

**THE CORPORATION OF THE TOWNSHIP OF ESSA
VIRTUAL COMMITTEE OF THE WHOLE MEETING**

**WEDNESDAY, JANUARY 20, 2021
Start Time - Following the Special Budget Meeting**

To view our live stream visit the Township of [Essa's YouTube Channel](#)

AGENDA

- 1. OPENING OF MEETING BY THE MAYOR**
- 2. DISCLOSURE OF PECUNIARY INTEREST**
- 3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

STAFF REPORTS

- 4. PLANNING AND DEVELOPMENT**
- 5. PARKS AND RECREATION / COMMUNITY SERVICES**
 - p. 1 a. **Staff Report PR001-21 submitted by the Manager of Parks and Recreation, re: Angus and Thornton Arena Pro-Shop.**

Recommendation: Be it resolved that Staff Report PR001-21 be received; and That Council authorize the Manager of Parks and Recreation to open a competition with a Request for Proposals for the lease of space inside the Angus and Thornton Arena after March 31, 2020.
- 6. FIRE AND EMERGENCY SERVICES**
- 7. PUBLIC WORKS**
- 8. FINANCE**
- 9. CLERKS / BY-LAW ENFORCEMENT / IT**
 - p. 3 a. **Staff Report C001-21 submitted by the Clerk, re: Letter of Support – Town of Innisfil Application for Broadband Infrastructure Funding.**

Recommendation: Be it resolved that Staff Report C001-21 be received; and That Council of the Township of Essa support the application submitted by the Town of Innisfil to secure funding for their proposed Broadband Infrastructure Project.

- p. 7 **b. Staff Report C002-21 submitted by the Clerk, re: By-law Enforcement Activity Summary (September 15 – December 31, 2020).**

Recommendation: *Be it resolved that Staff Report C002-21 be received for information.*

- p.10 **c. Staff Report C003-21 submitted by the Clerk, re: Changes to Closed Meeting Investigator Fees.**

Recommendation: *Be it resolved that Staff Report C003-21 be received for information.*

- p. 17 **d. Staff Report C004-21 submitted by the Deputy Clerk, re: Request for Council Support of Application by Xplornet – Universal Broadband Fund Stream.**

Recommendation: *Be it resolved that Staff Report C004-21 be received; and That Council support the application of Xplornet to secure funding through the federal government under the Universal Broadband Fund Stream for their proposed Project; and That Staff be authorized to provide the requested letter.*

10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

- p. 21 **a. Staff Report CAO001-21 submitted by the Chief Administrative Officer, re: Council Policies.**

Recommendation: *Be it resolved that Staff Report CAO001-21 be received for information.*

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at _____ p.m. to meet again on the 3rd day of February, 2021 at 6:00 p.m.*



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR001-21

DATE: January 20, 2021

TO: Committee of the Whole

FROM: Jason Coleman, Manager of Parks and Recreation

SUBJECT: Angus and Thornton Arena Pro Shop

RECOMMENDATION

That Staff Report PR001-21 be received; and

That Council consider directing the Manager of Parks and Recreation to open a competition with a Request for Proposals for lease of space inside the Angus and Thornton Arenas after March 31, 2021.

BACKGROUND

Each ice season in the past, Pro Shops inside Angus and Thornton Arenas have opened to provide services to users and residents in the community. Services such as skate sharpening, purchases of minor equipment, various apparel and other supplies are offered. The Pro Shops were leased by the Township typically on a 3-year agreement following the guidelines that have been set out in the Township's policies procedures. The Angus and Thornton Pro Shops have in the past been a 6-month arrangement with the date range of October 1 through to March 31 each year which coincides with ice installation at each location.

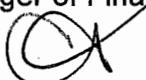
COMMENTS AND CONSIDERATIONS

Given the current situation of the COVID-19 Pandemic in which the Province has required closures of Recreation Centres until at least January 23, 2021 as of the time this report was written, the Pro Shops are not in use. Going forward, after March 31st the recommendation is to open competition for lease of space inside the Angus and Thornton Arena.

FINANCIAL IMPACT

The Thornton Arena has not been open since March of 2020 due to the Pandemic and the refrigeration malfunction. The Angus Pro Shop has not been open since December 2020. The 2021 Operating Budget reflects a decrease in revenues in the amounts of \$600 and \$1,050, respectively.

o Manager of Finance or Deputy Treasurer Approval:



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SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. That Council consider directing the Manager of Parks and Recreation to open a competition for pro shops in each arena.
3. **That Council consider directing the Manager of Parks and Recreation to open a competition for a Request for Proposals for the Pro Shop space in each arena.**
4. Direct Staff in another course of action.

CONCLUSION

Staff recommends Option # 3 be approved knowing that pro shop rental proposals may still come in along with any other proposal at the same time.

Respectfully submitted,

Jason Coleman

Jason Coleman
Manager of Parks and Recreation

Colleen Healey-Dowdall

Colleen Healey-Dowdall
Chief Administrative Officer



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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C001-21
DATE: January 20, 2021
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: Letter of Support – Town of Innisfil Application for Broadband Infrastructure Funding

RECOMMENDATION

That Staff Report C001-21 be received; and
That Council of the Township of Essa support the application submitted by the Town of Innisfil to secure funding for their proposed Broadband Infrastructure Project.

BACKGROUND

The Town of Innisfil is submitting an application for universal broadband funding with the hopes of their application being approved for a proposed broadband infrastructure project to take place within the vicinity of Cookstown. The Manager of IT in Innisfil verbally approached the Clerk seeking non-financial support from the municipality and Council of the Township of Essa in the submission of their application.

The Manager of IT in the Town of Innisfil has informed the Clerk that their proposed broadband infrastructure project would entail installation of infrastructure in Cookstown within the physical boundaries of Innisfil, and has advised that should their application be approved and the project proceed, broadband would be extended to some residents residing within the boundaries of Essa Township [REDACTED]

As Innisfil indicated that they required confirmation of non-financial support by the Township of Essa by Friday January 8, 2021, a letter was drafted (Attachment No. 1) and provided to the Manager of IT in Innisfil to support their application. In order for Innisfil to obtain priority points for their application, it is suggested that a resolution of Council be passed to formally support the application and the proposed Project.

COMMENTS AND CONSIDERATIONS

As Council is aware, high-speed internet is sparse in some rural areas, and connectivity issues are quite common.

Council has heard from residents (in this term and in previous terms) about their desire to have more high-speed internet and reliable connectivity to the internet. Innisfil's

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proposed project, and its subsequent application for funding, would work to connect some Essa residents to the internet in this manner.

FINANCIAL IMPACT

None. The Township of Essa is offering non-financial support to the Town of Innisfil for their proposed Project, if approved for funding. The method of non-financial support will be in the form of providing access to roads within the jurisdiction of the Township of Essa (if needed), as well as communicating to affected residents (social media, website, etc).



SUMMARY/OPTIONS

Council may:

1. Do nothing.
2. **Support the application submitted by the Town of Innisfil to secure funding for their proposed Broadband Infrastructure Project.**

CONCLUSION

It is recommended that Council endorse support for the proposed Broadband Infrastructure project with a Council Resolution.

Respectfully submitted:

Reviewed by:



 Lisa Lehr
 Clerk



 Colleen Healey-Dowdall
 Chief Administrative Officer

Attachments
1 – Copy of Essa’s Letter of Support dated January 5, 2021

Corporation of the Township of Essa
5786 County Road 21
Utopia, Ontario
L0M 1T0



Telephone: (705) 424-9770
Fax: (705) 424-2367
Web Site: www.essatownship.on.ca

January 5, 2021

Mr, Grant Cowan, Manager of IT
Town of Innisfil
2101 Innisfil Beach Rd
Innisfil, ON L9S 1A1

Dear Mr. Cowan,

RE: Township of Essa Support – Town of Innisfil Application for Funding

Please accept this letter as a show of support to the Town of Innisfil in their application to secure funding for universal broadband infrastructure improvements.

The Township of Essa is a rural community that shares geographical borders with the Town of Innisfil. Essa supports Innisfil in their application, as the proposed improvements contained in Innisfil's application will provide a mutually beneficial affect to residents residing in both municipalities. This is due to the location of the proposed infrastructure contained in the Town of Innisfil's application.

The Township of Essa and the Town of Innisfil have had a long standing working relationship that has been built and nurtured through cooperative improvement projects. The Town of Innisfil has been providing IT support to Essa for many years which has created a successful relationship between the two municipalities. Improvements made to the Town of Innisfil's IT infrastructure would be an improvement, in turn, to residents of the Township of Essa.

The Township of Essa is committed to providing non-financial support to Innisfil's application. As stated previously, the proposed improvements in Innisfil's application contain elements which will have an affect on residents residing within a portion of the boundaries of Essa Township. The Township is willing to assist in facilitating the proposed improvements within Essa's boundaries where possible. Innisfil's application may necessitate access to roads within the jurisdiction of Essa Township. The Township of Essa is willing to support construction efforts for the proposed project detailed in the application. Additionally, the Township of Essa is willing to assist Innisfil in communicating to affected residents.

Council of the Township of Essa strongly supports any initiative to improve broadband internet access to its residents. As we enter into a time where equal

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access to, and reliance on, internet has never been more crucial, it is vital to the Township of Essa to improve access to internet for its urban and rural residents alike. As stated, Innisfil's application would assist in achieving this goal for Essa residents. As such, a resolution will be passed by Council of the Township of Essa at its meeting of January 20, 2021 in an effort to solidify its support for the Town of Innisfil in their quest to secure funding through submission of an application for their proposed Broadband Infrastructure Project.

We look forward to working with the Town of Innisfil to implement these much needed improvements, and whole-heartedly support their application.

Yours truly,



Colleen Healey-Dowdall
Chief Administrative Officer

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C002-21
DATE: January 20, 2021
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: By-law Enforcement Activity Summary (September 15 – December 31, 2020)

RECOMMENDATION

That Staff Report C002-21 be received for information.

BACKGROUND

As Council is aware, the Municipal Law Enforcement Officers (MLEO) receive various calls, emails and visits from residents, external agencies, department managers and members of Council in respect of inquiries and/or concerns regarding municipal by-laws and/or alleged infractions, whereby the MLEO commences an investigation to determine:

- a) validity of complaint; and,
- b) necessary steps to be taken to achieve compliance, once the infraction has been validated (ie: the issuance of Notices, Orders, Fines and/or Charges to address the validated infractions).

COMMENTS AND CONSIDERATIONS

This report has been generated to provide Council with a quarterly and yearly summary in respect of By-law Enforcement activity.

Between September 15, 2020 to December 31, 2020, there were 181 phonecalls and/or emails to Municipal Law Enforcement Officers which resulted in a breakdown of 153 complaints being filed with Municipal Law Enforcement Officers, and 51 inquiries (ie: about specific By-laws).

The following is the breakdown of the concerns received in the final quarter of 2020:

Category	Complaints Received	Inquiries
ATVs / Dirtbikes / Snowmobiles	4	
Burning	1	
Business Licensing	1	7
Canine Control - Other	3	2
Canine Control - Barking	3	
Canine Control - Dog Bites	11	
Canine Control - Dog Licensing		1

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Canine Control - Poop & Scoop	2	
Canine Control - Running At Large	11	
Civil Matter	3	
Illegal Dumping	4	
Noise (excludes barking)	8	
Other – Fireworks, Firearms, Deposit Snow on Road, Graffiti, Retail, Signs	19	7
Parking	30	19
Parking Tickets	10	14
Untidy	11	1
Referred to PW or P&R	12	
Referred to Zoning/Building Department	17	
Referred to External Agency (OPP, County)	3	

[It should be noted that some of the calls/emails/concerns reported during the specified timeframe contain overlaps of infractions (ie: caller may lodge multiple complaints about different By-law infractions, ie: barking, noise, untidy, canine control, etc.). Additionally, this report does not contain status/follow-up numbers for items that are ongoing and were lodged in the previous reporting period; this is a listing of NEW complaints/concerns only].

Breakdown of Cases Whereby Inspection Resulted in Notice/Order being Issued These cases were logged into the MOAR Tracking System to Monitor Progress & Ensure Compliance	
Canine Control By-law Infractions (dog bite, poop-and-scoop, barking, dog bites, tags, too many dogs, etc.)	16
Neighbour Disputes	3
Noise	8
Nuisance	3
Other –Items placed on roadway / boulevard by property owner (ie: Basketball Net; Tires)	5
Parking By-law Infractions (complaints received, investigated/monitored and resulted in education and/or infraction to car owner)	5
Untidy Lot By-law Infractions	14
Referred to Other Department	6
Total No. of Validated Infractions b/w September 15-December 31, 2020	60
Total No. MOAR Cases opened and attached to households b/w September 15-December 31, 2020	37 MOAR cases attached to households
Average Number of Days to Gain Compliance Following First Notice/Order	10.2 days

NOTE: This report does not contain the number of parking patrols or tickets issued in respect of parking (only that generated as a result of complaints received), nor the number of education pieces circulated during parking patrols in Essa during this timeframe. Additionally, it does not contain statistics regarding business licensing (ie: kennels, taxis, etc.) or sign permits, and the required inspections, or the number of inspections conducted as a result of validated infractions.

ANNUAL STATISTICS – By-law Enforcement Office

Annual Caseload Statistics – January 1 2020 to December 31, 2020	
Phonecalls/Emails received in 2020, re: By-law Officers	726
# Complaints received in respect of alleged By-law infractions	722
# Inquiries re: Municipal By-laws	178
# Infractions validated as a result of complaints received, requiring additional follow-up	271
Total Cases Opened in MOAR - January 1, 2020 – December 31, 2020 (MOAR)	213 cases attached to households in 2020
Average Number of Days to Gain Compliance Following First Notice/Order	9.6 days
Percentage of cases closed within the year	97.2%

FINANCIAL IMPACT

None. This Report was provided for Council's information only.

Manager of Finance or Deputy Treasurer Approval: _____



SUMMARY/OPTIONS

Council may:

1. Do nothing.
2. **Receive the report for information.**

CONCLUSION

This Report was generated to provide Council with an update on activity in respect of By-law Enforcement activity in respect of concerns received, and is intended to be received for information only.

Respectfully submitted:



Lisa Lehr
Clerk

Reviewed by:



Colleen Healey-Dowdall
Chief Administrative Officer



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C003-21
DATE: January 20, 2021
TO: Committee of the Whole
FROM: Lisa Lehr, Clerk
SUBJECT: Changes to Closed Meeting Investigator Fees

RECOMMENDATION

That Staff Report C003-21 be received for information.

BACKGROUND

As Council is aware, the appointment of an independent Closed Meeting Investigator is required under the *Municipal Act* (s. 239.2). The Township of Essa has participated with the County of Simcoe and its lower tier municipalities in a Joint Closed Meeting Investigator arrangement since 2008.

At its meeting of January 15, 2020, Council received Staff Report C001-20 (Attachment No. 1), and passed Resolution CW007-2020 in respect of the appointment of a Closed Meeting Investigator for the Township of Essa:

*Be it resolved that Staff Report C001-20 be received; and
That Council renew its participation with the County of Simcoe and Local Authority Services (LAS) to provide Closed Meeting Investigator Services to the Township of Essa; and
That Council direct staff to provide future reports should there be any increase in fees associated with this service.*

Currently the Closed Meeting Investigator appointed by LAS after the RFP was issued is Aird & Berlis LLP. The current 5 year term is set to expire in January, 2025.

COMMENTS AND CONSIDERATIONS

As was directed via Resolution No. CW007-20 above, this Report is being provided in an effort to inform Council of an increase to investigation fees associated with Aird & Berlis LLP in respect of providing Closed Meeting Investigator Services on behalf of the Township of Essa for the 2021 term.

[It is important to note that fees only apply when a Closed Meeting investigation has commenced.]

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FINANCIAL IMPACT

The County of Simcoe pays the annual retainer on behalf of participating municipalities, amounting to \$200.00 per municipality per year.

The following is a summary of the new rates to be charged for investigation fees:

	2020	2021
Investigation Fees	\$325.00/hr to \$725.00/hr	\$325.00/hr to \$775.00/hr

Investigation Fees to be charged vary and are based on the following factors:

- Length of investigation
- Use of a senior lawyer vs. junior lawyer

Rates in respect of expenses (photocopying, printing, filing, etc.) remain unchanged. Mileage rate remains unchanged.

- Manager of Finance or Deputy Treasurer Approval:

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SUMMARY/OPTIONS

Council may:

1. Do nothing.
2. **Receive the Report.**
3. Direct Staff to discontinue with the Agreement, thereby providing 90 days notice in accordance with the terms of the Agreement.

CONCLUSION

It is recommended that Council receive the Report for information.

Respectfully submitted:

_____ 
 Lisa Lehr
 Clerk

Reviewed by:

_____ 
 Colleen Healey-Dowdall
 Chief Administrative Officer

Attachments

1 – Copy of Staff Report C001-20 "Appointment of Closed Meeting Investigator"



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C001-20

DATE: January 15, 2020

TO: Committee of the Whole

FROM: Lisa Lehr, Clerk

SUBJECT: Appointment of Closed Meeting Investigator

RECOMMENDATION

That Staff Report C001-20 be received; and
 That Council of the Township of Essa renew its participation with the County of Simcoe and Local Authority Services (LAS), to provide Closed Meeting Investigator Services to the Township of Essa; and
 That Council direct staff to provide future reports should there be any increase in fees associated with this service.

BACKGROUND

The appointment of a Closed Meeting Investigator has been mandated under the *Municipal Act, 2001*, since 2008. Subsequently, municipalities are required to appoint an investigator who is able to "investigate in an independent manner on a complaint made, whether the municipality or a local board has complied with section 239 of the *Municipal Act* or a Procedure By-law under subsection 239(2), in respect of a meeting or part of a meeting that was closed to the public and to report on the investigation". Additionally, Section 239.2 of the Act states that in the carrying out of their duties, investigators shall be independent and impartial, confidential with respect to the investigator's activities, and be credible in their investigative process(es).

The Township of Essa has been an active participant in the Joint Closed Meeting Investigator arrangement with the County of Simcoe and its lower tier municipalities since 2008. This arrangement has allowed the County of Simcoe to tender out the contract in a competitive bidding process to collect bids from prospective proponents. Upon completion of this process, the County notifies each participating municipality of the successful bidder, and a Resolution is required to be passed by the participating municipalities.

At its meeting of October 19, 2016, Council passed Resolution CR206-2016 to continue this relationship, which allowed the County of Simcoe to appoint LAS (Local Authority Services) as the Closed Meeting Investigator for the County of Simcoe and its participating member municipalities, including the Township of Essa. In accordance with ss. 239.2(6), "an investigator may delegate in writing to any person, other than a member of Council, any of the investigator's power and duties". As such LAS, in turn, completed a competitive bid process and retained the services of Amberley Gavel Ltd. in accordance with the *Municipal Act, 2001* as amended, to provide a panel of review officers for conducting Closed meeting investigation services.

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Additionally at its meeting of December 19, 2018, Council passed Resolution CR257-2018 which renewed the contract for one additional year. This contract expires on January 1, 2020, however Amberley Gavel Ltd. has advised that it would assist all member municipalities until January 31, 2020, to allow for member municipalities to put the proper tools in place for their Closed Meeting Investigations.

COMMENTS AND CONSIDERATIONS

LAS was created in 1992 by the Association of Municipalities of Ontario (AMO). One of its functions is to support municipalities by delivering programs/services that leverage economies of scale and co-operative procurement efforts. LAS has recently conducted its competitive bidding process, and has advised member municipalities that Aird & Berlis LLP is the successful proponent selected to perform the services of Closed Meeting Investigations.

Since the original appointment of LAS for Closed Meeting Investigations, a new term of Council for the Township of Essa is now in place. The author of this report is seeking Council's support to renew its participation with LAS in the Closed Meeting Investigator Services Agreement, which will allow for Aird & Berlis LLP to be retained as the Closed Meeting Investigator for this municipality for any complaints filed in respect of closed meetings, for a term of five years. [Council can always opt out at a later date by providing 90 days' notice to LAS].

By continuing in the joint venture with LAS, the County of Simcoe and its member municipalities, the Township of Essa will be demonstrating that they are a mature and accountable government capable of managing their own affairs, in addition to capitalizing on the competitive bid submitted to LAS for the service. If there was ever an investigation into a Closed Meeting, the Township would have the ability to utilize the review officers of Aird & Berlis LLP, whom have extensive experience with municipal government and municipal processes.

Should Council choose to not continue with participation in this joint service (thereby exiting out of the contract with LAS) it could direct staff to:

- Release an RFP seeking submissions from qualified parties (*Township would be required to pay annual retainer and may end up paying more with respect to fees than that outlined below*);
- Exit the current Agreement, thereby reverting Closed Meeting Investigator Services to the Ontario Ombudsman's Office (*there would be no retainer fee to be paid by the municipality, nor would there be any additional fees borne to the municipality following a Closed Meeting Investigation*); or,
- Appoint the Township's current Integrity Commissioner (Principles Integrity). [*Retainer would be \$250.00 annually, plus costs borne during investigation **I would assume the hourly rate would be no different than what is currently outlined in our contract at \$230.00 per hour.*]

FINANCIAL IMPACT

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Should Council once again approve the joint arrangement with the County of Simcoe and LAS for the provision of Closed Meeting Investigator Services, the County of Simcoe will pay the annual retainer fee to LAS in the amount of \$200.00 for the term of the contract (5 years), however the Township would be responsible to pay all costs

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associated if an investigation were commenced specific to a purported contravention (filing of complaint by public) of a Closed Session Meeting. [Investigation fees would range from \$325.00 per hour to \$725.00 per hour (dependent upon the length of the investigation and if a senior lawyer vs. junior lawyer was used in the investigation.) **Generally a senior lawyer would be used at the onset and the final review stages in an investigation. A simple typical investigation could cost in the range of \$4,000.00 to \$5,000.00 on the low end].

It should be noted that the Agreement with LAS and Aird & Berlis is for a 5-year term, and fees may increase on an annual basis. The author of this report shall provide Council with reports in the future if there are any increases in the fees as stipulated above so that Council can reconsider its decision. As stated earlier in this Report, Council can always exit from the arrangement by providing 90 days' notice to the County of Simcoe and LAS.

Since 2007, there have been no Closed Meeting Investigations commenced in respect of the Township of Essa.

SUMMARY/OPTIONS

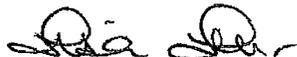
Council may:

1. Do nothing thereby appointing the Ontario Ombudsman's Office as the municipality's Closed Meeting Investigator.
2. Renew Essa's participation with the County of Simcoe and LAS, to provide Closed Meeting Investigator Services to the Township of Essa, and direct staff to provide for a future report should there be any increase to fees associated with this service.
3. Direct Staff to prepare an RFP for Closed Meeting Investigator Services, seeking submissions from qualified parties.
4. Direct staff to contact the municipality's current Integrity Commissioner (Principles Integrity) to obtain a quote on services for performing Closed Meeting Investigator Services to the Township of Essa.
5. Direct staff as Council deems appropriate.

CONCLUSION

It is recommended that Council authorize Staff to proceed with Option No. 2.

Respectfully submitted:



Lisa Lehr
Clerk

Reviewed by:



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments

- 1 - LAS Investigator Program "Helping Municipalities Deal with Closed Meeting Investigations" - Aird & Berlis LLP
- 2 - Investigation Request Process

Procedure By-law

The *Municipal Act, 2001* provides that every municipality and local board in Ontario is mandated to enact a by-law to govern the calling, location and proceedings of their meetings under s.238.

Open Meeting Rule

All municipal council meetings, a local board, or a committee of either of them must be held in an open public session unless an exception applies pursuant to s.239(1).

Exceptions for Closed Meetings

The *Municipal Act, 2001* sets out a number of exceptions to the open meeting rule based on the subject matter of the item that the council, local board, or committee is considering (ss.239(2), (3) and (3.1)). Council, local board, or committee must follow certain procedural requirements prior to convening into a closed session.

Investigations

Since 2008, s.239.1(1) of the *Municipal Act, 2001* has allowed any person to request that an investigation be conducted to determine whether a municipality or local board has complied with s.239, or a procedure by-law passed under s.238.

Investigator

Municipalities are authorized to appoint an independent investigator to conduct what has become known as a "closed meeting investigation" under s.239.2. In appointing an investigator, the municipality is to consider the following matters:

- the investigator's independence and impartiality
- confidentiality with respect to the investigator's activities
- the credibility of the investigative process

If a municipality does not appoint an investigator, the default investigator is the Ontario Ombudsman.

Investigator's Powers

An investigator is given significant powers to carry out its investigation, including the powers set out in s.19 of the *Ombudsman Act* which include the authority to summons any person and examine them under oath, and to require any

officer, employee or member of a municipality to provide such information and to produce such documents or things that the investigator requires.

The investigator operates under a duty of confidentiality but is entitled to disclose such matters as they consider appropriate in any report.

No Challenge

The investigator's powers are paramount and its proceedings cannot be challenged, except for lack of jurisdiction, and no decision or report from the investigator can be challenged, reviewed, quashed or called into question in any court.

Reports

If the investigator determines that there has been a contravention of the procedure by-law or s.239 of the *Municipal Act, 2001*, a report will be provided to the municipality or local board and the council or the local board are required to pass a resolution stating how they intend to address the report. The report is required to be made publicly available.

Why Appoint LAS as Investigator?

LAS offers closed meeting investigation services as it complements our programming. This service will assist municipalities in demonstrating they are responsible and accountable orders of government, capable of managing their own business and affairs.

As part of the program, LAS will provide an educational component to help municipalities in the understanding of the opening meeting rule, its exceptions, and the investigative process.

The LAS Program will ensure:

- municipal transparency and accountability
- independent, impartial and credible investigations and reports

Benefits to Participating Municipalities:

- experienced, knowledgeable and qualified investigators
- access to all completed reports via a secure website
- availability of on-going education/information
- no review by provincial Ombudsman

LAS | AMO
Business
Services

LAS INVESTIGATOR PROGRAM

Helping Municipalities
Deal with
Closed Meeting
Investigations

For more information,
please contact:

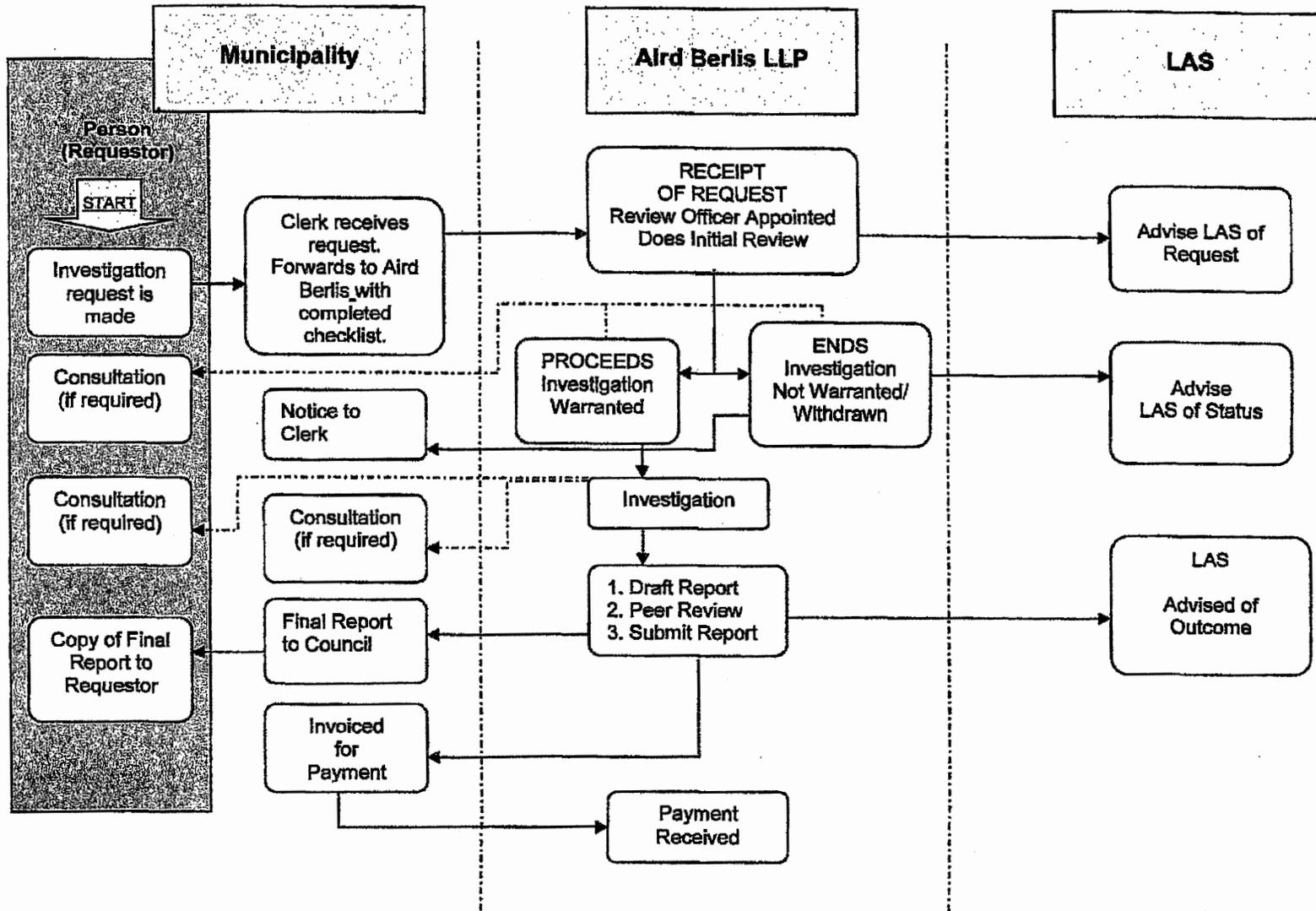
Eleonore Schneider
LAS Program Manager
Local Authority Services
Tel: 416-971-9856 ext. 320
Toll Free: 1-877-426-6527
Email: escheider@amo.on.ca

AIRD BERLIS

Attachment #1

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INVESTIGATION REQUEST PROCESS



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Attachment #2

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C004-21

DATE: January 20, 2021

TO: Committee of the Whole

FROM: Krista Pascoe, Deputy Clerk

SUBJECT: Council Support of Application by Xplornet - Universal Broadband Fund Stream

RECOMMENDATION

That Staff Report C004-21 be received; and

That Council of the Township of Essa support the application of Xplornet to secure funding through the federal government under the Universal Broadband Fund Stream, for their proposed Project; and

That Staff be authorized to send a letter stating such.

BACKGROUND

Xplornet contacted the Clerks Department requesting a letter of support for their application to secure funding from the federal government under the Universal Broadband Fund Stream. Their proposed Project will expand broadband infrastructure to rural areas within the Township of Essa by installing approximately 21 kms of fibre optic. It is anticipated that if the application is approved, that broadband will be available to approximately 100 rural households in the municipality.

COMMENTS AND CONSIDERATIONS

As Council is aware, there is a need to expand broadband availability throughout the Township of Essa, specifically in rural areas. Given the current COVID-19 Pandemic, there is a greater need now more than ever to provide services to the rural areas of the Township that have been under serviced in the past.

Xplornet is submitting an application through the federal government's Universal Broadband Fund Stream, and is requesting that Council provide a letter of support for this initiative. Their reasoning is listed below:

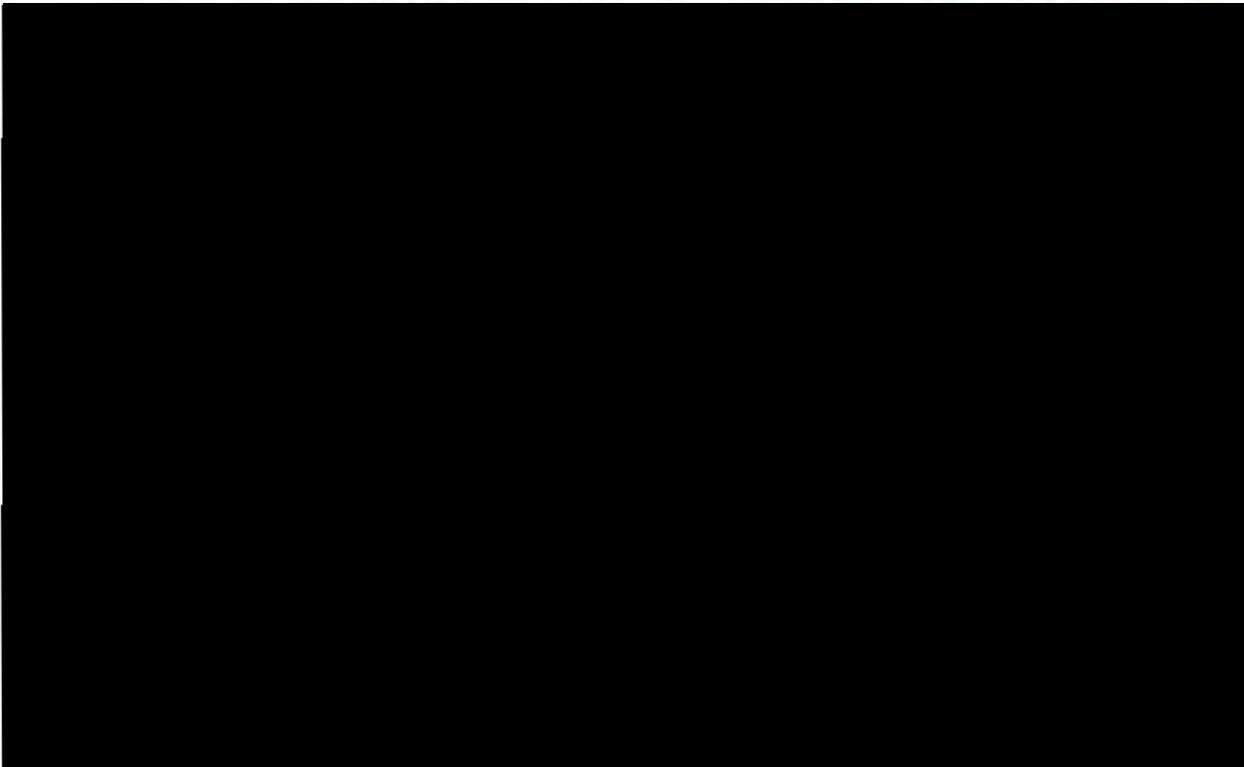
"Xplornet's project will build hundreds of kilometres of new fibre throughout the entire project, establishing a robust backbone for Xplornet's 5G wireless broadband network, with existing sites in Essa Township connected to fibre. Once completed, this project will enable rural households in communities such as Ypres to enjoy affordable and accessible 1 Gbps fibre services, while those beyond the fibre path will be able to connect to 5G wireless broadband services up to 100 Mbps.

ad

As you know, the past months have demonstrated the importance of connectivity, especially for rural Canadians. The post-pandemic recovery offers the long overdue opportunity to provide the necessary tools for rural Canada's success in the digital economy. Indeed, the expansion of broadband access through Xplornet's project will facilitate commercial and industrial development in our community as Xplornet will be positioned to offer enhanced Enterprise Services. The project will also enable local businesses to grow by providing improved connectivity to customers beyond the region. Xplornet's project will also provide improved services to support residents working from home, engaging in online learning, and accessing telehealth services. The improved access will benefit all residents of our region, including underrepresented groups, whose access to the digital economy will be improved by the provision of fibre-based Internet services. This will assist the Government of Canada in pursuing other strategies around poverty reduction, digital literacy, official languages and women's entrepreneurship.

Xplornet has a proven track record of providing reliable broadband access to rural residents in places unserved and underserved by others – I look forward to their long-term presence in Essa Township through this project."

If the application for funding is approved, there would be approximately 21 kms of broadband infrastructure (fibre based) installed in Essa Township which would provide internet services to approximately 100 rural households. The following map is intended to provide Council with an overview of the infrastructure installation (blue lines), in addition to the rural areas that would have access to internet as a result of this project being approved. (white/green). Additionally the 2 existing cell towers (yellow) would loop the coverage for improved internet.



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FINANCIAL IMPACT

None. The Township would provide non-financial support to this application.

Manager of Finance/Deputy Treasurer Approval: _____ 

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Support the application of Xplornet to secure funding through the federal government under the Universal Broadband Fund Stream, for their proposed Project; and**
3. **Authorize Staff to draft a letter of support.**
4. Direct Staff as deemed appropriate by Council.

CONCLUSION

Staff recommends that Council proceed with Option Nos. 2 and 3.

Respectfully submitted:

Reviewed by:

Reviewed by:

Krista Pascoe





Krista Pascoe
Deputy Clerk

Lisa Lehr
Clerk

Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

1 – DRAFT Letter of Support as supplied by XPlornet

9d

Corporation of the Township of Essa
5786 County Road 21
Utopia, Ontario
L0M 1T0



Where Town and Country Meet

Telephone: (705) 424-9770
Fax: (705) 424-2367
Web Site: www.essatownship.on.ca

January 20, 2021

Xplornet
c/o Steve Van Groningen

RE: Township of Essa - Support for Xplornet Application Under the Federal Government's Universal Broadband Fund Stream

To Whom It May Concern:

It is my pleasure to write a letter showing Council's support of Xplornet's proposal to the *Universal Broadband Fund* stream regarding the company's substantial broadband infrastructure project for Southern Ontario.

Xplornet's project will build hundreds of kilometres of new fibre throughout the entire project, establishing a robust backbone for Xplornet's 5G wireless broadband network, with existing sites in Essa Township connected to fibre. Once completed, this project will enable rural households in communities such as Ypres to enjoy affordable and accessible 1 Gbps fibre services, while those beyond the fibre path will be able to connect to 5G wireless broadband services up to 100 Mbps.

As you know, the past months have demonstrated the importance of connectivity, especially for rural Canadians. The post-pandemic recovery offers the long overdue opportunity to provide the necessary tools for rural Canada's success in the digital economy. Indeed, the expansion of broadband access through Xplornet's project will facilitate commercial and industrial development in our community as Xplornet will be positioned to offer enhanced Enterprise Services. The project will also enable local businesses to grow by providing improved connectivity to customers beyond the region. Xplornet's project will also provide improved services to support residents working from home, engaging in online learning, and accessing telehealth services. The improved access will benefit all residents of our region, including underrepresented groups, whose access to the digital economy will be improved by the provision of fibre-based Internet services. This will assist the Government of Canada in pursuing other strategies around poverty reduction, digital literacy, official languages and women's entrepreneurship.

Xplornet has a proven track record of providing reliable broadband access to rural residents in places unserved and underserved by others – I look forward to their long-term presence in Essa Township through this project.

Should you have any questions, please contact my office at 705-424-9917 ext 117.

Sincerely,

Lisa Lehr, CMO
Clerk

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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: CAO001-21
DATE: January 20, 2021
TO: Committee of the Whole
FROM: Colleen Healey-Dowdall, Chief Administrative Officer
SUBJECT: Council Policies

RECOMMENDATION

That Staff Report CAO001-21 be received for information.

BACKGROUND

At its meeting in October, 2020, Council requested that the CAO bring forward a policy concerning email requests from the public to ensure that all emails are being received and dispersed and acted on in an efficient fashion. Of course, the Township is committed to being receptive and responsive to all people who approach us with questions and concerns, however, our success depends on our ability to do our work and perform our functions in the most effective and efficient way possible.

As such, this CAO has reviewed By-law 2019-10 and Township of Essa policy number C-010-2019, Council-Staff Relations, which discusses roles, responsibilities and administrative protocols (attached). Furthermore, this CAO has collected and reviewed similar policies from eleven other municipalities. The policies of the other municipalities are all very different from one another although some similarities do exist.

COMMENTS AND CONSIDERATIONS

Some municipalities steer members of the public to a central customer service source when making requests for service or wishing to file a complaint; i.e., if a resident is asking when their road will be ploughed or if they are not happy with a staff member and are wishing to file a complaint, they are directed to an email such as info@essatownship.on.ca. In some municipalities, residents are directed to completing a form (contained on the website) when wishing to contact the municipality. Essa's By-law and policy currently suggest an email to the CAO and/or Department Head when residents reach out to Council members. The email from the Council member does not need to be copied to all other Council members. Note that none of the other eleven

municipalities canvassed contained a means for other Council members to be apprised of the resident request.

The current Essa By-law and policy seem appropriate at this particular time. Implementing a central point of contact method is beneficial as it helps with tracking but is not yet needed in Essa as Essa is still only mid-sized, and this CAO believes that Department Heads and staff are able to keep up with the requests for service received, and as well, are able to track requests using our current system; our current tracking system involves a common, shared directory/program which is accessible to all to allow each department to enter data and updates on their own. Using our current system, each department is able to track and follow up on resident requests as necessary without a "middle-man".

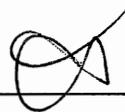
To further respond to Council's request, to facilitate with efficiency, the following suggestions could be adopted by everyone:

To facilitate with Council and staff time management of emails, it is suggested that when submitting a request (via email), please be detailed on what the issue is and the address or nearest address for service. Not only does this help for data entry/tracking purposes, it will save going back and forth with emails. Also, copying other Council members is not necessary, nor is a reply of thanks – although appreciated, it opens up further emails and creates records on the server.

FINANCIAL IMPACT

No direct monetary impact although it can be recognized that multiple emails on a single topic is not an efficient way to operate.

Manager of Finance or Deputy Treasurer Approval: _____



SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Direct staff to amend the existing By-law and Council-Staff Relations policy as Council so directs.
3. Direct staff to develop another policy as Council so directs.

CONCLUSION

Option #1 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall
CAO

Attachments:
By-law 2019-20
Township of Essa Policy Number C-010-2019

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2019 – 10

Being a By-law to adopt a Council-Staff Relations Policy.

WHEREAS section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation are to be exercised by its Council; and

WHEREAS section 5 (3) of the Act states that municipal power, including a municipality's capacity, right, powers and privileges, shall be exercised by By-law, unless the municipality is specifically authorized to do otherwise; and

WHEREAS section 270 (1) of the Act provides that a municipality shall adopt and maintain policies with respect to relationships between members of Council and the officers and employees of the municipality by March 1, 2019; and

WHEREAS Council of the Corporation of the Township of Essa deems it expedient to adopt the aforementioned Policy;

NOW THEREFORE Council of the Corporation of the Township of Essa hereby enacts as follows:

- 1. THAT the "Council-Staff Relations Policy" is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law.
- 2. THAT this By-law shall come into force and effect on the date of final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 20th day of February, 2019.



 Sandie Macdonald, Mayor



 Lisa Lehr, Clerk



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**Township of Essa
Policy No. C-010-2019**

SUBJECT: COUNCIL – STAFF RELATIONS	Date issued: FEBRUARY 20, 2019	Effective Date: March 1, 2019	Resolution No: CW024-2019 CR 030 -2019
SCOPE: Council, Senior Management and Staff		Revised: n/a	BY-LAW NO. 2019-10 SCHEDULE "A"

A. AUTHORITY

Effective March 1, 2019, section 270 (1) paragraph 2.1 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, requires that all municipalities adopt and maintain policies governing the relationship between members of Council and the officers and employees of the municipality.

B. POLICY STATEMENT & RATIONALE

The Township of Essa promotes a tolerant and respectful relationship in the workplace between members of Council and its managers and employees. This relationship is guided by the Council Code of Conduct, the Employee Code of Conduct, and the Procedural By-law.

Additionally, the Corporation promotes harassment-free relations and workplaces, which is guided by the Corporation's "Workplace Harassment, Discrimination and Violence Prevention Policy".

The intent of this Policy is to ensure that the relationship between members of Council and the managers and employees of the Township of Essa is cooperative and supportive, with a clear understanding of the respective roles and responsibilities of each.

C. SCOPE

This Policy applies to all members of Council, Managers and employees of the Corporation of the Township of Essa.

D. DEFINITIONS

1. Definitions

"Council"- means a member or members of the municipal council of the Township of Essa.

"Municipality" – means the Township of Essa.

"Staff" – means any of the following:

- (a) A person, not including a member of Council, who performs work for wages for the Township of Essa;
- (b) A person who supplies services for wages to the Township of Essa;

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- (c) Such other persons as may be prescribed who perform work or supply services to the Township of Essa for no monetary compensation.

E. ROLES AND RESPONSIBILITIES

1. Council

- a. The role of Council is one that focuses on policy. As a whole, Council is the governing body of the Township of Essa and has the capacity to provide political direction and make decisions.
- b. Members of Council are responsible to act in a manner that enhances public confidence in local government. Additionally, they are required to operate in a cooperative manner for the collective public interest of the municipality, to produce the best results and outcomes for the Township
- c. Members of Council are not elected to be technical experts, nor are they elected to act in professional capacities based on their professional experience(s). Council represents the municipality in a political manner only, and provides direction to the Chief Administrative Officer and Senior Management.
- b. Council as a whole is responsible to approve budgets and policies. They are responsible for the governance of the Township through By-laws and Resolutions. Individual members of Council do not directly oversee the administrative functions of the municipality, nor do they oversee staff.

2. Senior Management and Staff

- a. Senior Management works as a liaison between Council and staff.
- b. Senior Management is responsible for direction to staff with respect to the implementation and administration of policy direction provided by Council as a whole, or by the Chief Administrative Officer.
- c. Senior Management provides advice to Council, and makes policy recommendations in accordance with their professional ethics, expertise and obligations.
- d. Senior Management and staff are responsible for the implementation and administration of Council Policy. They generally see to the operation(s) of the municipal organization, taking direction from the Chief Administrative Officer and/or Senior Management.

Staff are generally involved in the following:

- Research of policies and programs
- Providing professional advice
- Implementing decisions of Council
- Fulfilling statutory duties
- Following direction of Chief Administrative Officer and/or Department Manager

- e. Under the direction of the Chief Administrative Officer, Senior Managers and Staff work for the Township of Essa as a corporate body and serve Council as a whole. In doing so, staff administers policy which serves the combined interests of all members of Council as evidenced through the decisions of Council as a whole.

F. GENERAL OBLIGATIONS

1. COUNCIL

- a. Members of Council are required to respect the role of staff in the administration of business affairs for the Township, and shall not direct staff in the execution of their duties. Council is required to respect the administrative and managerial chain of command by:
 - i. Directing questions/concerns in relation to the administration or management of the Township to the Chief Administrative Officer and/or Department Manager;
 - ii. Refraining from becoming involved in the management of staff.
- b. Individual members of Council shall refrain from:
 - i. Attempting to influence staff;
 - ii. Criticizing or attempting to humiliate, berate, disparage or denigrate staff in public, including at any Council or Committee meeting, whether in open or closed sessions.
- c. Members of Council shall not make requests or statements, or take actions which may be construed as an attempt to influence the independent administration of Township business.
- d. Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out their duties in accordance with the direction provided from their Manager/Supervisor.
- e. Members of Council shall refrain from using their position to improperly influence members of staff in their duties or function, or to gain an advantage for themselves or others.
- f. Members of Council shall not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

2. SENIOR MANAGEMENT AND STAFF

- a. Senior Management and Staff are required to act in a manner that enhances public confidence in local government.
- b. Senior Management and Staff shall carry out their duties based on political neutrality and objectivity, free from the undue influence of any individual member of Council.
- c. Senior Management and Staff are responsible to develop and maintain formal working relationships with members of Council, in order to promote equality and discourage favouritism.

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- d. Senior Management and staff shall serve Council as a whole rather than any individual member of Council.
- e. Senior Management and Staff shall treat all members of Council equally and with courtesy, respect and professionalism at all times.
- f. Senior Management and Staff shall refrain from behaviours such as publicly criticizing decisions or policies of Council.
- g. Senior Management and Staff shall refrain from becoming involved in the policy and decision-making process of Council. They shall ensure that Council is provided with the necessary information to ensure that is necessary for Council to make an informed decision.

G. ADMINISTRATIVE PROTOCOLS

- 1. All requests from Council for reports shall be introduced under "Other Business".
- 2. Members of Council are not to direct subordinate staff in a supervisory capacity. Staff are supervised and directed by their Department Manager and/or the Chief Administrative Officer.
- 3. Council members are to filter questions/concerns by email or telephone to the Chief Administrative and/or Department Heads.

H. FILING OF COMPLAINT

- 1. Staff shall report all breaches in this Policy directly to the Chief Administrative Officer.
- 2. Depending on the severity of the breach, the complaint may be filed with the Integrity Commissioner as appointed by the municipality.

F. REFERENCES:

Municipal Act, 2001, as amended
Council Code of Conduct C09-2010
Employee Code of Conduct
Procedural By-law 2017-77