



Policy Review Committee Action Report
for the November 22nd, 2016 meeting held in
the Council Chambers following Council

PRESENT: Mayor Antonakos, Deputy-Mayor Flynn, Councillor Black, Councillor Doucett, Councillor Redfern, Councillor Fritz, Councillor Trimble, Duncan Rogers, Clerk, Phil Hogan, Treasurer

- 1) **DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF** – now or anytime during the meeting
- 2) **PUBLIC MEETING – NONE THIS EVENING**
- 3) **REGISTRATION OF PUBLIC WISHING TO SPEAK**
- 4) **PLEASE TURN OFF ALL CELL PHONES AND PAGERS**
- 5) **IF THERE IS AN ADDENDUM, IN ACCORDANCE WITH SECTION 15.2.4 (OF THE STRIKING REPORT) DOES THE COMMITTEE WISH TO APPROVED THIS ADDENDUM**

The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to proceed as recommended for those items not pulled out for discussion.

COMMUNICATION 127285

Received from Stalwart Brewing Co.
Addressed to Town of Carleton Place
Date June 17th, 2016
Topic Retail Business Holidays Act

SUMMARY

Section 4 of the Retail Business Holidays Act allows a municipality by by-law to permit retail business establishments to be open on holidays for the maintenance or development of tourism. Ontario Regulation 711/91 defines the tourism criteria and application process. Should the municipality decide to proceed with a by-law to permit an exemption, a public meeting is required to be held giving the public thirty days' notice of the meeting to consider the proposed by-law.

127285 Continued

UPDATE – August 2nd, 2016

Both the Carleton Place BIA and the Carleton Place and District Chamber of Commerce support the creation of tourism area to permit local businesses to be open on Statutory Holidays. The Chamber of Commerce would support the designation of the whole community as a tourism area. The Town of Perth By-law No. 3118 permits retail business establishments to open on holidays within the Town Limits.

Should Council wish to proceed, Section 4(6) of the Retail Business Holidays Acts requires Council to hold a public meeting in respect of a proposed By-law under the said Section 4.

UPDATE – October 11th, 2016

Notice of the meeting was given as per Section 4(1) of the Retail Business Holidays Act. Input has been received from the local Chamber of Commerce and Business Improvement Association. Staff have prepared the attached draft By-law for the meeting.

UPDATE – October 25th, 2016

Staff has revised the draft by-law and has recirculated the same to the local Chamber of Commerce and Business Association for comment by October 28th, 2016.

UPDATE – November 8th, 2016

As requested at the October 25, 2016 Policy Review Committee meeting, staff revised the original draft By-law and re-circulated the same for comment.

Comment received back on the revised By-law included the following recommendation from the Carleton Place BIA regarding the wording of the draft By-law:

The BIA suggests the following wording:

Furthermore, to support the economic development of small businesses, in respect of the carrying on of a retail business on a statutory holiday where, on that day:

- (a) There is no specific limitation on the type of product sold; and
- (b) The number of persons engaged in the service of the public in the establishment does not at any time exceed five; and
- (c) The total area used for serving the public or for selling or displaying to the public in the establishment is less than 5,000 square feet

127285 Continued

Comment from the BIA also noted that the Livestock Store associated with the Wool Shop is 7,500 square feet.

Stalwart Brewing Company commented that their business may in the future have up to ten employees, however the wording for the number of employees as noted above would be acceptable.

UPDATE – November 22nd, 2016

At the November 8th, 2016 Policy Review Committee meeting, the members of the Committee requested that further advertisement and notice be given regarding the proposed draft by-law. This will be done through Municipal Matters as requested by Committee.

STAFF RECOMMENDATION

Bring forward to the December 13th, 2016 meeting of the Committee.

COMMITTEE DECISION

Bring forward

COMMUNICATION 127427

Received from	Paul Knowles, Chief Administrative Officer
Addressed to	Policy Review Committee
Date	November 18 th , 2016
Topic	New Legislative Changes

SUMMARY

The province has introduced **New Legislative Changes that have Direct Impact for Municipal Governments.**

Key highlights of the more substantive changes:

- Require that all municipalities provide access to an Integrity Commissioner (IC) and all of the functions of an IC.
- The role of the IC is expanded to: i) conduct inquiries upon complaint or own initiative for MCIA (financial interests of elected officials), and code of conduct matters (ethical behaviour); ii) provide advice to councils and local boards respecting their obligations under the MCIA and code of conduct; and iii) provide educational information to the public, councils and local boards on these matters.

127427 Continued

- Under the MCIA, an IC can investigate a complaint from any person concerning an alleged contravention, and upon completion of an investigation, the IC can apply to a judge for a determination as to whether the member has in fact contravened the Act.
- The mandatory penalties for contraventions of the MCIA will be replaced with a broader range of penalties (e.g., fines, suspension). Other new provisions under MCIA relate to the need for written disclosure of interest, dealing with influence, and a registry.
- All municipal governments will be required to have a Code of Conduct for councils and local boards that informs ethical behaviour (different from the financial interests of the MCIA).
- Councils will also be required to have a formal policy on council-municipal staff relations to address the roles and responsibilities of municipal public service and the interaction with council.
- Definition of Open Meeting: The government is moving to clarify that a meeting with council, local board or committee involves a quorum of council members and that they discuss a matter in a way that "materially advances" the business or decision-making.
- Electronic meetings: Councils and Committees to have the authority to allow electronic participation in their procedural by-law. However, electronic participation will not be counted for quorum purposes.
- Open meeting exceptions to include: i) information supplied in confidence by Canada, a province or territory or a Crown agency; ii) certain third party information supplied in confidence; iii) trade secret or financial, commercial, etc. information that belongs to the municipality or local board and has monetary value or potential monetary value; or iv) instructions, etc. to any negotiations by or on behalf of the municipality or local board.
- Requirement to pass resolution on how Council/Local Board intends to address a meeting investigation report where the situation was contrary to open meeting provisions.
- Regional council composition can now be changed by by-law rather than need for Minister's regulation.
- Regional municipal governments will be required to review their council membership that represent their lower-tier municipalities at least once following every second municipal election, starting after the 2018 municipal election; Minister would have power to make a regulation changing a regional council's composition if a regional municipality is unable to come to a local decision within two years following every second municipal election.
- A lower-tier council can temporarily appoint an alternate member of lower-tier council who is a member of both the lower-tier and upper-tier council to replace the member who is unable to attend an upper-tier council meeting.
- Add a new broad authority to use administrative monetary penalties for municipal bylaw contraventions.
- Repeal a provision so that municipal by-laws will have effect in areas under jurisdiction of conservation authorities.

127427 Continued

- Require adoption of a policy for pregnancy leaves and parental leaves for council members.
- Eligible investments framework changes to add a prudent investor standard regime subject to a regulatory design that if done well could take advantage of the One Investment Program of AMO and Municipal Finance Officers Association as a prudent investor.
- Added flexibility to deal with forfeited corporate property and to administer tax sales faster.
- Add a new broad power to deal with climate change (although cannot exceed the Building Code or other provincial statutes) and to clarify the municipal role in energy planning.
- The Minister will have regulation-making authority to prescribe actions (unknown at this point) that municipalities must take to support local integrated planning in order to implement community hubs.
- Require a municipality to meet prescribed conditions before it establishes a small business program instead of obtaining ministerial approval.
- *Municipal Election Act* to be changed to reduce the time between the election of councils and their first meetings, proposed to be Nov 15; increase the maximum contribution limit to a single candidate or third party advertiser so that it is the same as the province (\$1,200); and introduces formula to limit self-funding.
- Require direct election for all regional government chairs (some are currently directly elected through previous specific legislation).
- Interest arbitration regime for fire and police that would remove the requirement for the parties to go through a conciliation process before the interest arbitration process can commence; require pre-hearing submissions; and prohibit boards of arbitration from referring items in dispute back to the parties for further negotiation, unless the items relate to implementation of an award, or if both parties agree that items can be referred back prior to the making of a final award. The municipal priority issue of capacity to pay was not acted upon, however, the Minister will continue to hold discussions with the fire and municipal sector.
- Creates authority for municipal governments to introduce Automated Speed Enforcement (photo radar) in school and community safety zones to reduce speeding infractions. It also allows municipalities to create community safety zones with reduced speed limits to improve pedestrian and cyclist safety, and the flexibility to reduce speed limits below 50 km/h. This is a scoped application of photo radar and limits local decision-making on where it can be used, rather than give municipal governments the base authority. For example, municipal governments feel photo radar would be helpful in construction zones to protect the safety of road workers.

127427 Continued

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

Receive and Record

TO BE DISCUSSED

COMMUNICATION 127428

Received from Duncan Rogers, Clerk
Addressed to Policy Review Committee
Date November 16th, 2016
Topic E-Volve Integrated Electronic Voting Solutions – Simply Voting
 2018 Municipal Election

SUMMARY

The 2014 Municipal Election was conducted by paper ballot and electronic tabulation for the election results.

A number of local municipalities have indicated that they will be conducting the 2018 Municipal Election by electronic voting. There are several advantages to electronic voting including the following:

- Convenience for the elector
- More accessible for people with disabilities
- Reduced cost of training and the provision of election workers
- No requirement for advance voting stations or proxy voting
- Overall reduced cost to conduct the election

COMMENT

Staff has arranged for Mr. Steen Lattey, of Simply Voting Inc., to provide a presentation on electronic voting for the 2018 Municipal Election.

A paper copy of the presentation was circulated to the members of the Committee.

127428 Continued

STAFF RECOMMENDATION

THAT Mr. Lattey of Simply Voting Inc. be permitted to provide a presentation on electronic voting for the Town of Carleton Place for the 2018 Municipal Election.

COMMITTEE DECISION

THAT the Clerk review other companies and bring back to Council. Receive and Record



Policy Review Committee Agenda
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COMMITTEE DECISION