Section 13(2), a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (2) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act*, the Member is entitled to advise the judge of any written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all

relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.

(3) A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law with respect to any specific matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law.

(4) If a Member under investigation by the Integrity Commissioner requests advice, such requests shall be delegated in writing to any person, other than another Member, that the Integrity Commissioner, considers capable of providing informed advice to the Member.

Authority to Abridge or Extend

- 14) (1) Notwithstanding any timeline or time limit set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any timeline or time limit therein if the Integrity Commissioner considers it, in its sole discretion, to be in the public interest to do so.

Investigation Report

- 15) (1) The Integrity Commissioner shall seek, but is not obligated, to complete an investigation within ninety (90) days following: (i) the official receipt of any Complaint under the Code of Conduct; and (ii) any additional clarification or information necessary to complete the Complaint, whichever is later.
- (2) Where the Complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or

any recommended penalties / remedial measures or corrective actions.

(3) A Member shall have the right to address the recommendations in a report that has made a finding of a contravention of the Code of Conduct by the Member when the report is considered by Council. The Member themselves may participate in the discussion of the recommendations but may not vote on the matter. A Member is not entitled to challenge, contest or question the findings of an Integrity Commissioner's report to Council.

(4) The role of Council is consider the Integrity Commissioner's report and the recommendations, if any, to make a decision on the imposition of recommended penalties or any remedial measures or corrective actions. Council's role is adjudicative, not investigatory and, accordingly, Members of Council are not entitled to challenge, contest or question the findings of an Integrity Commissioner's report to Council.

(5) Where the Complaint is not sustained, the Integrity Commissioner is not obligated to report to Council on the result of the investigation or any findings but may do so at its discretion and may also include such information as it deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.

(6) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred and eighty (180) days after the official receipt of any application validly made under Sections 5(3) or (4) of this Part.

Findings

- 16) (1) If the Integrity Commissioner determines that:
- a) there has been no contravention of the Code of Conduct, or section 5, 5.1, 5.2 or 5.3 of the *Municipal Conflict of Interest Act*, or
 - b) a contravention occurred but:

- (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner,
- (ii) it was trivial,
- (iii) it was committed through inadvertence, or
- (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including but not limited to, a recommendation of no penalty and no imposition of remedial measures or corrective actions.

(2) If the Integrity Commissioner:

- a) considers it appropriate, once the investigation under Section 5(3) or (4) has concluded, to apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened section 5, 5.1, 5.2 or 5.3 of that statute; or
 - b) does not proceed with an application to the judge,
- the complainant and the Member shall be advised in writing.

(3) The Integrity Commissioner shall provide a written report to Council providing the reasons for its decision under Section 16(2).

Report to Council

- 17) (1) Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council for consideration by Council *at that meeting*.
- (2) A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council agree to hold a special or other

meeting before its next regular meeting to consider the report.

Duty of Council

- 18) Council shall consider and make a determination on the Integrity Commissioner's recommendations in a report under Section 17 at the same meeting at which the report is listed on the agenda in a session that is open to the public. Council shall not defer consideration of the report or its determination with respect to the recommendations to another meeting.

Confidentiality and Public Disclosure

- 19) (1) In order to maintain the integrity of any process of inquiry or investigation, every person interacting with the Integrity Commissioner, including the complainant, the Member, any witness or any other person, shall preserve confidentiality with respect to all matters and shall not disclose any information related to the investigation to any other person unless so authorized by the Integrity Commissioner. A breach of this provision by the complainant may result in a termination of the Complaint.
- (2) The Integrity Commissioner shall retain all records related to the Complaint and investigation although copies may be provided to the County's administrative staff, subject to the duty of confidentiality under subsection 223.5 of the *Municipal Act, 2001*.
- (3) The identity of the Member who is the subject of the Complaint shall not be treated as confidential information in the Integrity Commissioner's report to Council. The identity of the complainant and of any other person, including any witnesses, will remain confidential but may be disclosed if deemed appropriate and necessary by the Integrity Commissioner, if consented to by the complainant or any other person, or such information has already been publicly disclosed.
- (4) All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk

and are published via the meeting agenda in which they are considered.

Delegation by Integrity Commissioner

- 20) The Integrity Commissioner may delegate in writing to any person, other than a Member, any of the Integrity Commissioner's powers and duties under Part V.1 of the *Municipal Act, 2001*.

Code of Conduct – Formal Complaint Form #1

Part 1: Complainant Information

_____	_____	
Last Name	First Name	

Address		
_____	_____	_____
Municipality	Province	Postal Code
_____	_____	
Phone Number	Email Address	

Part 2: Complaint Information

Name of Member(s)

Name of Board (if applicable)

What provision(s) of the Code of Conduct do you believe were contravened?
<i>[Set out all provision(s) alleged to have been contravened.]</i>

Part 3: Complaint Description

Provide detailed reasons for why you have reasonable grounds to believe the Member has contravened the Code of Conduct?

[Set out detailed reasons on additional pages if necessary]

[Specify which actions or incidents relate to which provisions of the Code of Conduct]

I have attached supporting records and/or additional pages: ☐ Yes ☐ No

I also intend to file an application for an inquiry regarding a possible contravention of the *Municipal Conflict of Interest Act* in relation to this matter: ☐ Yes ☐ No

Signature of Complainant

Date (MM/DD/YYYY)

Suggestions

- Complainants should review the full text of the Code of Conduct or relevant legislation.
 - Complainants should review the County's Complaint Protocol and may contact the Integrity Commissioner with questions about the process or procedure before filing.
- The personal information on this form is collected under authority of the *Municipal Act, 2001*.

Municipal Conflict of Interest Act – Complaint Form # 2

STATUTORY DECLARATION

I, _____ (*first and last name*),
of the _____ in the Province of
Ontario.

I SOLEMNLY DECLARE THAT:

1. I reside at: _____

Telephone: _____

Email: _____

2. I have reasonable and probable grounds to believe that _____
(*name of Member*) has contravened the following section(s) of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50:

- ☐ Section 5 Participated in the discussions and/or voted about a matter in which the Member has a direct or indirect pecuniary interest.
- ☐ Section 5.1 Failed to file a written statement of a declared pecuniary interest.
- ☐ Section 5.2 Used their office to attempt to influence a decision or recommendation of an officer or employee of the municipality and/or the board about a matter in which the Member has a direct or indirect pecuniary interest.

3. I became aware of the facts constituting the alleged contravention not more than six (6) weeks ago.

4. The facts constituting the alleged contravention are set out in Schedule “A” together with all applicable supporting materials, documents and records.

This declaration is made for the purpose of requesting that this matter be investigated by the County’s Integrity Commissioner and for no other purpose.

DECLARED before me at _____)
the _____ of _____)
on _____ (*date*))
_____)

(Signature)

A Commissioner for taking affidavits etc.

Please note that signing a false declaration may expose you to prosecution under ss. 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46 and also to civil liability for defamation.



The Corporation of the County of Essex

By-Law Number 06-2019

A By-law to Amend the Code of Conduct for Members of Essex County Council and of its Local Boards

Whereas Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations;

And Whereas section 223.2 of the Municipal Act 2001, S.O. 2001, c. 25, requires municipalities to establish Codes of Conduct for members of Council of the municipality and of local boards of the municipality;

And Whereas an Integrity Commissioner was appointed by By-Law No. 35-2018 for the purposes of investigating alleged transgressions or breach of the Code of Conduct adopted by Council;

And Whereas a review of the Code of Conduct for members of Essex County Council, enacted by By-Law No. 16-2008 and subsequently amended by By-Law No. 49-2016, was undertaken to establish a Code of Conduct that prescribes a Code of Conduct Complaint Process;

And Whereas Council deems it necessary to repeal By-Law No. 49-2016 to enact an amended Code of Conduct for Members of Essex County Council, Local Boards and of its Local Boards;

Now Therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That the Council of the Corporation of the County of Essex does hereby adopt the Code of Conduct, attached hereto as Schedule A, forming part of this by-law.

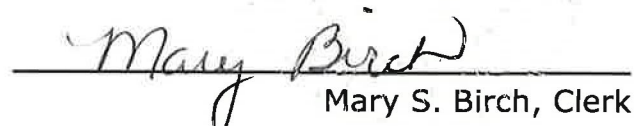
By-Law Number 06-2019

Page 2

- 2) That the Integrity Commissioner and/or Clerk be authorized to make minor amendments to Schedule A as may be appropriate from time to time.
- 3) That By-law No. 49-2016 be hereby repealed.
- 4) That this By-law shall come into full force and effect after the final passing.

Read a first, second and third time and Finally Passed this 20th day of February, 2019.


Gary McNamara, Warden


Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 06-2019** passed by the Council of the said Corporation on the **20th**, day of **February, 2019**.

Mary S. Birch, Clerk
Corporation of the County of Essex



Essex County Council Code of Conduct

Council, Local Boards and Committee Members

Approved by:	Essex County Council
Date Approved:	Click here to enter a date.
Last Revision Date:	2016-10-19
Replaces:	By-law #49-2016

1.0 Preamble

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

2.0 Scope

- 2.1** This Code applies to every Member. This Code shall be applied to Members who are members of a local board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.

3.0 Purpose

- 3.1** The Code of Conduct is intended to supplement and be compatible with the laws governing the conduct of Members. The key principles include:
- Members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
 - Members shall be committed to performing their functions with integrity without using the influence of their office;
 - Members shall avoid all conflicts of interest;
 - Members are expected to perform their duties of office and to arrange their private affairs in a manner that promotes public confidence and will bear close legal and public scrutiny;
 - Members are responsible for making honest statements and shall not make any statement when they know that statement

Essex County Council Code of Conduct

is false, or with the intent to mislead other Members or the public; and,

- Members shall serve the public interest by upholding the laws and policies established by the Federal Parliament, Ontario Legislature, and the laws and policies adopted by Essex County Council.

3.2 This Code of Conduct is intended to provide a guideline for elected officials in exercising their policy-making role having regard to the statements and ideals as enunciated hereunder.

4.0 Definitions

4.1 In this Code of Conduct, the terms "child", "parent" and "spouse" have the same meanings as in the Municipal Conflict of Interest Act.

4.2 "**Applicant**" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the Municipal Conflict of Interest Act.

4.3 "**Application**" means a written request for an investigation with respect to an alleged contravention of the Municipal Conflict of Interest Act.

4.4 "**Code of Conduct**" means the County of Essex Code of Conduct for Members of Council, Local Boards and others to County Council appointed Committees, Agencies, Boards and Commissions.

4.5 "**Complainant**" means a person who has filed a Complaint under the Code of Conduct.

4.6 "**Complaint**" means a purported contravention of the Code of Conduct.

4.7 "**Council**" means Essex County Council.

4.8 "**County**" means The Corporation of the County of Essex.

4.9 "**Integrity Commissioner**" shall mean the Integrity Commissioner appointed by the Council to provide independent and consistent Complaint investigation and resolution respecting the Application of the Code of Conduct.

Essex County Council Code of Conduct

- 4.10 "Immediate Relative"** shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law as well as step-relationships and half-relationships; spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage; this definition shall also include any other person(s) that are living with the employee on a full-time basis whom the member/employee (appropriate to the document) has demonstrated a settled intention to treat as an Immediate Relative (and all others).
- 4.11 "Local Board"** is hereby defined as in Section 1(1) and Section 223.1 of the Municipal Act, as amended.
- 4.12 "Member"** means a Member of Council, including the Warden, or a Member of a Local Board.
- 4.13** Any reference in this Code of Conduct to a statute, regulation, by-law, guideline, policy or other enactment shall be deemed to include any amendment, replacement, successor or consolidation of such statute, regulation, by-law, guideline, policy or other enactment.

5.0 Statutory Provisions Regulating Conduct

- 5.1** This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. The following federal and provincial legislation governs the conduct of Members of Council:
- Municipal Act, 2001
 - Municipal Conflict of Interest Act
 - Municipal Elections Act
 - Municipal Freedom of Information and Protection of Privacy Act
 - Provincial Offences Act
 - Public Inquiry Act
 - Occupational Health and Safety Act
 - Ontario Human Rights Code
 - Criminal Code
 - By-laws and policies of Council as adopted and amended from time to time, including but not limited to the procedural by-law.

Essex County Council Code of Conduct

- 5.2** A Council member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code of Canada or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves contravention of this policy.
- 5.3** In the case of any inconsistency between this policy and Federal or Provincial statute or regulation, the statute or regulation shall prevail.

6.0 Conduct at Meetings

- 6.1** Members shall conduct themselves with decorum at all meetings in accordance with the provisions of the County's Procedural By-law or the applicable procedural by-law of that Local Board. Respect for delegations, fellow Members and staff requires that all Members show courtesy and not distract from the business of the County during presentations and when other Members have the floor. Use of electronic equipment during meetings should be limited for use/access for meeting purposes.

7.0 Improper Use of Influence

- 7.1** No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.
- 7.2** Examples of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself or Immediate Relative, staff members, friends, or associates, business or otherwise. This includes attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Prohibited conduct also includes the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.
- 7.3** For the purposes of this provision, "private advantage" does not include a matter that:

Essex County Council Code of Conduct

- a) is of general Application
- b) affects a Member, his or her Immediate Relative, staff members, friends or associates, business or otherwise as one of a broad class of persons; or
- c) concerns the remuneration or benefits of a Member as a Member of Council.

8.0 Discreditable Conduct

- 8.1** All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All Members shall ensure that their work environment is utterly free and completely devoid of discrimination, and personal and sexual harassment.
- 8.2** The Ontario Human Rights Code applies, as does the County's Employee Harassment in the Workplace Policy and Workplace Violence Policy which recognize the right of every employee to work in an environment that is free from discrimination and harassment, by the employer, agent of the employer, another employee, or any other person with whom s/he comes into contact in the normal performance of his/her duties.
- 8.3** Members shall abide by the provisions of the Ontario Human Rights Code, and, in doing so, shall treat every person, including other Members, employees, and individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.
- 8.4** In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
- 8.5** In accordance with the Human Rights Code, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Essex County Council Code of Conduct

- 8.6** Without limiting the generality of the foregoing, Members shall not:
- a) make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
 - b) display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
 - c) make threats or engage in any abusive activity or course of conduct towards others;
 - d) vandalize the personal property of others;
 - e) commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
 - f) refuse to converse or interact with anyone based on any ground listed in the Human Rights Code.

9.0 Conduct Respecting Staff

- 9.1** Members shall acknowledge that only Council or the applicable Local Board as a whole has the authority to approve budget, policy, processes and other such matters unless such authority has been delegated. Members shall direct requests outside of Council approved budget, process or policy to the Chief Administrative Officer.
- 9.2** Under the direction of the Chief Administrative Officer, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council or the Local Board. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of staff.

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- 9.3** No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity. Members and staff shall be respectful of each other's time and arrange appropriate opportunities to discuss matters before formal meetings, where possible, which can be included and/or further discussed at the meeting.
- 9.4** In practical terms, there are distinct and specialized roles carried out by as a whole and by Members when performing their duties. The key requirements of these roles include dealing with constituents and the general public, participating as Standing Committee Members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of County staff in both the carrying out of their responsibilities and in dealing with the Council.

10.0 Communications and Media Relations

- 10.1** Members will attempt to accurately and adequately communicate the attitudes and decisions of Council or the Local Board, even if they disagree with a majority decision of Council so that:
- a) there is respect for the decision making processes of Council;
 - b) official information related to decisions and resolutions made by will normally be communicated in the first instance to the community and the media in an official capacity by the Warden/Chair or designate;
 - c) information concerning adopted policies, procedures and decisions of the Council or the Local Board is conveyed openly and accurately; and
 - d) confidential information will be communicated only when and after determined by Council.

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11.0 Confidential Information

- 11.1** Confidential information includes information in the possession of, or received in confidence by the County that the County is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (referred to as "MFIPPA"), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties that is of a corporate, commercial, scientific or technical nature and is provided expressly or implicitly in confidence, information that is personal, and information that is subject to solicitor-client privilege.
- 11.2** The Municipal Act, 2001 allows information concerning personnel, labour relations, litigation, property disposal and acquisition, the security of the property of the municipality or a local board, and matters authorized on other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.
- 11.3** No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall Members use confidential information for personal or private gain, or for the gain of Immediate Relatives or any person or corporation.
- 11.4** Under the County's Procedural By-law, a matter that has been discussed at a Closed meeting remains confidential. No Member shall disclose the content of any such matter, or the substance of deliberations, of the Closed meeting until the Council or committee or the Local Board discusses the information at a meeting that is open to the public or releases the information to the public.
- 11.5** Requests for information will be referred to Municipal Clerk to be addressed as either an informal request for access to municipal records, or as a formal request under MFIPPA.
- 11.6** Members should not access or attempt to gain access to confidential information in the custody of the County or the Local Board unless it is necessary for the performance of their duties and not prohibited otherwise.

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12.0 Conduct Regarding Current and Prospective Employment

- 12.1** No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the County.

13.0 Gifts and Benefits

- 13.1** Members shall not accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.
- 13.2** For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to an Immediate Relative, friends, or associates, business or otherwise or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
- 13.3** The following are recognized as exceptions:
- a) compensation authorized by by-law;
 - b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - c) a political contribution otherwise reported by law, in the case of Members running for office; (i.e. disclosure related to election campaign contributions that are required to be otherwise reported.)
 - d) services provided without compensation by persons volunteering their time;
 - e) a suitable memento of a function honouring the Member;
 - f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event where the Member is either speaking or attending in an official capacity;

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- g) food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance is resultant to protocol or social obligations that accompanies the responsibility of office;
 - (ii) the person extending the invitation or a representative of the organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent; and
- h) communication to the offices of a Member, including subscriptions to newspapers and periodicals.

13.4 In the case of categories (b), (e), (f) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source over a twelve (12) month period exceeds \$500, the Member shall within thirty (30) days of receipt of the gift or of reaching the annual limit, file a disclosure statement (Appendix B) with the Clerk.

13.5 The disclosure statement must indicate:

- (i) the nature of the gift or benefit
- (ii) its source and date of receipt
- (iii) the circumstances under which it was given or received;
- (iv) its estimated value;
- (v) what the recipient intends to do with the gift; and
- (vi) whether any gift will at any point become the property of the County.

13.6 All disclosure statements will be a matter of public record.

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- 13.7** On receiving a disclosure statement, the Clerk shall make the disclosure statement public. If a member of the public believes the Member has not conformed to the requirements of the Code of Conduct with respect to accepting gifts and benefits, he or she may request the Integrity Commissioner examine the statement to ascertain whether the receipt of gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit.
- 13.8** Should the Integrity Commissioner determine that receipt was inappropriate, s/he may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the County.
- 13.9** Except in the case of (a), (c) and (g), a Member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500, unless it falls within the exemption.

14.0 Use of County Property, Services and Other Resources

- 14.1** Members should not use, or permit the use of County property, land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the County.
- 14.2** Members are required to follow the provisions of the Municipal Elections Act, with respect to elections. Members shall not use the property, land, facilities, equipment, supplies, services or other resources of the County for any election campaign or campaign-related activities. No Member shall undertake campaign-related activities on County property during regular working hours unless permitted by County policy (e.g., all candidates meetings). No Member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the County.

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15.0 Implementation

- 15.1** At the beginning of each term, Members of Council will be expected to sign the Code of Conduct to convey to each other and all stakeholders that they have read, understand and accept it.
- 15.2** A Code of Conduct component will be included as part of the orientation workshop for each new Council.
- 15.3** Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

16.0 Role of the Integrity Commissioner

- 16.1** The County shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 16.2** The Integrity Commissioner shall provide the following services:
 - a) The Application of the code of conduct for members of Council and the Code of Conduct for members of local boards or of either of them.
 - b) The Application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards or of either of them.
 - c) The Application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of Council or of local boards.
 - d) Requests from members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member. All requests for such advice and the advice in response thereto, shall be provided in writing.

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- e) Requests from members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the Council or of the local board, as the case may be, governing the ethical behaviour of members. All requests for such advice and the advice in response thereto, shall be provided in writing.
- f) Requests from members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act. All requests for such advice and the advice in response thereto, shall be provided in writing.
- g) The provision of educational information to members of Council, members of local boards, the municipality and the public about the municipality's Code of Conduct for members of Council and members of local boards and about the Municipal Conflict of Interest Act.

17.0 Complaint Protocol

17.1 Any individual, organization, County employee, and Member, who has reasonable grounds to believe that a Member has breached a provision of the Code of Conduct, may file a Complaint. Complaints must be submitted within six (6) weeks of the matter first becoming known to the Complainant and cannot be filed more than six (6) months after the alleged violation occurred. No action will be taken on a Complaint received beyond either of the foregoing deadline.

17.2 A Complainant does not have to pursue the informal Complaint process set out in Section 17.1 prior to proceeding with the formal Complaint process set out in Section 17.2.

17.3 Informal Complaints

17.3.1 Any individual (members of the public, municipal employees, members of Council or Local Boards, etc.) or organizations who have identified or witnessed behaviour or an activity by a Member that appears to be in contravention of the Code of Conduct are encouraged to address his or her concerns in the following manner:

- a) advise the Member that their behaviour or activity contravenes the Code of Conduct;

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- b) encourage the Member to stop the prohibited behaviour or activity;
- c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) if applicable, confirm to the Member his or her satisfaction with the Member's response to the concern identified, or if applicable, advise the Member of your dissatisfaction with the response; and
- e) consider the need to pursue the matter in accordance with a formal Complaint through the Integrity Commissioner as outlined in Section 17., or in accordance with another applicable judicial or quasi-judicial process or compliant procedure.

17.3.2 Individuals or organizations are encouraged to initially pursue the Informal Complaint Process as a means of stopping and remedying a behaviour that is prohibited by the Code of Conduct.

17.4 Formal Complaint/Application Process

17.4.1 A Complaint (and all others) that a Member has contravened the Code or a corporate policy of the County may be initiated by any person, any Member of Council, or by Council as follows:

- a) a Complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
- b) a Complaint must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
- c) a Complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;

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- (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified.
 - d) the alleged violation shall have taken place within sixty (60) days of filing the Complaint with the Integrity Commissioner;
- 17.4.2 If filed with the Integrity Commissioner on or after March 1, 2019, an Application (and all others) to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:
- a) an Application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - b) an Application must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
 - c) an Application shall include:
 - (i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified; and
 - (iv) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six weeks before the date of Application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

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- d) an Application may only be made six weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

17.4.3 The Integrity Commissioner shall undertake an initial review of a Complaint or an Application that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members or compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the Complaint or Application, if it is not alleging such a contravention, or if the Complaint relates to the following matters:

- (i) **Criminal Matter** – if the Complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (ii) **Municipal Freedom of Information and Protection of Privacy** – if the Complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the Complainant shall be referred to the Clerk.
- (iii) **Municipal Elections Act** – if the Complaint relates to the enforcement of the Municipal Elections Act, the Complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

17.4.4 If the Integrity Commissioner determines that he or she does not have jurisdiction as described in Section 17.4 the Integrity Commissioner shall advise the Complainant/Applicant in writing accordingly.

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- 17.4.5 The Integrity Commissioner may dispose of a Complaint or Application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the Complainant/Applicant and shall endeavour to apprise the Complainant/Applicant of subsequent steps and the processing of the Complaint or Application and any ensuing investigation.
- 17.4.6 If the Integrity Commissioner is of the opinion that a Complaint or Application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the Complaint/Application in a summary manner. The Integrity Commissioner shall advise the Complainant/Applicant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 17.4.7 If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act, 2009*, if applicable), the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the Complainant/Applicant with a request for a written reply also within ten (10) days. A Complainant/Applicant may request that his/her Complaint remain anonymous and, if approved by the Integrity Commissioner, the name will not be released.

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- 17.4.8 The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the Complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any County workplace relevant to the Complaint, including any documents or records under the custody or control of the County.
- 17.4.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 17.4.10 Upon conclusion of a Complaint investigation, the Integrity Commissioner shall:
- a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the Complainant at the same time as the report becomes public.
- 17.4.11 Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.

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17.4.12 The Commissioner shall:

- a) advise the Applicant if he or she will not be making an Application to a judge; and
- b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.

17.4.13 The Integrity Commissioner's report on a Complaint or an Application shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

18.0 Election Blackout Period

18.1 No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, except as provided in s.223.4 and 223.4.1 of the *Municipal Act*.

19.0 Penalties

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

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

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19.2 Council may also take the following actions:

- a) removal from membership of a committee;
- b) removal as chair of a committee;
- c) request the repayment or reimbursement of monies received;
- d) request the return of property or reimbursement of its value;



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Appendix A Essex County Council Code of Conduct – Formal Complaint Process Affidavit

I, _____ (full name) of the County of Essex, in the Province of Ontario do solemnly swear (affirm and declare) that the following contents of this affidavit as subscribed by me are true and correct:

Permanent place of residence: _____

Mailing Address (if Different from above): _____

I have personal knowledge of the facts as set out in this Affidavit because:
(insert reasons e.g. I work for... I attended a meeting at which... etc.) _____

I have reasonable and probable grounds to believe that _____

(specify name of Member in question) has contravened section(s) _____

of the Code of Conduct of the County of Essex. The particulars of which are as follows: (Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached Schedule "A" form and check the applicable box below.)

Schedule A attached ☐ Yes ☐ No

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This affidavit is made for the purpose of requesting that this matter be reviewed by the County of Essex appointed Integrity Commissioner and for no other purpose.

Sworn (or Affirmed) before me in the Town of Essex, in the County of Essex, in the Province of Ontario on the _____ day of _____, _____.

A Commissioner, etc.

Signature of Complainant
(to be witnessed by Commissioner)

Note: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (sections 131, 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 132 or 134 of the Criminal Code, R.S.C 1985, c. C-46 and also to civil liability for defamation.

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Appendix B Disclosure Statement

Section 13 of the Code of Conduct regarding the acceptance of gifts and benefits, requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$300 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$500. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Nature of Gift or Benefit received: _____

Source of Gift or Benefit: _____

Circumstances under which Gift or Benefit received: _____

Intended use of the Gift or Benefit (i.e. will it be donated/provided to the County): _____

Estimates Value of Gift or Benefit: \$ _____

Date Gift or Benefit was received: _____(MM/DD/YR)

Signature of Member

Date

Signature of Clerk

Date received

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Appendix C Statement of Commitment

I, _____, a Member of Essex County Council,
have read and understand the Code of Conduct and I am
committed to observing its provisions.

Date: _____

Signature: _____

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Council, Local Boards and Committee Members

Approved by:	Essex County Council
Date Approved:	2019-02-20
Last Revision Date:	2016-10-19
Replaces:	By-law #49-2016

1.0 Preamble

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

2.0 Scope

- 2.1** This Code applies to every Member. This Code shall be applied to Members who are members of a local board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.

3.0 Purpose

- 3.1** The Code of Conduct is intended to supplement and be compatible with the laws governing the conduct of Members. The key principles include:
- Members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
 - Members shall be committed to performing their functions with integrity without using the influence of their office;
 - Members shall avoid all conflicts of interest;
 - Members are expected to perform their duties of office and to arrange their private affairs in a manner that promotes public confidence and will bear close legal and public scrutiny;
 - Members are responsible for making honest statements and shall not make any statement when they know that statement

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is false, or with the intent to mislead other Members or the public; and,

- Members shall serve the public interest by upholding the laws and policies established by the Federal Parliament, Ontario Legislature, and the laws and policies adopted by Essex County Council.

3.2 This Code of Conduct is intended to provide a guideline for elected officials in exercising their policy-making role having regard to the statements and ideals as enunciated hereunder.

4.0 Definitions

4.1 In this Code of Conduct, the terms "child", "parent" and "spouse" have the same meanings as in the Municipal Conflict of Interest Act.

4.2 "**Applicant**" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the Municipal Conflict of Interest Act.

4.3 "**Application**" means a written request for an investigation with respect to an alleged contravention of the Municipal Conflict of Interest Act.

4.4 "**Code of Conduct**" means the County of Essex Code of Conduct for Members of Council, Local Boards and others to County Council appointed Committees, Agencies, Boards and Commissions.

4.5 "**Complainant**" means a person who has filed a Complaint under the Code of Conduct.

4.6 "**Complaint**" means a purported contravention of the Code of Conduct.

4.7 "**Council**" means Essex County Council.

4.8 "**County**" means The Corporation of the County of Essex.

4.9 "**Integrity Commissioner**" shall mean the Integrity Commissioner appointed by the Council to provide independent and consistent Complaint investigation and resolution respecting the Application of the Code of Conduct.

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- 4.10 "Immediate Relative"** shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law as well as step-relationships and half-relationships; spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage; this definition shall also include any other person(s) that are living with the employee on a full-time basis whom the member/employee (appropriate to the document) has demonstrated a settled intention to treat as an Immediate Relative (and all others).
- 4.11 "Local Board"** is hereby defined as in Section 1(1) and Section 223.1 of the Municipal Act, as amended.
- 4.12 "Member"** means a Member of Council, including the Warden, or a Member of a Local Board.
- 4.13** Any reference in this Code of Conduct to a statute, regulation, by-law, guideline, policy or other enactment shall be deemed to include any amendment, replacement, successor or consolidation of such statute, regulation, by-law, guideline, policy or other enactment.

5.0 Statutory Provisions Regulating Conduct

- 5.1** This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. The following federal and provincial legislation governs the conduct of Members of Council:
- Municipal Act, 2001
 - Municipal Conflict of Interest Act
 - Municipal Elections Act
 - Municipal Freedom of Information and Protection of Privacy Act
 - Provincial Offences Act
 - Public Inquiry Act
 - Occupational Health and Safety Act
 - Ontario Human Rights Code
 - Criminal Code
 - By-laws and policies of Council as adopted and amended from time to time, including but not limited to the procedural by-law.

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- 5.2** A Council member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code of Canada or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves contravention of this policy.
- 5.3** In the case of any inconsistency between this policy and Federal or Provincial statute or regulation, the statute or regulation shall prevail.

6.0 Conduct at Meetings

- 6.1** Members shall conduct themselves with decorum at all meetings in accordance with the provisions of the County's Procedural By-law or the applicable procedural by-law of that Local Board. Respect for delegations, fellow Members and staff requires that all Members show courtesy and not distract from the business of the County during presentations and when other Members have the floor. Use of electronic equipment during meetings should be limited for use/access for meeting purposes.

7.0 Improper Use of Influence

- 7.1** No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.
- 7.2** Examples of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself or Immediate Relative, staff members, friends, or associates, business or otherwise. This includes attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Prohibited conduct also includes the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.
- 7.3** For the purposes of this provision, "private advantage" does not include a matter that:

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- a) is of general Application
- b) affects a Member, his or her Immediate Relative, staff members, friends or associates, business or otherwise as one of a broad class of persons; or
- c) concerns the remuneration or benefits of a Member as a Member of Council.

8.0 Discreditable Conduct

- 8.1** All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All Members shall ensure that their work environment is utterly free and completely devoid of discrimination, and personal and sexual harassment.
- 8.2** The Ontario Human Rights Code applies, as does the County's Employee Harassment in the Workplace Policy and Workplace Violence Policy which recognize the right of every employee to work in an environment that is free from discrimination and harassment, by the employer, agent of the employer, another employee, or any other person with whom s/he comes into contact in the normal performance of his/her duties.
- 8.3** Members shall abide by the provisions of the Ontario Human Rights Code, and, in doing so, shall treat every person, including other Members, employees, and individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.
- 8.4** In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
- 8.5** In accordance with the Human Rights Code, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

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8.6 Without limiting the generality of the foregoing, Members shall not:

- a) make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
- b) display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
- c) make threats or engage in any abusive activity or course of conduct towards others;
- d) vandalize the personal property of others;
- e) commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
- f) refuse to converse or interact with anyone based on any ground listed in the Human Rights Code.

9.0 Conduct Respecting Staff

9.1 Members shall acknowledge that only Council or the applicable Local Board as a whole has the authority to approve budget, policy, processes and other such matters unless such authority has been delegated. Members shall direct requests outside of Council approved budget, process or policy to the Chief Administrative Officer.

9.2 Under the direction of the Chief Administrative Officer, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council or the Local Board. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of staff.

Essex County Council Code of Conduct

- 9.3** No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity. Members and staff shall be respectful of each other's time and arrange appropriate opportunities to discuss matters before formal meetings, where possible, which can be included and/or further discussed at the meeting.
- 9.4** In practical terms, there are distinct and specialized roles carried out by as a whole and by Members when performing their duties. The key requirements of these roles include dealing with constituents and the general public, participating as Standing Committee Members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of County staff in both the carrying out of their responsibilities and in dealing with the Council.

10.0 Communications and Media Relations

- 10.1** Members will attempt to accurately and adequately communicate the attitudes and decisions of Council or the Local Board, even if they disagree with a majority decision of Council so that:
- a) there is respect for the decision making processes of Council;
 - b) official information related to decisions and resolutions made by will normally be communicated in the first instance to the community and the media in an official capacity by the Warden/Chair or designate;
 - c) information concerning adopted policies, procedures and decisions of the Council or the Local Board is conveyed openly and accurately; and
 - d) confidential information will be communicated only when and after determined by Council.

Essex County Council Code of Conduct

11.0 Confidential Information

- 11.1** Confidential information includes information in the possession of, or received in confidence by the County that the County is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (referred to as "MFIPPA"), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties that is of a corporate, commercial, scientific or technical nature and is provided expressly or implicitly in confidence, information that is personal, and information that is subject to solicitor-client privilege.
- 11.2** The Municipal Act, 2001 allows information concerning personnel, labour relations, litigation, property disposal and acquisition, the security of the property of the municipality or a local board, and matters authorized on other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.
- 11.3** No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall Members use confidential information for personal or private gain, or for the gain of Immediate Relatives or any person or corporation.
- 11.4** Under the County's Procedural By-law, a matter that has been discussed at a Closed meeting remains confidential. No Member shall disclose the content of any such matter, or the substance of deliberations, of the Closed meeting until the Council or committee or the Local Board discusses the information at a meeting that is open to the public or releases the information to the public.
- 11.5** Requests for information will be referred to Municipal Clerk to be addressed as either an informal request for access to municipal records, or as a formal request under MFIPPA.
- 11.6** Members should not access or attempt to gain access to confidential information in the custody of the County or the Local Board unless it is necessary for the performance of their duties and not prohibited otherwise.

Essex County Council Code of Conduct

12.0 Conduct Regarding Current and Prospective Employment

- 12.1** No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the County.

13.0 Gifts and Benefits

- 13.1** Members shall not accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.
- 13.2** For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to an Immediate Relative, friends, or associates, business or otherwise or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
- 13.3** The following are recognized as exceptions:
- a) compensation authorized by by-law;
 - b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - c) a political contribution otherwise reported by law, in the case of Members running for office; (i.e. disclosure related to election campaign contributions that are required to be otherwise reported.)
 - d) services provided without compensation by persons volunteering their time;
 - e) a suitable memento of a function honouring the Member;
 - f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event where the Member is either speaking or attending in an official capacity;

Essex County Council Code of Conduct

- g) food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance is resultant to protocol or social obligations that accompanies the responsibility of office;
 - (ii) the person extending the invitation or a representative of the organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent; and
- h) communication to the offices of a Member, including subscriptions to newspapers and periodicals.

13.4 In the case of categories (b), (e), (f) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source over a twelve (12) month period exceeds \$500, the Member shall within thirty (30) days of receipt of the gift or of reaching the annual limit, file a disclosure statement (Appendix B) with the Clerk.

13.5 The disclosure statement must indicate:

- (i) the nature of the gift or benefit
- (ii) its source and date of receipt
- (iii) the circumstances under which it was given or received;
- (iv) its estimated value;
- (v) what the recipient intends to do with the gift; and
- (vi) whether any gift will at any point become the property of the County.

13.6 All disclosure statements will be a matter of public record.

Essex County Council Code of Conduct

- 13.7** On receiving a disclosure statement, the Clerk shall make the disclosure statement public. If a member of the public believes the Member has not conformed to the requirements of the Code of Conduct with respect to accepting gifts and benefits, he or she may request the Integrity Commissioner examine the statement to ascertain whether the receipt of gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit.
- 13.8** Should the Integrity Commissioner determine that receipt was inappropriate, s/he may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the County.
- 13.9** Except in the case of (a), (c) and (g), a Member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500, unless it falls within the exemption.

14.0 Use of County Property, Services and Other Resources

- 14.1** Members should not use, or permit the use of County property, land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the County.
- 14.2** Members are required to follow the provisions of the Municipal Elections Act, with respect to elections. Members shall not use the property, land, facilities, equipment, supplies, services or other resources of the County for any election campaign or campaign-related activities. No Member shall undertake campaign-related activities on County property during regular working hours unless permitted by County policy (e.g., all candidates meetings). No Member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the County.

Essex County Council Code of Conduct

15.0 Implementation

- 15.1** At the beginning of each term, Members of Council will be expected to sign the Code of Conduct to convey to each other and all stakeholders that they have read, understand and accept it.
- 15.2** A Code of Conduct component will be included as part of the orientation workshop for each new Council.
- 15.3** Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

16.0 Role of the Integrity Commissioner

- 16.1** The County shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 16.2** The Integrity Commissioner shall provide the following services:
 - a) The Application of the code of conduct for members of Council and the Code of Conduct for members of local boards or of either of them.
 - b) The Application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards or of either of them.
 - c) The Application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of Council or of local boards.
 - d) Requests from members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member. All requests for such advice and the advice in response thereto, shall be provided in writing.

Essex County Council Code of Conduct

- e) Requests from members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the Council or of the local board, as the case may be, governing the ethical behaviour of members. All requests for such advice and the advice in response thereto, shall be provided in writing.
- f) Requests from members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act. All requests for such advice and the advice in response thereto, shall be provided in writing.
- g) The provision of educational information to members of Council, members of local boards, the municipality and the public about the municipality's Code of Conduct for members of Council and members of local boards and about the Municipal Conflict of Interest Act.

17.0 Complaint Protocol

17.1 Any individual, organization, County employee, and Member, who has reasonable grounds to believe that a Member has breached a provision of the Code of Conduct, may file a Complaint. Complaints must be submitted within six (6) weeks of the matter first becoming known to the Complainant and cannot be filed more than six (6) months after the alleged violation occurred. No action will be taken on a Complaint received beyond either of the foregoing deadline.

17.2 A Complainant does not have to pursue the informal Complaint process set out in Section 17.1 prior to proceeding with the formal Complaint process set out in Section 17.2.

17.3 Informal Complaints

17.3.1 Any individual (members of the public, municipal employees, members of Council or Local Boards, etc.) or organizations who have identified or witnessed behaviour or an activity by a Member that appears to be in contravention of the Code of Conduct are encouraged to address his or her concerns in the following manner:

- a) advise the Member that their behaviour or activity contravenes the Code of Conduct;

Essex County Council Code of Conduct

- b) encourage the Member to stop the prohibited behaviour or activity;
- c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) if applicable, confirm to the Member his or her satisfaction with the Member's response to the concern identified, or if applicable, advise the Member of your dissatisfaction with the response; and
- e) consider the need to pursue the matter in accordance with a formal Complaint through the Integrity Commissioner as outlined in Section 17., or in accordance with another applicable judicial or quasi-judicial process or compliant procedure.

17.3.2 Individuals or organizations are encouraged to initially pursue the Informal Complaint Process as a means of stopping and remedying a behaviour that is prohibited by the Code of Conduct.

17.4 Formal Complaint/Application Process

17.4.1 A Complaint (and all others) that a Member has contravened the Code or a corporate policy of the County may be initiated by any person, any Member of Council, or by Council as follows:

- a) a Complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
- b) a Complaint must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
- c) a Complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;

Essex County Council Code of Conduct

- (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified.
 - d) the alleged violation shall have taken place within sixty (60) days of filing the Complaint with the Integrity Commissioner;
- 17.4.2 If filed with the Integrity Commissioner on or after March 1, 2019, an Application (and all others) to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:
- a) an Application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - b) an Application must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
 - c) an Application shall include:
 - (i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified; and
 - (iv) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six weeks before the date of Application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

Essex County Council Code of Conduct

- d) an Application may only be made six weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

17.4.3 The Integrity Commissioner shall undertake an initial review of a Complaint or an Application that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members or compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the Complaint or Application, if it is not alleging such a contravention, or if the Complaint relates to the following matters:

- (i) **Criminal Matter** – if the Complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (ii) **Municipal Freedom of Information and Protection of Privacy** – if the Complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the Complainant shall be referred to the Clerk.
- (iii) **Municipal Elections Act** – if the Complaint relates to the enforcement of the Municipal Elections Act, the Complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

17.4.4 If the Integrity Commissioner determines that he or she does not have jurisdiction as described in Section 17.4 the Integrity Commissioner shall advise the Complainant/Applicant in writing accordingly.

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- 17.4.5 The Integrity Commissioner may dispose of a Complaint or Application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the Complainant/Applicant and shall endeavour to apprise the Complainant/Applicant of subsequent steps and the processing of the Complaint or Application and any ensuing investigation.
- 17.4.6 If the Integrity Commissioner is of the opinion that a Complaint or Application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the Complaint/Application in a summary manner. The Integrity Commissioner shall advise the Complainant/Applicant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 17.4.7 If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act, 2009*, if applicable), the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the Complainant/Applicant with a request for a written reply also within ten (10) days. A Complainant/Applicant may request that his/her Complaint remain anonymous and, if approved by the Integrity Commissioner, the name will not be released.

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- 17.4.8 The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the Complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any County workplace relevant to the Complaint, including any documents or records under the custody or control of the County.
- 17.4.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 17.4.10 Upon conclusion of a Complaint investigation, the Integrity Commissioner shall:
- a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the Complainant at the same time as the report becomes public.
- 17.4.11 Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.

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17.4.12 The Commissioner shall:

- a) advise the Applicant if he or she will not be making an Application to a judge; and
- b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.

17.4.13 The Integrity Commissioner's report on a Complaint or an Application shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

18.0 Election Blackout Period

18.1 No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, except as provided in s.223.4 and 223.4.1 of the *Municipal Act*.

19.0 Penalties

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

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

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19.2 Council may also take the following actions:

- a) removal from membership of a committee;
- b) removal as chair of a committee;
- c) request the repayment or reimbursement of monies received;
- d) request the return of property or reimbursement of its value;



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Appendix A Essex County Council Code of Conduct – Formal Complaint Process Affidavit

I, _____ (full name) of the County of Essex, in the Province of Ontario do solemnly swear (affirm and declare) that the following contents of this affidavit as subscribed by me are true and correct:

Permanent place of residence: _____

Mailing Address (if Different from above): _____

I have personal knowledge of the facts as set out in this Affidavit because:
(insert reasons e.g. I work for... I attended a meeting at which... etc.) _____

I have reasonable and probable grounds to believe that _____

(specify name of Member in question) has contravened section(s) _____

of the Code of Conduct of the County of Essex. The particulars of which are as follows: (Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached Schedule "A" form and check the applicable box below.)

Schedule A attached ☐ Yes ☐ No

Essex County Council Code of Conduct

This affidavit is made for the purpose of requesting that this matter be reviewed by the County of Essex appointed Integrity Commissioner and for no other purpose.

Sworn (or Affirmed) before me in the Town of Essex, in the County of Essex, in the Province of Ontario on the _____ day of _____, _____.

_____ ,	_____
A Commissioner, etc.	Signature of Complainant <i>(to be witnessed by Commissioner)</i>

Note: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (sections 131, 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 132 or 134 of the Criminal Code, R.S.C 1985, c. C-46 and also to civil liability for defamation.

Schedule A - Additional Information to Formal Complaint Form / Affidavit

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

A Commissioner for taking affidavits, etc.

Appendix B Disclosure Statement

Nature of Gift or Benefit received:_____

Source of Gift or Benefit:

Circumstances under which Gift or Benefit received:

Intended use of the Gift or Benefit (i.e. will it be donated/provided to the County):_____

Estimates Value of Gift or Benefit: \$ _____

Date Gift or Benefit was received: _____ (MM/DD/YR)

Signature of Member

Date _____

Signature of Clerk

Date received

Essex County Council Code of Conduct

Appendix C Statement of Commitment

I, _____, a Member of Essex County Council,
have read and understand the Code of Conduct and I am
committed to observing its provisions.

Date: _____

Signature: _____

1. Repeals 49-2016



Administrative Report

Office of the Director, Infrastructure & Planning Services

To: Warden MacDonald and Members of Essex County Council

From: Allan Botham, P.Eng.
Director, Infrastructure & Planning Services

Date: Wednesday, October 18, 2023

Subject: River Canard Bridge Plaque Proposal

Report #: 2023-1018-IPS-R33-AB

Purpose

The objective of this Administrative Report is to provide County Council with information pertaining to the proposed installation of a commemorative plaque for the River Canard Bridge, B-08-02. The report will enable an informed decision-making process regarding this noteworthy historical preservation endeavor.

Background

Originally built in 1937, the rare concrete tied arch or bowstring bridge on County Road 8 at the Amherstburg-LaSalle border, is the only remaining structure of this type on the county road network and is considered to be a historic landmark. ^[1] These features have defined this structure as a candidate Heritage Bridge under the Ontario Heritage Act. ^[2]

River Canard, one of North America's oldest European settlements, dates back to the 18th-century French colonial era associated with Fort Detroit and the Detroit River. Descendants of these early settlers, known as the "Fort Detroit French," still reside in the region. While Ontario's French community has distinct historical backgrounds, they occasionally collaborate on shared concerns, like promoting French education in schools and preserving the language within French-speaking congregations.

To honor the subject bridge's significance, Essex County Council supported the following motion to install a commemorative plaque. ^[3]

"Whereas the bow string River Canard Bridge, which is owned by the County of Essex and located on the boundary of LaSalle and

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Corporation of the County of Essex, Suite 315, 360 Fairview Ave. W., Essex, ON N8M 1Y6
Phone: 519-776-6441, ext. 1397; Email: abotham@countyofessex.ca

Amherstburg, is an Essex County landmark with historical significance to the area;

And whereas this bridge has deep ties to our communities and is widely photographed and painted by artists;

And whereas other bridges of lesser historical or architectural significance have historical or descriptive plaques recognizing them;

Now therefore, Essex County Council requests County Administration to prepare a Council report on the feasibility of having a plaque installed at the location of the bow string River Canard Bridge."

Discussion

Administration understands that the specific request is to investigate feasibility and options to purchase and install a plaque near the subject bridge, with wording that provides readers with relevant, historical significance.

Consideration was given to:

- County of Essex policy regarding naming assets (plaques on bridges)
- Need for links to accessible documents by way of smart phone links
- Provision of French language translation
- Provincial/Federal partnerships
- Size and shape of the plaque to accommodate preferred wording
- Opportunity to purchase a plaque from suppliers
- Location, Construction and Maintenance

Policy 17-001 Naming of Corporate Assets Policy is the only County of Essex policy remotely applicable, but was intended to address requests to add actual names to an asset. For example, the Gordie Howe Bridge. The CAO is satisfied that policy 17-001 does not apply to the Notice of Motion. Further, there are no policies or best management practices prohibiting the application of a plaque on a County of Essex bridge.

In pursuit of the commemorative plaque project, diligent efforts were made to engage with various organizations, including the Ontario Heritage Trust and the Historic Sites and Monuments Board of Canada (HSMBC), to explore potential sources of support and collaboration. Simultaneously, outreach was extended to several private firms with expertise in plaques, signage, and monument creation. Administration was able to glean insight to ensure the successful execution of this historically significant project.

Through examination of existing plaques overseen by the Ontario Heritage Trust throughout the County, approximate measurements and content were

obtained. This information was essential for firms to offer insights into the project's scope and requirements. Moreover, we have identified several critical factors that can influence the cost estimation for the plaque project. For example, provision of a double-sided plaque to accommodate bilingual historical information, the choice of materials such as aluminum or bronze, and the intricacy of any 2D or 3D symbols that may adorn the plaque. These considerations will play a pivotal role in determining the overall pricing structure for the project and will inform Council's decisions moving forward, making sure to not compromise on quality.

Private firms and the Historic Sites and Monuments Board of Canada (HSMBC) accept application intakes without set deadlines. In contrast, Ontario Heritage Trust currently schedules intakes exclusively in the month of September each year.

For comparison purposes, typical Ontario Heritage Trust plaques contain between 160 to 180 words, featuring bilingual content with one side in English and the other in French. The plaques are designed to be independently mounted on a pole. The base and installation will be provided by the County while the plaque and pole will be provided by the Trust. The specific dimensions of the plaque, as illustrated in Figure 1, were determined to be as follows:

1. Total Height: 95.5 cm.
2. Total Width: 103.5 cm.
3. Main Height: 72 cm.
4. Pole Width: 8.9 cm diameter, with a perimeter of 28 cm.
5. Border Width: 2 cm.

Historically, bronze has been the preferred material for plaques and castings. However, aluminum has recently emerged as a strong alternative due to its similar casting capabilities, intricate artwork possibilities, cost-effectiveness, and lighter weight. The choice between these materials should consider specific factors, such as location and traffic. In high-traffic areas where plaques may encounter pedestrian or vehicular traffic, bronze is often recommended for its robustness and durability. Yet, for a plaque at the bowstring bridge, where prominence and bilingual presentation are essential, aluminum stands out as the better choice. Its lighter weight and affordability simplify installation on a post near the bridge, allowing for an English version on one side and a French version on the other. This accommodates visitors from both linguistic backgrounds, making aluminum the optimal choice in this context due to its versatility and cost-effectiveness.

Administration prepared draft wording for the plaque for Councils review and comment (please refer to Appendix I).



Figure 1

Financial Implications

Preliminary quotations were received from three private firms. The Ontario Heritage Trust pricing structure is fixed. Ontario Heritage Trust has an extensive application process focusing on the bridge's historical significance and importance.

Administration also contacted the Historic Sites and Monuments Board of Canada (HSMBC). While they did not disclose the specific expenses, it is essential to highlight that due to the bridge's lack of federal designation, it does not qualify for cost sharing with HSMBC.

Maintenance is assumed to be minimal and as needed, similar to typical road signs on County road allowances. It is worth noting that the Ontario Heritage Trust provides for annual cleaning and minor maintenance by summer students.

The quotations received can be found in Table 1 below.

Table 1

<u>Supplier</u>	<u>Quote in Canadian Dollars</u>
Private Company	Prices ranged between \$10,000 and \$20,000 (plus taxes)
Ontario Heritage Trust	\$6,500 (plus an “in kind” donation)

The Amherstburg Historical Society has offered to contribute to the cost of the plaque. Once Council has provided direction on the option and wording, Administration will confirm the commitment from the society.

Consultations

1. Kotsis, J. (2016, March 16). River canard bridge to undergo \$500,000 rehabilitation - Windsor star. River Canard bridge to undergo \$500,000 rehabilitation. <https://windsorstar.com/news/local-news/river-canard-bridge-to-undergo>
2. Bateman, T. (2012). (rep.). County Road 8 — Bridge at River Canard Proposed Load Restrictions (pp. 1–2). Essex, Ontario: Corporation of the County of Essex.
3. Wikimedia Foundation. (2023, January 26). River Canard, Ontario. Wikipedia. https://en.wikipedia.org/wiki/River_Canard,_Ontario

Recommendation

That Essex County Council receive report 2023-1018-IPS-R33-AB, and
That Administration be directed to prepare and submit application to the Ontario Heritage Trust requesting a plaque to be installed at the River Canard Bridge B-08-02, including the suggested wording provided the by the County of Essex.

Approvals

Respectfully Submitted,

Allan Botham

Allan Botham, P.Eng., Director, Infrastructure and Planning Services

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
Appendix I	Draft Paragraph – Story for Proposed Plaque



Briefing Memo

Office of the Director of Infrastructure Services

Date: Wednesday, October 18, 2023

RE: Story for Proposed Plaque

Draft Paragraph

This iconic bridge connects the communities of Amherstburg and LaSalle, crossing the River Canard near its mouth at the Detroit River. Situated in the shadow of historic St. Joseph Church, the River Canard Bridge is the only concrete tied arch or bowstring bridge that remains in the County Road network from an original inventory of four. It was constructed in 1937 with a span of 36 metres and underwent significant rehabilitations in 2001 and again in 2016. It is one of the most photographed and painted structures in all of Essex County and serves as a landmark for River Canard, one of the oldest European settlements in North America and the site of several significant skirmishes in the War of 1812. The unique features of this bridge have defined it as a candidate Heritage Bridge under the Ontario Heritage Act.



Administrative Report

Office of the Manager, Design and Construction

To: Warden MacDonald and Members of Essex County Council

From: Karyn Templin, P.Eng.
Manager, Design and Construction

Date: Wednesday, October 18, 2023

Subject: Quarry Access Culvert

Report #: 2023-1018-IPS-R36-KT-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with necessary background information for Council to render a decision about authorizing construction of an access culvert (the "**Tunnel**") under County Road 9.

The recommendation contained in this Report is to authorize construction of the Tunnel and to authorize the Warden and the Clerk to execute a Road User and Easement Agreement.

Background

Walker Aggregates Inc. ("**Walker**") owns and operates a quarry (the "**Quarry**") located on land abutting County Road 9 in Amherstburg. The Quarry is currently active on the western side of County Road 9, but will become active on the eastern side of County Road 9 as well.

Given the operations of the Quarry on both the western and eastern sides of County Road 9, and the need to constantly move vehicles, equipment, product, etc. across County Road 9, Walker has approached the County about constructing the Tunnel under County Road 9. The proposed location of the Tunnel is depicted in **Figure 1** on page 2 of this Report.

The construction of the Tunnel will require a detour road to be built around County Road 9 to permit the continued flow of traffic while construction is being completed. The location of the detour road is depicted in **Figure 1**, but is depicted in further detail in **Figure 2** on page 2 of this Report.

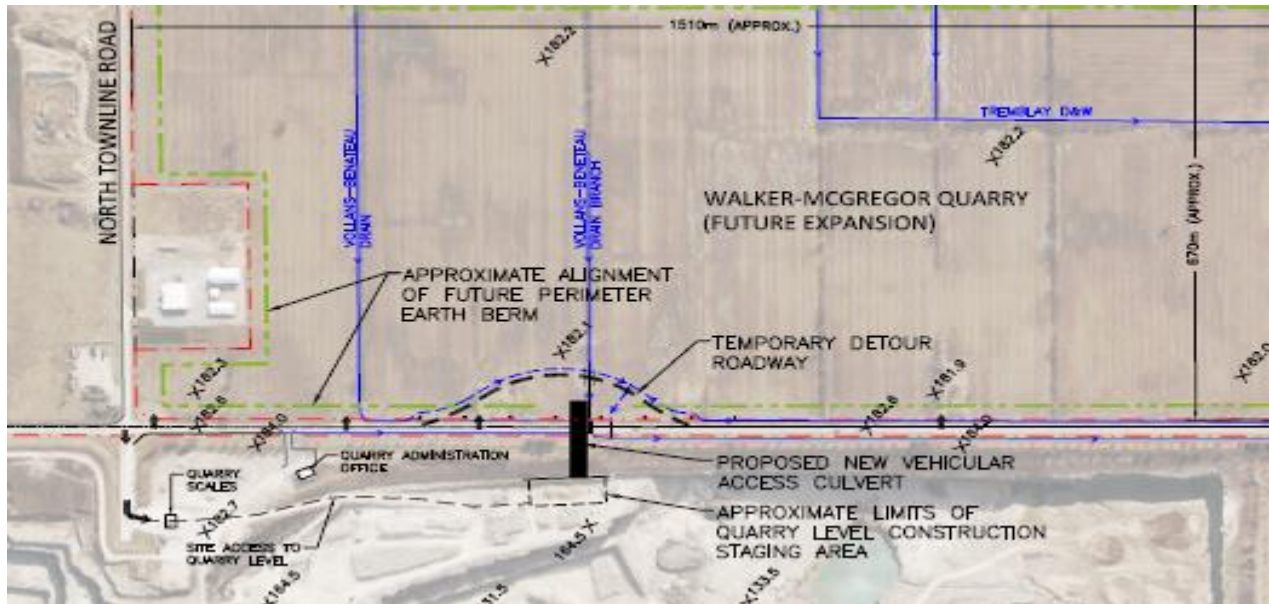


Figure 1

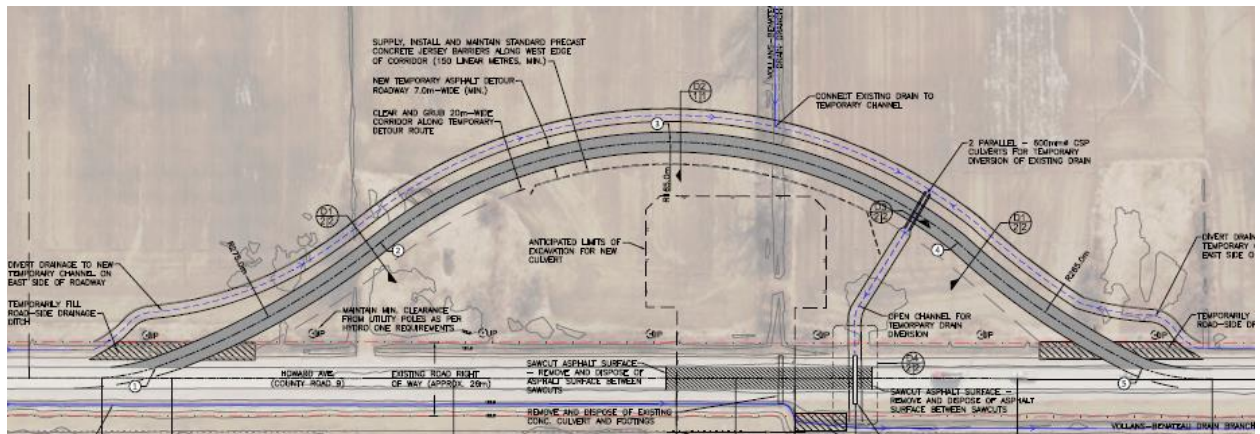


Figure 2

The Tunnel has been extensively engineered, and calls for a precast concrete arch culvert section supported on cast in place pedestal walls, with the recommended cross-section being depicted in **Figure 3** on page 3 of this Report. The County's review of the proposed design has not resulted in any safety concerns being raised.

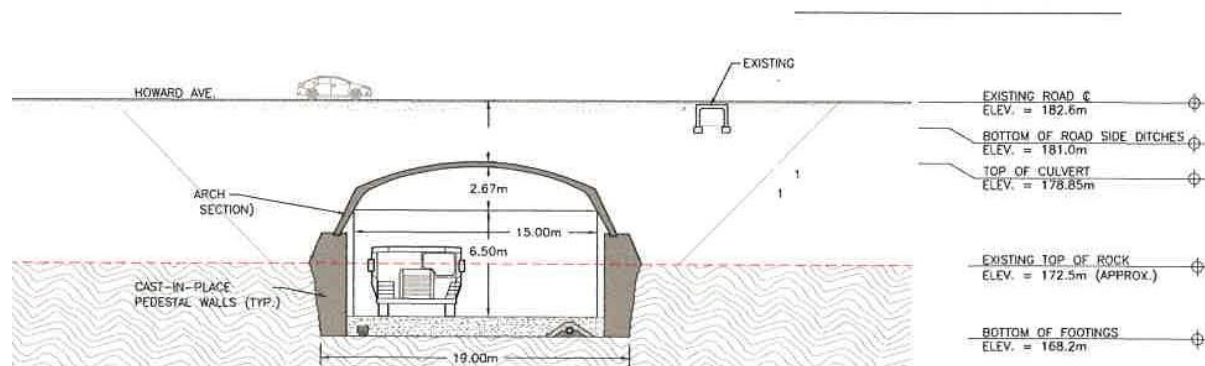


Figure 3

Discussion

Not allowing the construction of the Tunnel is likely to have negative impacts on County Road 9, as the constant flow of vehicles, equipment, and product over County Road 9 will (1) impact traffic, (2) cause damage to County Road 9 that will accelerate maintenance schedules for that section of County Road 9, and (3) create general safety concerns.

Further, Walker has agreed to enter into a Road User and Easement Agreement (the "**Agreement**") that will address Walker paying for (1) all construction costs, (2) all maintenance costs, (3) an annual fee for the use of the County's road allowance, and (4) all insurance costs. The Agreement will also provide for indemnification for the County and shall be registered on title to be assumed by any future owner(s) of the Quarry.

Given the potential negative consequences of not allowing the construction of the Tunnel, and given that the County will transfer all costs and liability related to the construction of the Tunnel on to Walker and/or any future owner(s) of the Quarry, it is recommended that the County permit construction of the Tunnel.

Financial Implications

There are no financial implications, as all costs associated with the Tunnel for construction, future maintenance, liability and insurance matters will be the responsibility of the owner of the Quarry.

Consultations

This Report was co-authored with David Sundin, County Solicitor, who is finalizing negotiations related to the terms of the Agreement to ensure all

liability and costs related to the Tunnel are the responsibility of the owner of the Quarry.

Recommendation

That Essex County Council authorize construction of the Tunnel and further authorize the Warden and the Clerk to execute a Road User and Easement Agreement permitting the construction of the Tunnel.

Approvals

Respectfully Submitted,

Karyn Templin

Karyn Templin, P. Eng., Manager, Design and Construction

Concurred With,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
N/A	N/A



Administrative Report

Office of the Director, Infrastructure & Planning Services

To: Warden MacDonald and Members of Essex County Council

From: Allan Botham, P.Eng.
Director, Infrastructure & Planning Services

Date: Wednesday, October 18, 2023

Subject: 2004 Expansion Program Update

Report #: 2023-1018-IPS-R34-AB

Purpose

The purpose of this report is to provide County Council with an update of the 2004 Plan, that initiated the Expansion Reserve, and provide County Council with some context to make informed decisions in setting a revised Expansion Plan for the next 20-25 years.

Background

In 2004, the County of Essex established a Roadway Expansion reserve (2004 Plan). At the time, County Council recognized that the cost of necessary, expansionary road projects was beyond the regularly levied rehabilitation program. Therefore, a basic financial model to build the Roadway Expansion reserve was created and projected out 20 years. Within the initial 20-year forecast, the model was intended to slowly build funding into the tax base so that significant and inevitable projects get done without erratic changes to the levy. In other words, a rate stabilizing effect. The reserve balance would grow and get used to regulate the financial impact on taxpayers as the projects got completed. Project timing was planned to be staggered to make this work.

Data from the 2005 Essex-Windsor Regional Transportation Master Plan provided the support to make past decisions regarding prioritizing of projects. Figure 1 highlights the County road network level of service predictions presented in 2005. Portions of County Roads 46, 42, 31, 20, 22, 19, 18, 11, 9, and 8 were predicted to operate at Level of Service F by 2021.

Recognizing the inflating cost of future rehabilitation, and the additional quantity of infrastructure, the 2004 Plan funding model proposed to continue the levy indefinitely beyond 20 years (from 2004) to fund the annual rehabilitation costs for the original and the expanded system.

The 2004 Plan was defined, and work began.

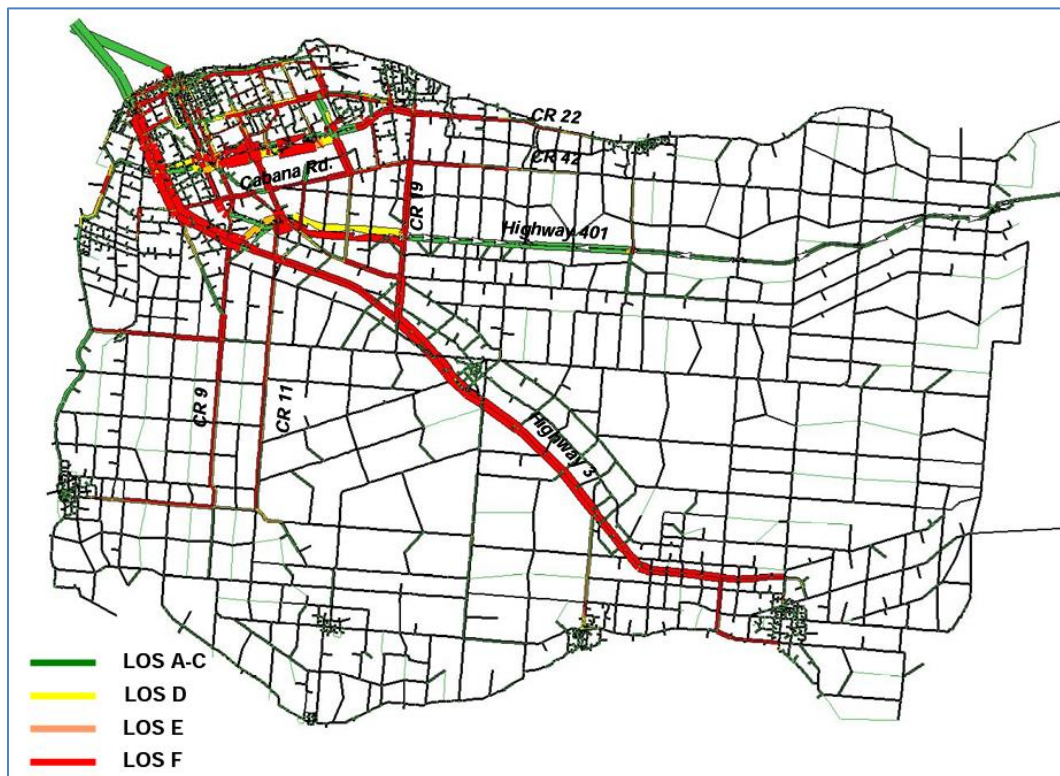


Figure 1

A first step in significant road expansion projects is the environmental assessment, typically completed in the form of either Environmental Study Reports, or Environmental Studies, often referred to as EAs.

A number of EAs were completed in preparation for expansion/capacity construction (please refer to Table 1). As the studies were finalized, the reserves grew, and together with various upper level government funding programs, construction projects proceeded. Table 2 provides a list of construction projects approved by previous Councils. A significant number of projects remain outstanding or are under construction (please refer to Table 3).

The County Wide Active Transportation System (CWATS) initiative has impacted the 2004 Plan and associated financial model. CWATS was

introduced in 2012 and is funded through the expansion reserve as these projects were argued to be an expansion to the County's system of roads.

Table 1 – Completed Environmental Assessments

Road	Year Complete	Limits
CR 19	2005	VIA Rail to CR 22
CR 22	2006	CR 19 to CR 42
CR 19 & CR 22	2008	CR 22 from Banwell Road to 350m east of CR 19, and CR 19 from VIA Rail southerly to Hwy 3
CR 43	2009	CP Rail to south of CR 42
Lauzon Parkway Improvements & CR 42	2014	Hwy 410 to south of Hwy 3, and CR 42 from the City of Windsor limits to CR 25
CR 20	2017	Kratz Sideroad to Sherk Street

Table 2 – Completed/Current Construction Projects

Road – Project Description	Year Started	Limits
CR 19 – Widening to 5 lanes	2006	VIA Rail to CR 22
CR 22 – Widening to 4 lanes	2008	Lakeshore Boulevard to Patillo Road
CR 22 – Widening to 4 lanes	2009	Patillo Road to CR 2
CR 22 – Puce River Bridge	2012	Bridge and Intersection
CR 42/43 – Widening and Roundabout Construction	2022	Pike Creek to City of Windsor Limits (Phase 1 Underground)

Traffic volumes within much of Essex County have continued to grow steadily. There are several areas of concern, and the latest iteration of the

Transportation Master Plan, currently underway, is anticipated to support the same or similar planned projects.

Discussion

The outstanding 2004 Plan of Expansion/Capacity projects is provided in Table 3 with high level cost estimates presented in 2022 construction dollars.

Table 3

Road	Priority Term	Limits	Cost (2022)
CR 42	Near	CR 19 to City of Windsor Widen to 4 lanes (5 Phases)	\$105,000,000
CR 46	Near	CR 46 @ Rochester Townline Roundabout	\$3,500,000
CR 22	Near	IC Roy to Belle River	\$55,700,000
CR 19	Mid	CR 22 to Jamsyl Dr.	\$45,550,000
CR 19	Mid	Jamsyl Dr. to CR 42 Widen to 4 lanes	\$99,700,000
Lauzon Parkway	Mid	Hwy 401 to Hwy 3 New 4 lane road (2 Phases)	\$34,000,000
CR 46	Long	CR 19 to City of Windsor	*\$133,800,000
CR 9	Long	CR 8 to Hwy 3	\$75,000,000
CR 42	Very Long	CR 19 to CR 25 Widen to 4 lanes (4 Phases)	\$114,400,000
CR19	Very Long	CR 42 to Hwy 3 Widen to 4 lanes	\$71,600,000
CR 22	Very Long	Duck Creek to 42	\$28,650,000

Road	Priority Term	Limits	Cost (2022)
		Total	\$766,900,000

*using an estimate of \$16,350,000/km.

The projects described in Table 3 occur in an area north of CR 8 and in the Town of Tecumseh, the Municipality of Lakeshore, and the border of the Town of LaSalle, (please refer to Figure 2).

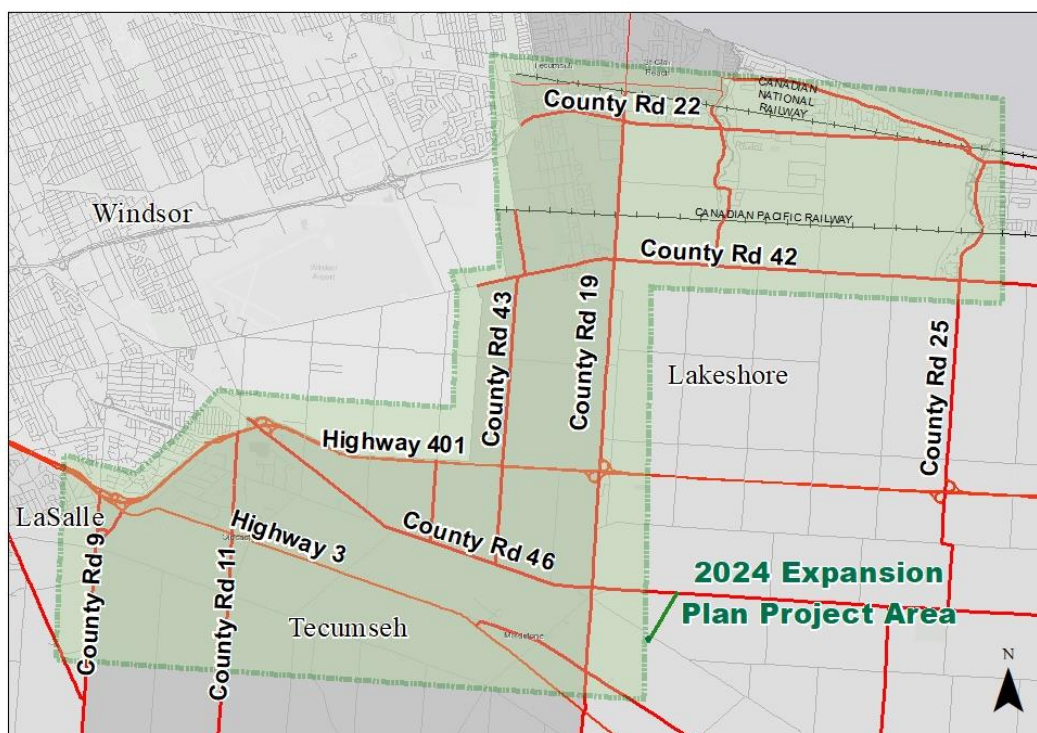


Figure 2

What is driving the planned projects?

Growth

Generally, the region is experiencing considerable growth, and projecting further unprecedented growth. The majority of our local municipalities are projecting higher than historical growth over the next 30 years. Projections are supported by a Growth Analysis report, prepared by Watson & Associates

as background information in support of the on-going Official Plan update. Our regional population is expected to grow between 68,000 and 115,000 people. In a medium growth rate scenario, that could equate to over 30,000 housing units.

In addition to growth, which increases traffic in and around local settlement areas, it is important to appreciate where vehicles are going and the network that drivers will choose to use for work and personal use. Moreover, what specific segments of the roads and network will experience the greatest traffic. It is very likely that the road segments in need of improvement will be those within the highlighted area in Figure 2.

Generally, traffic intensifies due to attractors or places that have “gravity” to attract vehicles. The greatest attractors in the region are places of work and shopping/entertainment. To a lesser extent, health care. The City of Windsor/American border arguably provides the greatest, single gravitational pull. Outside of the City of Windsor, there are a number of attractors that include: employment lands (industry and agriculture), settlement areas, tourism, and entertainment/leisure.

Network/Destinations

Also contributing to the intensification of traffic is the general arrangement of the attractors or destinations. Are the attractors arranged in parallel or in series? Are the attractors concentrated or dispersed? Another way to describe the arrangement may be comparing the arrangement as linear, or web like. For example, CR 22 is experiencing incredible traffic because of the residential and commercial intensification along Lake St. Clair between the lake and the CP Rail. Traffic in that region travels linearly east to west between Windsor and the Belle River area, primarily along CR 22. A similar settlement condition exists along the Detroit River between Windsor, LaSalle and Amherstburg, but results in lesser intensification of traffic due to lower population and the use of both CR 20, and CR 9. In the southeastern region of the County, traffic makes its way to Highway 3 from multiple points. Highway 3 is the fastest path to the large gravitational pull of the northwest.

In the future, the condition along CR 22 may lesson if a large attractor is created in the area bounded by the City of Windsor, CR 19, CR 8 and CR 9. The area is becoming an area of interest due to the City’s development plans south of the airport, the EV battery plant and the regional hospital. Intensification of attractors in South Windsor, and the Oldcastle area may transform traffic into a web like arrangement rather than a linear arrangement. The transformation would be due to multiple, available

options for drivers of County Road's 8, 9, 11, 19, 42, 46, and Highways 3 and 401.

Typical Steps to Deliver Infrastructure Projects

Environmental Studies

Projects proposed in Table 1 require Environmental Assessments (EAs). As noted in Table 1 a significant number of EAs were completed between 2005 and 2017. Reliance on the completed EAs could be a concern due to age, however, it is generally understood that, unless there are significant changes in the environment or a desire to explore a different preferred alternative, EAs are "good" for up to 10 years if all or part of the project is at least under construction.

Property Purchases

Invariably, projects such as those required on County of Essex roads require additional property. Taking of property can range from small daylight corners to hectares for widening long corridors. Property acquisition occurs over a number of months, or a number of years. It is always hopeful to acquire property on a willing buyer, willing seller basis, but the expropriation process is also available.

Drainage Reports

Municipal drainage is a very important part of our communities along with the proper management of storm water. Given the small number of drainage engineers available in the Province, municipal drainage reports can take between 1 to 3 years to complete. Drainage projects follow a mandatory public process, and can be requested by the road authority.

Design/Approvals

At present, the design function seems to be the "easy part" of many projects, but still takes time and must be accounted for.

Construction

Construction on County road projects are often very large with a single project constructed over a number of phases (years). Phasing can keep the size of the work area manageable and deliverable within one to two construction seasons. For example, the CR 22 project between IC Roy and Belle River will be constructed over 3 phases. Recent experience also suggests that annual expenditures on Capacity/Expansion projects should be approximately \$30,000,000 to \$50,000,000.

Contributing to the recommended project size/cost are other construction industry partners and stakeholders such as: contractors, utilities, and upper levels of government. All municipalities and the Province are tendering for work, and there is a limited pool of contractors and labour. Utility companies are stretched to increase their capacities in the region, simultaneously servicing relocations required from reconstruction projects. The Province supports and encourages wise use of resources and properly planned development; collaboration and coordination take time and add an element of legislative complexity.

Rethinking the Long-Term Plan

Long range planning, strategizing, prioritizing and on-going discussion are necessary to manage budget requests and expectations.

The constraints of time, funding, workforce and materials, challenged the successful completion of the 2004 Plan. Completing any or all of the needed work in a short time frame is not feasible. Given the data and history, it is expected that County projects, from identifying the need, through to construction (cradle to grave), regularly take 10+ years.

Several projects are urgently needed to address a combination of existing conditions and recent growth-related developments including: the EV battery plant, expected support industry to the EV battery plant, and the regional hospital. These projects include:

- Grade separated interchange at CR 19/22 (**not listed in Table 3**);
- Lauzon Parkway extension to CR 46, and ideally to Hwy 3; and
- CR 46 – City of Windsor to CR 19

A number of projects are less urgent and Administration recommends moving the following projects to a very long-term time frame, subject to recommendations of the on-going Transportation Master Plan:

- CR 19 between CR 42 and Hwy 3
- CR 22 between Duck Creek and CR42
- CR 42 between CR 19 and CR 25

A suggested high-level priority rating for all the projects currently contemplated in the Expansion Plan is provided in Table 4.

Table 4

Road	Priority	Limits	Construction Years
CR 42	Near	CR 19 to City of Windsor Widen to 4 lanes (5 Phases)	2022-2028
CR 46	Near	CR 46 @ Rochester Townline Roundabout	2024
CR 22	Near	IC Roy to Belle River	2024-2027
CR 19	Mid	CR 22 to Jamsyl Dr.	*2024-2026
CR 19	Mid	Jamsyl Dr. to CR 42 Widen to 4 lanes	2026-2027
Lauzon Parkway	Mid	Hwy 401 to Hwy 3 New 4 lane road (2 Phases)	2028-2029
CR 46	Long	CR 19 to City of Windsor	2029-2032
CR 9	Long	CR 8 to Hwy 3	2033-2034
CR 42	Very Long	CR 19 to CR 25 Widen to 4 lanes (4 Phases)	2033-2037
CR19	Very Long	CR 42 to Hwy 3 Widen to 4 lanes	2037-2042
CR 22	Very Long	Duck Creek to 42	2043

*subject to DMAF application and approvals.

The subject report was intended to inform County Council of past decisions, the current state of the 2004 Plan, and recommend that Administration be directed to revise the Plan to reflect timing in Table 4.

Financial Implications

Since 2020, the expansion levy has been stable at \$17,879,640 per year.

To date, funding has been fully supported by the expansion levy on a pay as we go model with the addition of grant funding as available. The sufficiency of the levy was due in large part to the manageable pace of growth the County has experienced. Our growth landscape is already showing signs of significant change and at an accelerated pace. Going forward, unless we extend our project timelines, the funding model will need to expand to include other revenue sources. Other forms of funding would include increases to the tax levy, borrowing, the establishment of development charges and/or greater reliance on provincial/federal grants (if available).

Maintaining the previously established pace of expansion is an option. Should projects proceed at a speed that can be supported by our current pay as we go funding model, acceptance of increased traffic congestion will be required.

A long-term plan as shown in Table 4 requires continued funding and approvals for multiple project components year over year. For example, EA work may be on-going in one job while design, property acquisition and construction would be proceeding on several other jobs. Table 5 represents a sample of four years from a longer twenty-year program and highlights that dollars are needed for all four components of the project.

Table 5

Project Component	2024	2025	2026	2027
EA	\$550,000	\$250,000	\$250,000	\$250,000
Design	\$855,000	\$800,000	\$1,000,000	\$800,000
Property	\$550,000	\$2,000,000	\$1,500,000	\$2,500,000
Construction	\$34,800,000	\$65,000,000	\$50,000,000	\$22,500,000
Total	\$36,755,000	\$68,050,000	\$53,150,000	\$43,950,000

Consultations

Preparation of this report was done in consultation with the CAO, and Treasurer.

Recommendation

That Essex County Council receive report 2023-1018-IPS-R34-AB 2004 Expansion Program Update as information.

Approvals

Respectfully Submitted,

Allan Botham

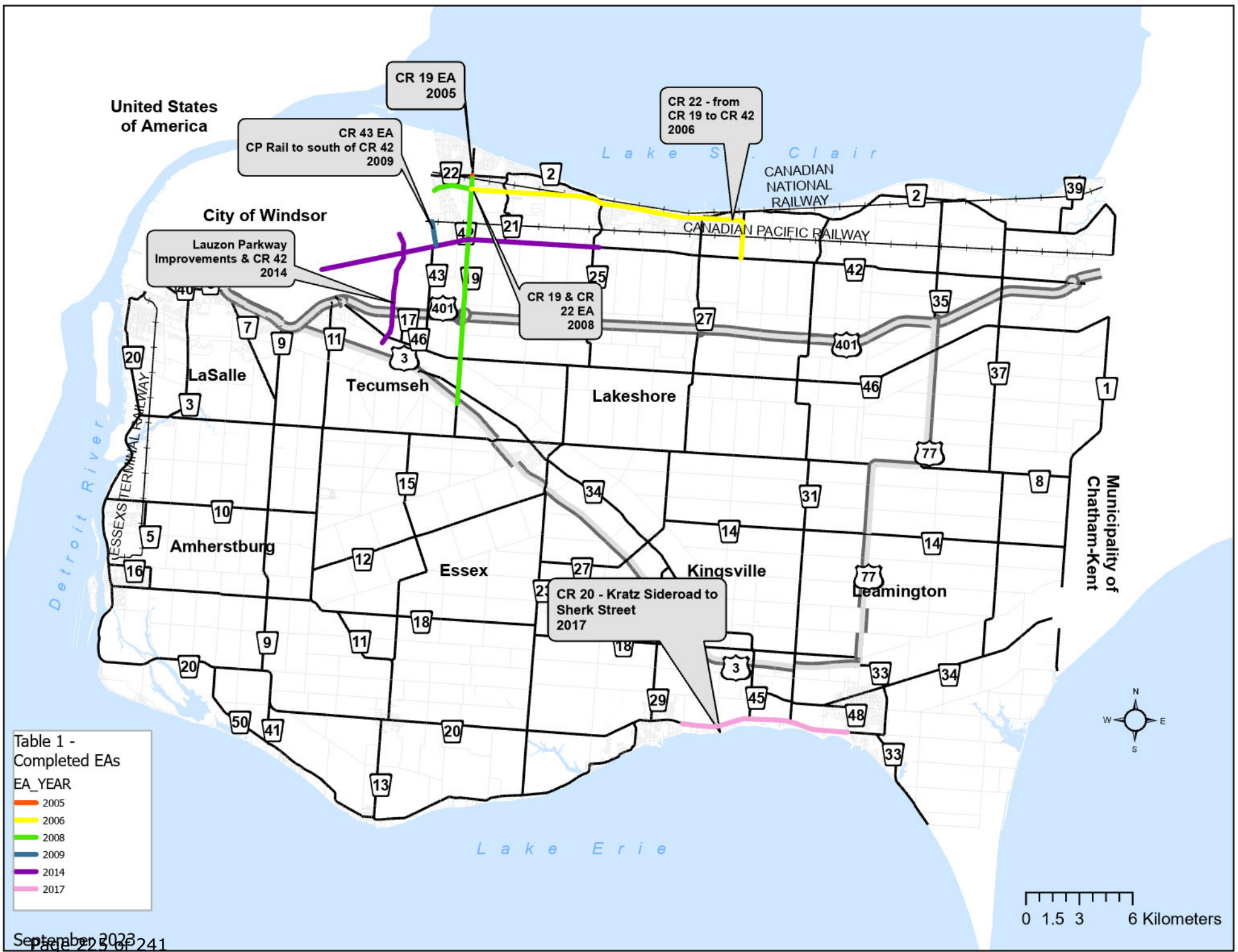
Allan Botham, P.Eng., Director, Infrastructure and Planning Services

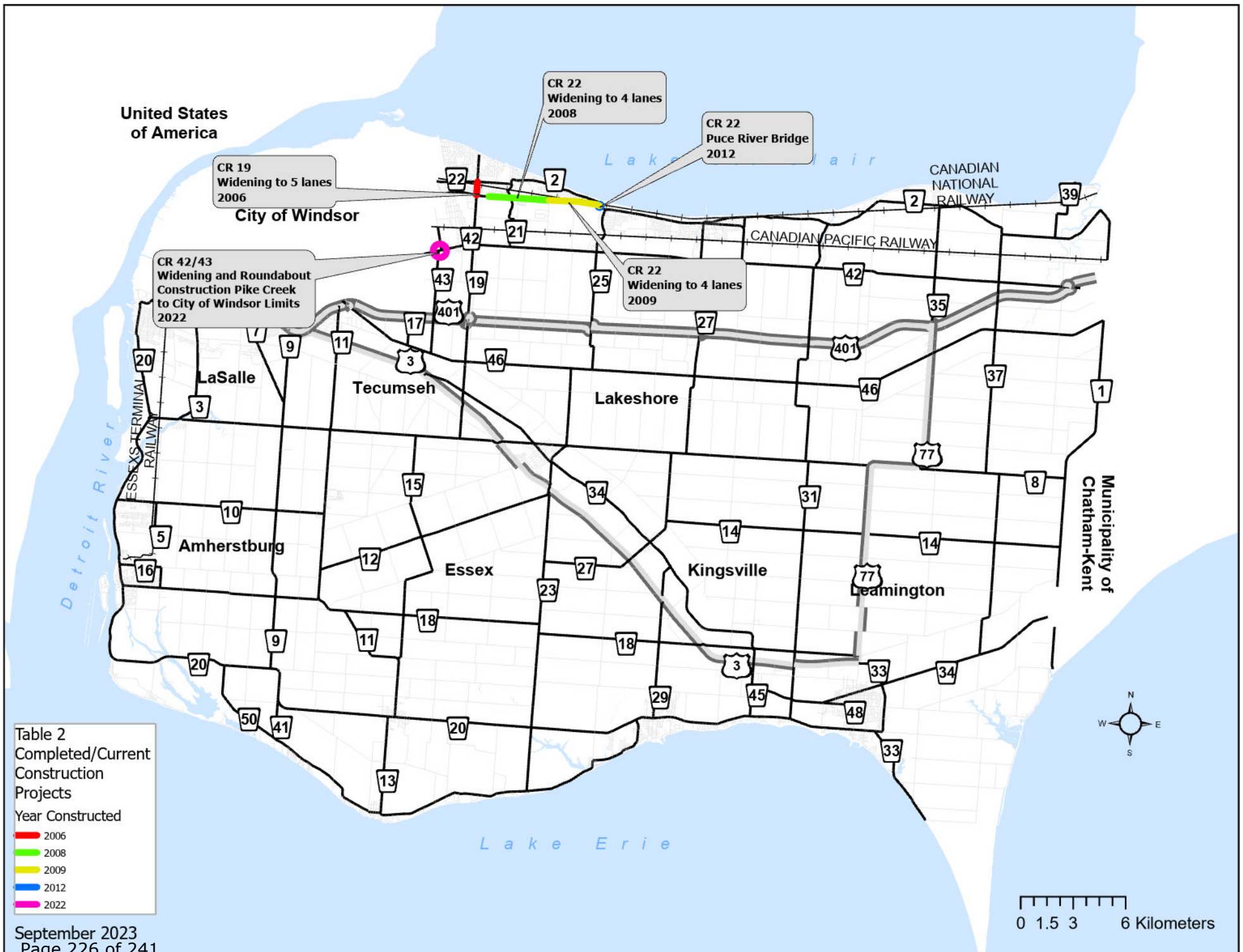
Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix Number	Title
A	Map for Table 1 – Completed Environmental Assessments
B	Map for Table 2 – Completed/Current Construction Projects
C	Map for Table 3 – 2004 Expansion Capacity Program
D	Map for Table 4 – Proposed Expansion Capacity Program





United States
of America

County Road 42
Widen to 4 lanes

County Road 22
IC Roy to Belle River

County Road 19
CR 22 to Jamsyl Dr

County Road 42
Widen to 4 lanes

City of Windsor

County Road 46
CR 19 to City of Windsor

County Road 19
Widen to 4 lanes

County Road 22
Duck Creek to 42

County Road 19
Widen to 4 lanes

County Road 46
Roundabout

Lauzon Parkway
New 4 lane road

County Road 9
CR 8 to Hwy 3

Amherstburg

Essex

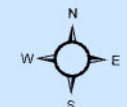
Kingsville

Leamington

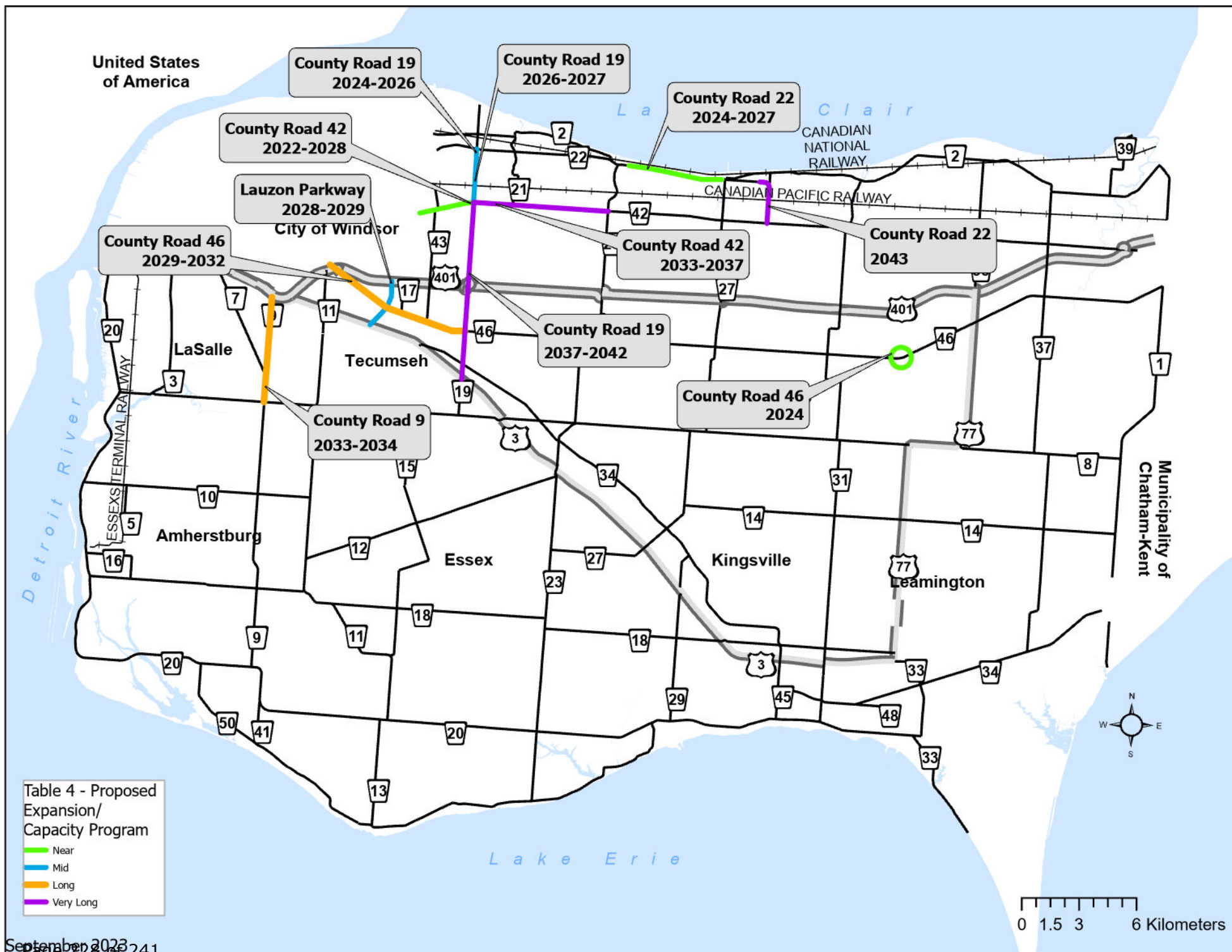
Municipality of
Chatham-Kent

Table 3 - 2004
Expansion Capacity
Program
Timeline

Green line	Near
Blue line	Mid
Orange line	Long
Purple line	Very Long



0 1.5 3 6 Kilometers



Summary of Outstanding Reports

Meeting Date: Wednesday, October 18, 2023

Report #: 2023-1018-LCS-R25-MB

Purpose

To provide County Council with a summary of outstanding reports and an estimated timeline for reporting back to Council on such matters.

Items included in this list have been requested by Council resolution during the current term of Council.

Summary Table

Meeting Date	Direction/Motion	Status/Action Taken	Anticipated Report/Completion
2023-03-15	070-2023 Moved By Kimberly DeYong Seconded By Rob Shepley That Essex County Council direct County Administration to review the feasibility of a tree cutting and site alteration by-law pertaining to designated protected natural heritage features and land identified on the natural environment overlay in the Essex County Official Plan and report back to County Council with recommendations.	In progress. The Manager, Planning Services is finalizing some consultation on the recommendations.	2023-11-01

Summary of Outstanding Reports

October 18, 2023

Meeting Date	Direction/Motion	Status/Action Taken	Anticipated Report/Completion
2023-07-19	198-2023 Moved By Crystal Meloche Seconded By Dennis Rogers That Essex County Council support the continued process and additional costs association with the Road Rationalization Study	In progress. The Director, Infrastructure and Planning Services is preparing County Council with a report outlining the history of the Road Rationalization Study to date and a plan for moving forward.	2023-11-01
2023-09-20	251-2023 Moved By Crystal Meloche Seconded By Michael Prue Whereas the bow string River Canard Bridge, which is owned by the County of Essex and located on the boundary of LaSalle and Amherstburg, is an Essex County landmark with historical significance to the area; And whereas this bridge has deep ties to our communities and is widely photographed and painted by artists; And whereas other bridges of lesser historical or architectural significance have historical or descriptive plaques recognizing them; Now therefore, Essex County Council requests County Administration to prepare a Council report on the feasibility of having a plaque installed at the location of the	Complete	2023-10-18

Summary of Outstanding Reports

October 18, 2023

Meeting Date	Direction/Motion	Status/Action Taken	Anticipated Report/Completion
	bow string River Canard Bridge.		
2023-09-20	253-2023 Moved By Rob Shepley Seconded By Larry Verbeke That Essex County Council direct County Administration to look into the intersection at County Road 18 and County Road 15 and report back to Council on changes that can be made to have the intersection safer.	Pending Due to staff vacancy, the services of a consultant will be engaged to assist with speed limit, intersection and other traffic related review requests.	2024-02-07
2023-10-04	268-2023 Moved By Michael Prue Seconded By Dennis Rogers Whereas Amherstburg Town Council has voted at their September 11, 2023 meeting to direct Mayor Prue and/or Deputy Mayor Gibb to introduce a Notice of Motion to County Council requesting a Traffic Control Study at the intersection of County Rd 9 and County Rd 10; And whereas this intersection is owned by the County of Essex and is located within the Municipality of Amherstburg; Now therefore, Essex County Council requests that County Administration conduct a Traffic Study to study the intersection of County Road 9	Pending Due to staff vacancy, the services of a consultant will be engaged to assist with speed limit, intersection and other traffic related review requests.	2024-02-07

Summary of Outstanding Reports

October 18, 2023

Meeting Date	Direction/Motion	Status/Action Taken	Anticipated Report/Completion
	(Howard Ave) and County Road 10 (Middle Side Road) to assess the requirement for traffic signalization.		
2023-10-04	269-2023 Moved By Sherry Bondy Seconded By Rob Shepley Ahead of the 2024 budget that Essex County Council (council members that are interested) have a tour of the County of Essex building including recently renovated rooms and rooms that need to be renovated to ensure we are educated and informed for making budgetary decisions for any future building improvement requests from administration.	Scheduled	2023-11-01
2023-10-04	270-2023 Moved By Sherry Bondy Seconded By Tracey Bailey Ahead of the 2024 budget that Essex County Council be given a report on all the current financial agreements in place where the County allocates budget dollars. And, that Essex County Council requests a report from Administration regarding cost sharing agreements currently in place between the City and the County, the County and other third parties.	In Progress. Referred to Director, Financial Services/Treasurer	2023-12-06

Summary of Outstanding Reports

October 18, 2023

Recommendation

That Essex County Council receive report number 2023-1018-LCS-R25-MB, Summary of Outstanding Reports as information.

Approvals

Respectfully Submitted,

Mary Birch

Mary Birch, BA, CMO, Director, Legislative and Community Services/Clerk

Concurred With,

Sandra Zwiers

Sandra Zwiers, Chief Administrative Officer



The Corporation of the County of Essex

By-Law Number 2023-48

A By-law to adopt a new Code of Conduct for Members of Essex County Council and Members of its Local Boards.

Whereas Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding accountability and transparency of the municipality and its operations and of its local boards and their operations;

And whereas Section 223.2(1) of the Municipal Act 2001, S.O. 2001, c 25, requires municipalities to establish Codes of Conduct for members of Council of the municipality and of local boards of the municipality;

And whereas an Integrity Commissioner was appointed by By-Law No. 2023-43 for the purposes of providing an advisory service, to help councillors, local board members and staff who seek advice before they act and to provide investigative or enforcement services to examine conduct alleged to be an ethical breach;

And whereas a review of the Code of Conduct for members of Essex County Council and local boards was undertaken by the Integrity Commissioner including a complaint process;

Now therefore Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That the Council of the Corporation of the County of Essex does hereby adopt the new Code of Conduct for Essex County Council members and members of local boards, attached hereto as Appendix A; and
- 2) That the Integrity Commissioner and/or the Clerk be authorized to make minor amendments to Appendix A as may be appropriate from time to time.

- 3) That By-law 2019-06 be hereby repealed and that By-law 2023-48 shall take precedence over any other by-law deemed to be inconsistent with same.
- 4) This By-law shall be given three readings and shall come into force and take effect after the final passing thereof.

**Read a first, second and third time and Finally Passed this
Eighteenth day of October, 2023.**

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2023-48** passed by the Council of the said Corporation on this **Eighteenth day of October, 2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex



The Corporation of the County of Essex

By-Law Number 2023-49

A By-law to authorize the execution of a Road User and Easement Agreement with Walker Aggregates Inc.

Whereas Walker Aggregates Inc. has requested permission from the Corporation of the County of Essex to construct, install, and maintain a private vehicular tunnel under a section of County Road 9 abutting lands owned by Walker Aggregates Inc. and located at municipal address 6781 North Side Road, Amherstburg, Ontario;

And whereas it is deemed expedients to grant this request on certain terms and conditions.

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That permission be granted to Walker Aggregates Inc. to construct, install, and maintain the said private vehicular tunnel, subject to the execution of a Road User and Easement Agreement, and which Agreement, once executed, shall be appended to and form part of this By-law;
- 2) That the Warden and the Clerk of the Corporation of the County of Essex be and the same are hereby authorized to execute the said Road User and Easement Agreement, to affix the seal of the Corporation of the County of Essex thereto, and to execute such further and other documents as may reasonably be required and necessary to give effect to this By-law; and
- 3) This By-law shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this 18th day of October, 2023.

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2023-49** passed by the Council of the said Corporation on this **18th day of October, 2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex



The Corporation of the County of Essex

By-Law Number 2023-50

A By-law to authorize the execution of an Agreement with His Majesty the King in right of the Province of Ontario as represented by the Minister of Transportation regarding the expansion of King's Highway 3 between County Road 23 and County Road 34.

Whereas the Ministry of Transportation is proceeding with the expansion of King's Highway 3 from 1.1 km east of County Road 23 easterly to 1.1 km east of County Road 34, all in the Town of Kingsville;

And whereas prior to commencing work on the expansion of King's Highway 3, the Ministry of Transportation requires that the Corporation of the County of Essex enter into an Agreement formalizing the Parties respective rights and obligations;

And whereas it is deemed expedient to authorize the execution of the said Agreement;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That the Warden and the Clerk be and the same are hereby authorized to execute an Agreement with His Majesty the King in right of the Province of Ontario as represented by the Minister of Transportation regarding the expansion of King's Highway 3 between County Road 23 and County Road 34, to affix the seal of the Corporation of the County of Essex thereto, and to execute such further and other documents as may reasonably be required and necessary to give effect to this By-law;
- 2) That the said Agreement, once executed, shall be appended to and form part of this By-law; and

- 3) This By-law shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this 18th day of October, 2023.

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2023-50** passed by the Council of the said Corporation on this **18th day of October, 2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex



The Corporation of the County of Essex

By-Law Number 2023-51

A By-law to Confirm the Proceedings of the Council of the Corporation of the County of Essex for the October 18, 2023 Special Meeting and October 18, 2023 Regular Meeting.

Whereas under the Section 5(1) of the *Municipal Act, 2001*, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

Whereas under Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise; and,

Whereas it is deemed expedient that the proceedings of the Council of the Corporation of the County of Essex, at this meeting be confirmed and adopted by By-law;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That the actions of the Council of the Corporation of the County of Essex in respect of all recommendations in reports of committees, all motions and resolutions and all other action passed and taken by the Council of the Corporation of the County of Essex, documents and transactions entered into during the October 18, 2023 Special Meeting and October 18, 2023 Regular Meeting, is hereby adopted and confirmed as if the same were expressly embodied in this By-law;
- 2) That the Warden and proper officials of the Corporation of the County of Essex are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of the Corporation of the County of Essex during the said October 18, 2023 Special

By-Law Number 2023-51

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Meeting and October 18, 2023 Regular Meeting referred to in Section 1 of this By-law; and

- 3) That the Warden and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the County of Essex to all documents referred to in said Section 1.

This By-law shall come into force and take effect after the final passing thereof.

Read a first, second and third time and Finally Passed this Eighteenth day of October, 2023.

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2023-51** passed by the Council of the said Corporation on this **Eighteenth day of October, 2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex