

**AGENDA**  
**Township of North Dundas**  
**636 St. Lawrence Street, Winchester, ON**  
**Tuesday, September 22, 2020**  
**following the Public Meeting at 7:00 PM**

Page

- 1. Call Meeting to Order by Resolution**
- 2. Adoption of Agenda**
  - a) Additions, Deletions or Amendments  
All matters listed under Consent Agenda, are considered to be routine and will be enacted by one motion. Should a Council member wish an alternative action from the proposed recommendation, the Council member shall request that this matter be moved to the appropriate section at this time.
- 3. Disclosure of Pecuniary Interest and General Nature Thereof**
- 4. Adoption of Minutes**
- 5. Delegations**
- 6. Closed Session**
  - a) In accordance with Section 239 (2) (e) of the Ontario Municipal Act: Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board; and  
In accordance with Section 239 (3.1) for the purpose of training the members of Council.
- 7. Open Session**
- 8. Action Requests**
  - a) **Finance**
  - b) **Economic Development and Communications**
  - c) **Public Works**

d) Waste Management	
e) Planning Building and Enforcement	
i. <a href="#">Zoning By-law Amendment – 12054 County Rd 3</a>	3 - 11
f) Recreation and Culture	
g) Fire	
h) CAO	
i) Clerk	
9. Tenders and Quotations	
10. By-laws	
11. Key Information	
a) <a href="#">CAO - Code of Conduct Training</a>	12 - 27
12. Consent Agenda	
13. Boards and Committees	
14. Motions and Notices of Motions	
15. Petitions	
16. Council Comments and Concerns	
17. Unfinished Business	
18. Ratification By-law	
a) <a href="#">By-law No. 2020-48</a>	28
19. Adjournment by Resolution	



<b>ACTION REQUEST – Planning, Building &amp; Enforcement</b>	
<b>To:</b>	Mayor and Members of Council
<b>Date of Meeting:</b>	September 22, 2020
<b>Subject:</b>	Zoning By-law Amendment – 12054 County Rd 3

**RECOMMENDATION:**

**THAT By-law No. 2020-46, being a By-law to amend the former Township of Winchester Zoning By-law No. 12-93, as amended, be read and passed in Open Council, signed and sealed this 22nd day of September, 2020.**

**BACKGROUND:**

The Township of North Dundas received an application to amend the former Township of Winchester Zoning By-law No. 12-93 under Section 34 of the Planning Act for the property legally described as Part of Lot 2, Concession 6, Parts 3 and 4 on Registered Plan 8R-997, former Township of Winchester, now the Township of North Dundas. The purpose is to rezone part of the property from Commercial (C) to Commercial – Exception Eleven (C-11) to permit the use of the existing building as a mini-warehouse facility. If approved, the effect would be that the owner may convert part of the existing building to a mini-warehouse facility, also known as mini-storage.

The subject lands are within the Commercial District in the County Official Plan. Commercial District uses may include a mix of retail, service commercial, and personal services uses. A detailed planning report is attached.

The property/land to which the proposed Zoning By-law amendment applies is not the subject of another application under the *Planning Act*.

**OPTIONS AND DISCUSSION:**

1. **Adopt the Resolution as Presented** – recommended. The proposed Zoning By-law Amendment is consistent with the 2020 Provincial Policy Statement, conforms to the United Counties Official Plan and is a desirable form of development in the commercial area of Winchester.
2. **Do Nothing** – not recommended. The applicant may appeal to LPAT for non-decision after 90 days from the date of application
3. **Refuse the Request** – not recommended. The applicant may appeal Council’s decision to LPAT immediately.

**FINANCIAL ANALYSIS:**

No impact at this time.

**OTHERS CONSULTED:**

South Nation Conservation  
United Counties of SDG

**ATTACHMENTS:**

Draft By-law No. 2020-46

**PREPARED BY:**



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**Calvin Pol, BES, MCIP, RPP  
Director of Planning, Building &  
Enforcement**

**REVIEWED & APPROVED BY:**



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**Angela Rutley, BBA  
CAO**



# Planning Report

## Zoning Amendment

RE: 12054 County Road 3

Meeting Date: September 22, 2020

Current Zoning: Commercial (C)

Proposed Zoning: Commercial – Exception Eleven (C-11)

Official Plan: Commercial District

Subject Area: Approximately 4.25 acres

Existing Use: Commercial

Proposed Use: Commercial (adding mini-warehousing to the permitted uses)

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### 1. Purpose and Effect

The Township of North Dundas has received a Zoning By-law Amendment application to amend the former Township of Winchester Zoning By-law No. 12-93 under Section 34 of the *Planning Act* for the property legally described as Part of Lot 2, Concession 6, Parts 3 and 4 on Registered Plan 8R-997, former Township of Winchester, now the Township of North Dundas. The purpose is to rezone the property from Commercial (C) to Commercial – Exception Eleven (C-11) to permit a mini-warehouse business in addition to



the permitted uses of the Commercial (C) zone. If approved, the effect would be that the applicant can use the existing building for a mini-warehouse business.

## 2. Background

The subject property is located on County Road 3 (Main Street) and the existing building houses a variety of other businesses. The owner of the property is pursuing this Zoning Amendment to allow part of the existing building to be used for a new mini-warehousing business while allowing the continuation of the other business in the building. The owner has no intention at this time to expand or alter the exterior of the building and the mini-warehouse business will be entirely contained within the existing building and thus, site plan control is not required.

## 3. Policy Direction

### 3.1 Provincial Policy Statement

Ontario has a set of Provincial Policy Statements (2020), of which Council must have regard for the following relevant excerpts:

- 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*
- a) *Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long term needs;*
  - b) *Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
  - c) *Facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
  - d) *Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
  - e) *Ensuring the necessary infrastructure is provided to support current and projected needs.*

The proposed commercial zoning amendment will allow an existing business to have greater opportunities to generate revenue and will result in less vacant commercial space in Winchester.

### 3.2 Official Plan – United Counties of Stormont, Dundas and Glengarry

The land subject to this amendment is designated as Commercial District. Table 3.5 of the County Official Plan lists the permitted uses associated with the Commercial District as:

- Full range of retail, service commercial, automotive, recreational and resort commercial and personal service uses.
- Residential uses (mixed or standalone)

If approved, the proposed By-law Amendment will permit the existing building for a mini-storage warehouse business. The applicant will only use a portion of the building for mini-warehouse and the remainder of the building, which is being used for other businesses, will not be affected by this amendment. Mini-storage has proved to be a popular form service with other similar businesses in the area approaching their maximum storage capacity.

### 3.3 Zoning By-law No. 12-93

The subject land is currently zoned Commercial (C) which does not allow for a mini-warehouse business. This Zoning Amendment will add the use of the building or land for a mini-warehouse facility to the existing permitted uses of the parent zone with no changes to any other provisions. Below is the proposed Commercial – Exception Eleven (C-11) Zone:



11) Commercial – Exception Eleven (C-11)

*Notwithstanding the provisions of subsection 6.1(a) to the contrary, on lands zoned C-11 a mini-warehouse facility shall be permitted in addition to the permitted uses of the Commercial (C) Zone.*

## 4. Analysis

The proposed Zoning By-law Amendment will change the zoning of a parcel from Commercial (C) to Commercial – Exception Eleven (C-11). The subject land is located near the former Village of Winchester and is within the urban settlement area with access to municipal services and County Road 3 (Main Street).





The subject land has numerous existing businesses within the building and this Zoning Amendment will allow the owner of the building to use the property for a mini-warehouse business in addition to the permitted uses of the Commercial (C) Zone. The proposed mini-warehouse business will occupy a portion of the

existing building that is vacant at this time. As the physical structure of the existing building and site works are not changing, the applicant does not require site plan control and can instead apply for a building permit for any renovations required following the approval of the proposed amendment.

The Provincial Policy Statement, 2020, and the County Official Plan support the use of land in commercial districts for a variety of business uses that provide jobs, services and economic development. The proposed development is not located within a Wellhead Protection Area and is located adjacent to other commercial businesses.

## 5. Comments

No comments received to date.

## 6. Recommendation

The proposed Zoning By-law Amendment constitutes good planning and is consistent with the Provincial Policy Statement and the Official Plan; therefore, Council should approve the rezoning. Secondly, that Council consider comments from the public, public bodies and adjacent neighbours during the public meeting before rendering a decision on the proposed amendment.

Prepared By:

**ORIGINAL SIGNED**

Paul Clarke, Planning Technician

**September 17, 2020**

Date

I hereby certify that this report was prepared under the supervision of a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

**ORIGINAL SIGNED**

Calvin Pol, MCIP, RPP, BES  
 Director of Planning, Building and Enforcement

**September 17, 2020**

Date



**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

**BY-LAW No. 2020-46**

**EXPLANATORY NOTE**

***Purpose and Effect of the By-law***

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The Township of North Dundas has received an application to amend the former Township of Winchester Zoning By-law No. 12-93 to rezone part of a parcel from Commercial (C) to Commercial – Exception Eleven (C-11) to permit the use of the existing building as a mini-warehouse facility in addition to the permitted uses of the Commercial (C) Zone.

The lands affected by this amendment are described as Part of Lot 2, Concession 6, Parts 3 and 4 on Registered Plan 8R-997, former Township of Winchester, now the Township of North Dundas, County of Dundas.

If the proposed by-law amendment is adopted, the subject land will be rezoned to Commercial – Exception Eleven (C-11).

The property/land to which the proposed Zoning By-law amendment applies is not the subject of another application under the *Planning Act*.

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**Applicant/Owner:**

Daniel Evans / 10041068 Canada Corp.

**Roll Number:**

0511-016-005-98000

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

**BY-LAW No. 2020-46**

***Being a By-law to amend the former Township of Winchester Zoning  
By-law No. 12-93, as amended***

**WHEREAS** pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, as amended, the Council of a municipality may enact by-laws regulating the use of lands and the erection of buildings thereon;

**AND WHEREAS** By-law No. 12-93, as amended, regulates the use of land and the use and erection of buildings and structures within the former Township of Winchester, now the Township of North Dundas;

**AND WHEREAS** the Council of The Corporation of the Township of North Dundas deems it expedient and advisable to amend certain requirements of By-law No. 12-93, as amended; insofar as they relate to certain lands to which said By-law applies as hereinafter set forth;

**AND WHEREAS** the matters set out in this By-law are deemed to be in conformity with the Official Plan of the United Counties of Stormont, Dundas and Glengarry and the 2020 Provincial Policy Statement;

**NOW THEREFORE** the Council of The Corporation of the Township of North Dundas enacts as follows:

**1.0** The lands affected by this amendment are described as Part of Lot 2, Concession 6, Parts 3 and 4 on Registered Plan 8R-997, former Township of Winchester, now the Township of North Dundas, County of Dundas.

**2.0** That Section 6.1(c) – Special Exception Zones of the former Township of Winchester Zoning By-law No. 12-93, as amended, is hereby amended by inserting the following new subsection immediately after the contents thereof:

(xi) Commercial – Exception Eleven (C-11)

Notwithstanding the provisions of subsection 6.1(a) to the contrary, on lands zoned C-11 a mini-warehouse facility shall be permitted in addition to the permitted uses in the Commercial (C) Zone.

**3.0** That Schedule “A” of (former Township of Winchester) Zoning By-law No. 12-93 is hereby amended as follows:

3.1 That the area affected by Section 1 of this By-law, and shown on Schedule “1”, shall henceforth be zoned Commercial – Exception Eleven (C-11).

**3.0** Subject to the giving of Notice of Passing of this By-law, in accordance with Section 34(18) of the *Planning Act, R.S.O. 1990*, as amended, this By-law shall come into force on the date of passing by the Council of The Corporation of the Township of North Dundas where no notice of appeal or objection is received, pursuant to Section 34(21) of the *Planning Act*, as amended.

**4.0** All other applicable provisions of the former Township of Winchester Zoning By-law No. 12-93, as amended, shall continue to apply.

**READ and passed in Open Council, signed and sealed this 22<sup>nd</sup> day of September, 2020.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE “1”**

**ZONING BY-LAW No. 2020-46**

*Enacted by the Council of The Corporation of the Township of North Dundas  
This 22<sup>nd</sup> day of September, 2020.*

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**



Not to scale



**Area to be rezoned from Commercial to  
Commercial – Exception Eleven (C-11)**



## KEY INFORMATION REPORT CAO

September 22, 2020

### **SUBJECT: Code of Conduct Training**

We will be having an in-camera session for our legal counsel, Mr. Tony Fleming, to provide Council with Code of Conduct Training. The Code of Conduct is attached for Council's reference.

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

**BY-LAW NO. 2018-32**

***Being a By-law to adopt a Revised Code of Code for Council Members***

**WHEREAS** the *Municipal Act, 2001*, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act, 2001*, as amended, provides that the powers of the Council shall be exercised by by-law;

**AND WHEREAS** the Corporation of the Township of North Dundas wishes to adopt a revised Code of Conduct for Members of Council.

**NOW THEREFORE** the Council of the Corporation of the Township of North Dundas enacts as follows:

1. That By-law No. 36-2012 (Policy No. 50-2012) is hereby repealed.
2. That Township of North Dundas Code of Conduct for Council, Policy No. 71-2018, attached hereto as Schedule "A" and forming part of this by-law is hereby adopted.
3. That any other by-law inconsistent with this by-law is hereby repealed.
4. That this by-law takes effect on the date of passing.

**READ and passed in Open Council, signed and sealed this 10th day of July, 2018.**



MAYOR



CLERK

<b>POLICY MANUAL</b>	<b>Policy #71-2018</b> <b>Schedule "A"</b>
<b>The Corporation of the Township of North Dundas</b>	<b>Effective Date: July 11, 2018</b>
<b>Subject: Code of Conduct for Members of Council</b>	<b>Department: Council</b>

**PURPOSE:**

The Code of Conduct sets a minimum standard for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
3. Act in a way that enhances public confidence in local government; and
4. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

**LEGISLATED RESPONSIBILITIES:**

1. Role of Council:

Pursuant to the *Municipal Act, 2001*, it is the role of Council:

- i) To represent the public and to consider the well-being and interests of the Township;
- ii) To develop and evaluate the policies and programs of the Township;
- iii) To determine which services the Township provides;
- iv) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v) To ensure the accountability and transparency of the operations of the Township;
- vi) To maintain the financial integrity of the Township; and,
- vii) To carry out the duties of Council under this or any other Act.

2. Role of the Head of Council:

Pursuant to the *Municipal Act, 2001*, it is the role of the Head of Council:

- i) To act as Chief Executive Officer of the Township;
- ii) To preside over Council meetings so that its business can be carried out efficiently and effectively;
- iii) To provide leadership to the Council;
- iv) To provide information and recommendations to Council with respect to the role of Council;
- v) To represent the Township at official functions; and,
- vi) To carry out the duties of the Head of Council under this or any other Act.

3. Role of Officers & Employees:

Pursuant to the *Municipal Act, 2001*, it is the role of Officers and employees of the Township to:

- i) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- ii) Undertake research and provide advice to Council on the policies and programs of the Township; and,
- iii) Carry out other duties required under this or any Act and other duties as assigned by the Township.

**STANDARDS OF CONDUCT:**

1. Members of Council shall at all times seek to advance the common good of the community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Members of Council shall, at all times in the exercise of their duties, act impartially and avoid conflicts of interest as defined in this Code.
4. Members of Council shall refrain from behaviour that:
  - i) Contravenes Federal or Provincial law, Municipal by-laws, or the Township's Code of Conduct;
  - ii) Is an abuse of power;
  - iii) Discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or
  - iv) Prejudices the provision of a service or services to the community.

**CONDUCT TO BE OBSERVED:**

1. Release of Confidential Information:

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as Councillor that is not in the public domain, or information that is otherwise determined to be confidential by the CAO, Clerk or as specifically declared by Council.

- i) Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, 1990*, as amended.
- ii) Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- iii) Members of Council shall not misuse confidential information. Misuse includes but is not limited to disclosure to third parties, whether or not



- such disclosure causes detriment to the Corporation, Council or others, or benefits themselves or others.
- iv) The obligation to keep information confidential applies even if the Member ceases to be a Member of Council for any reason.
  - v) All closed meeting materials shall be signed and dated by members of Council and collected at the end of each in camera session by the Clerk or CAO.
  - vi) All members of Council enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before Council.

2. Foster Respect for Decision-Making Process:

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered. If Council has taken a position in a Local Planning Appeals Tribunal, or other tribunal or court, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter.

3. Litigation or Possible Litigation Matters:

No member of Council shall communicate in any way with any party who has initiated or suggested that legal action may be initiated against the Township. All inquiries are to be referred to the CAO or the solicitor who is representing the Township on the particular matter.

4. Release of Information to Public and Media, including Social Media:

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council or by those so designated.

5. Reputation Management:

A member of Council shall not initiate or participate in any action of falsehood, slander or defamation of character nor the spreading of any rumour about an elected official, an appointed official and any member of staff of the Township.

6. Impairment:

No member of Council shall be impaired while performing any duty or carrying out any responsibilities for the Township.

7. Gifts & Benefits:

The objective of these policies is to ensure that Councillors make Council decisions based on impartial and objective assessments of each situation, free from influence of gifts, favours, hospitality or entertainment, or the promise of

such advantages.

- i) Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind (hereinafter defined as a "Benefit"), personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration associated with the duties of a Councillor.
- ii) Members of Council are prohibited from accepting, directly or indirectly, any Benefits that are offered by persons, groups or organizations having dealings with the Township.
- iii) This policy does not preclude Members of Council from accepting:
  - a. Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Township at an event, provided the benefit is of minimal cash value;
  - b. Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
  - c. Food and beverages at meetings, banquets, receptions, ceremonies or similar events;
  - d. Food, lodging, transportation or entertainment provided by other levels of government, by other local governments or by local government boards or commissions;
  - e. A stipend from a board or commission that the Member serves on as a result of an appointment by Council;
  - f. Reimbursement of reasonable expenses incurred in the performance of office;
  - g. Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
  - h. Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office; and
  - i. Services provided without compensation by persons volunteering their time for an election campaign in accordance with applicable law.
- iv) Where it is not possible to decline unauthorized benefits, Councillors shall report the matter to the Clerk. Council may require that the gift be retained by the Township or be disposed of for charitable purposes.
- v) Members of Council shall not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or which may seek preferential treatment.

8. Procurement of Goods & Services:

No member of Council shall make personal purchases through the Township and all purchases made by the Township to assist the members of Council in the fulfillment of their duties (business cards, etc.) shall be in accordance with the Township's procurement by-law. Members of Council shall declare any conflict of interest with respect to the procurement of goods and services and shall refrain from the procurement process to which the conflict of interest relates.

9. Engaging in Incompatible Activity:

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. Without limiting the generality of the foregoing, unless such preferential treatment is conferred by resolution or by-law of Council, members of Council shall not:

- i) Use any influence of office for any purpose other than official duties;
- ii) Act as an agent before Council or any committee, board or commission of Council;
- iii) Solicit, demand or accept the services of any corporation, employee, or individual providing services to the Township at a time in which said person or corporation is being paid by the Township;
- iv) Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- v) Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- vi) Give preferential treatment to any person or organization in which a member or members of Council have a financial interest;
- vii) Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a member or members of Council have a financial interest; and
- viii) Use Township materials, equipment, facilities or employees for personal gain or for any private purpose.

10. Conflict of Interest:

Conflicts of interest may arise in the course of a Member of Council's duties related to direct or indirect financial interests or other non-financial interests. This Code distinguishes between financial interests as defined in the *Municipal Conflict of Interest Act* and conflicts of interests under this Code, which may include financial interests or other non-financial interests.

Municipal Conflict of Interest Act:

Members of Council are responsible to ensure that they are familiar with and comply with the *Municipal Conflict of Interest Act*, 1990, as amended. It is the responsibility of each Member of Council, not staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before

Council. Each Member of Council shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

The prescribed form shall be completed by the Member of Council and filed with the Clerk.

Conflicts of Interest:

A conflict of interest occurs when a situation arises in the course of a Member of Council's duties where the Member is called upon to deal with a matter in which the Member has a direct or indirect personal interest. In the context of this policy, it is possible that a financial interest may create a conflict of interest notwithstanding that the financial interests might not otherwise contravene the *Municipal Conflict of Interest Act*.

For purposes of this Code, a pecuniary interest, direct or indirect, of a family member of the Member shall, if known to the Member, be deemed to be also the pecuniary interest of the Member. All Members of Council shall declare a conflict of interest where his or her family member has a pecuniary interest in the matter before Council and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to conflicts concerning family members.

For purposes of this Code, "Family Members" shall include:

- i) A child of the Member, as defined in the *Municipal Conflict of Interest Act*;
- ii) A parent of the Member, as defined in the *Municipal Conflict of Interest Act*;
- iii) A spouse of the Member, as defined in the *Municipal Conflict of Interest Act*;
- iv) A sibling, including adopted siblings, of the Member;
- v) A grandparent of the Member, whether through birth or marriage;
- vi) A first cousin of the Member, whether through birth or marriage;
- vii) An aunt or uncle, whether through birth or marriage; and
- viii) A niece or nephew, whether through birth or marriage.

A direct personal interest may occur when a Member may derive some financial or personal benefit or avoid a financial or personal loss as a result of a matter that is before Council. An indirect personal interest may occur when the potential benefit or loss would be experienced by another person or corporation having a relationship with the Member of Council. The conflict of interest arises when the Member participates in activities that could advance a personal interest, direct or indirect, where that benefit or loss is not necessarily in the best interests of the Township.

Members of Council must perform their duties impartially and without undue

influence, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member of Council should govern their actions using the following as a guide:

- i) In making decisions, always place the interests of the taxpayers and the Township first and, in particular, place those interests before your personal interests and the interests of colleagues on Council, staff, friends, business colleagues or family;
- ii) Consider the phrase "conflict of interest" to be broad and interpret the phrase with the objective of achieving the goal of making decisions impartially and objectively;
- iii) If there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- iv) Do not make decisions that create an obligation to any other person who will benefit from the decision;
- v) Do not put yourself in the position where a decision would give preferential treatment to colleagues on Council, staff, friends, business colleagues or family, or any organization that might indirectly benefit such individuals;
- vi) Do not promise or hold out the prospect of future advantage through your influence within Council in return for a direct or indirect personal interest;

Direct or indirect personal interests do not include:

- i) A benefit that is of general application across the Township;
- ii) A benefit that affects a Member of Council or his or her family, friends or business colleagues of other Members of Council as one of a broad class of persons; or
- iii) The remuneration of Council or benefits available to Council.

Where a Member of Council has a personal conflict of interest as defined in this Code, that member shall declare the interest and shall not thereafter participate in the discussion of Council, vote on the matter or seek to influence the vote of any other Member of Council. If the matter is discussed in closed session, the Member of Council shall not attend that portion of the closed session where that matter is discussed.

### **AVOIDANCE OF WASTE**

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall make all reasonable efforts to expose fraud and corruption of which the member of Council is aware.

### **PROFESSIONAL DEVELOPMENT**

Members of Council shall promote and participate in opportunities for professional development. Council Members should make efforts to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities.

## INTERPERSONAL BEHAVIOUR

1. Ontario Human Rights Code:

Members of Council shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Discrimination:

Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. The terms "age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the Human Rights Code.

3. Harassment:

No member of Council shall harass another member of Council, staff or an appointed committee member because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

No member of Council shall sexually harass, sexually solicit or threaten reprisal for the rejection of a sexual solicitation of another member of Council, staff or an appointed person.

4. Relationship with Staff:

Members of Council shall be respectful of the fact that staff work for the Township and make recommendations based on their professional and technical expertise as well as from a corporate perspective. Staff serve Council as a whole and no Member of Council may direct staff absent of a resolution of Council. Council approves policy and the Chief Administrative Officer directs staff to ensure the direction of Council is achieved.

Members of Council shall respect the role of staff to provide advice based on political neutrality and objectivity and shall not impose any undue influence on staff.

Many staff members are bound through professional associations to a code of ethics in the delivery of their services, and Council Members shall respect that staff provide their reports, observations and recommendations objectively and in the best interests of the Township.

Members of Council shall not:

- i) Maliciously or falsely injure the professional or ethical reputation of staff;
- ii) Compel staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities;
- iii) Use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties; and,

Operational inquiries and complaints received from the public will be addressed by members of Council as follows:

- i) Members of Council who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution.
- ii) Where the member of the public is reluctant to contact the department directly, the member of Council should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution.
- iii) Members of the public are encouraged to provide their issue/matters of concern in writing to the appropriate department.
- iv) Where the inquiry/complaint is not resolved to the satisfaction of the member of the public then the issue may be brought forward to the Mayor and then Council for resolution.

5. Protection of Privacy:

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy Act at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy shall be deemed to be a contravention of this Code of Conduct.

## **USE OF MUNICIPAL PROPERTY**

Members of Council shall not make unauthorized use of any Township property for personal reasons or for any direct or indirect personal benefit or advantage. Any Township property in the possession of any Member of Council (as authorized) shall be properly secured and protected at all times. This includes the use of corporate credit cards, access cards, intellectual property and computer access.

Members of Council shall only use Township property for activities associated with the discharge of Township business and council duties, and only with prior authorization. Facilities such as internet access, internal mail and bulletin boards are provided for Township business and sponsored activities and must be restricted accordingly, unless another use is approved by Council. No unacceptable or unlawful activity shall be conducted on the Township's electronic network, including without limitation, accessing pornographic or hate propaganda online.

The Township's electronic networks are corporate assets. Members of Council should



be aware that communications over Township networks are not considered private communication and may be subject to public scrutiny.

## **COMPLAINT PROCESS – EFFECTIVE January 1<sup>st</sup>, 2019**

1. Members of Council, employees, or members of the public who have reasonable grounds to believe that a Member of Council may have contravened this Code may submit a complaint to the Integrity Commissioner by filing with the Clerk a completed and signed complaint form and paying the prescribed fee. Where the complaint is determined by the Integrity Commissioner to be without merit or frivolous or vexatious the prescribed fee shall not be refunded to the Complainant. In all other circumstances, the Complainant shall be entitled to a refund of the prescribed fee upon the conclusion of the process.
2. Upon receipt of a complete complaint form, the Integrity Commissioner shall undertake an investigation. The Integrity Commissioner shall have all of the powers and authority conferred by the *Municipal Act* in undertaking his or her duties under this Code. The investigation may be completed in the discretion of the Integrity Commissioner as follows:
  - i) With the consent of the complainant and Member of Council, the Integrity Commissioner may conduct mediation or facilitate dispute resolution at the outset or at any point in the process;
  - ii) The Integrity Commissioner may conduct a review of the written complaint and any relevant written information or materials in the possession of the Township and determine that the complaint is without merit or is frivolous or vexatious;
  - iii) The Integrity Commissioner may refer any complaint to another entity where the complaint alleges a breach of other legislation and it is more appropriate for another entity to undertake the investigation; or
  - iv) The Integrity Commissioner may undertake an investigation of the complaint, or any aspect of the complaint, in his or her sole discretion.
3. The parties to the complaint are encouraged to attempt to resolve the complaint through informal means in advance of submitting a written complaint. Informal dispute resolution is not however a precondition for submitting a written complaint.
4. Complaints must be investigated and a report submitted to Council on or before Nomination Day in the year of a municipal election.

5. Complaints that are not completed as of Nomination day in an election year shall be terminated on Nomination Day.
6. The complainant may re-commence the complaint within 6 weeks of Voting Day by submitting a written request to the Integrity Commissioner, who shall, provided the request is received on or before 6 weeks from Voting Day, recommence the investigation.
7. In addition, on or after Nomination Day in the year of a municipal election: no complaint shall be filed; the integrity Commissioner shall not report to the Township about an ongoing investigation; and the Township shall not consider whether to impose any penalty on a Member of Council subsequent to an investigation.
8. The decision of the Integrity Commissioner shall be presented to Council with any recommendations. The Integrity Commissioner and all persons involved in the investigation shall treat all matters discussed as confidential and only the Integrity Commissioner shall determine what information shall be disclosed in a public report.

## **DUTIES OF THE INTEGRITY COMMISSIONER**

### Municipal Conflict of Interest investigations under Section 5, 5.1:

1. After March 1, 2019, an elector as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, may submit a request to the Integrity Commissioner to conduct an investigation concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by filing with the Clerk a completed and signed complaint form and paying the prescribed fee.
2. No application may be submitted more than six weeks after the applicant became aware of the alleged contravention.
3. An application for an investigation in an election year may only be submitted prior to Nomination Day or after Voting Day.
4. In the event that an applicant becomes aware of the alleged contravention within the period of time starting six weeks before nomination day in an election year, the applicant may apply to the Integrity Commissioner within six weeks after the day after Voting Day, provided that the applicant includes in their written request for an investigation a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application, or in the case where an applicant became aware of the alleged contravention prior to Nomination day, a declaration that the facts were not known to the applicant more than six weeks prior to Nomination Day.

5. The Integrity Commissioner has all the powers set out in the *Municipal Act* when undertaking an investigation under this section.
6. Where a request for an investigation is received, the Integrity Commissioner may:
  - i) With the consent of the complainant and Member of Council, conduct mediation or facilitate dispute resolution at the outset or at any point in the process;
  - ii) Conduct a review of the written complaint and any relevant written information or materials in the possession of the Township and determine that the complaint is without merit or is frivolous or vexatious; or
  - iii) Undertake an investigation of the complaint, or any aspect of the complaint, in his or her sole discretion.
7. Where an investigation has not been completed before Nomination Day in an election year, the Integrity Commissioner shall terminate the investigation on that day.
8. An investigation terminated pursuant to paragraph 7 above shall not be recommenced unless, the person who made the request, or the Member of Council whose conduct is at issue, applies in writing to the Integrity Commissioner to re-commence the investigation.
9. The Integrity Commissioner shall complete the investigation within 180 days of receipt of the complaint, unless the investigation is terminated in accordance with paragraph 7 above.
10. The Integrity Commissioner may, after completing an investigation, apply to a judge in accordance with the *Municipal Conflict of Interest Act* for a determination under the Act. Prior to making an application to court, the Integrity Commissioner shall present to Council a request to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made. The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion.
11. After completing the investigation, the Integrity Commissioner shall prepare a report which shall make findings of fact and conclusions as to whether a breach of the Act occurred, make recommendations to Council, make a determination as to whether or not the matter will be referred to the court and include written reasons for the decision.

12. The report of the integrity Commissioner shall be published by posting the report on the Township's website and making a copy available to all Members of Council.

#### **ADVICE TO MEMBERS OF COUNCIL:**

1. The Integrity Commissioner may provide advice to any Member of Council respecting:
  - i) The Member's obligations under this Code;
  - ii) The Member's obligations under any other policy dealing with ethical behaviour; or,
  - iii) The Member's obligations under section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
2. Any request for advice must be made in writing and any advice provided to the Member must be in writing.
3. Advice provided to any Member may only be released with the member's consent, unless the Member releases a portion of the advice, in which case the integrity Commissioner may release the balance of the advice without the Member's consent.
4. Where advice is received by a Member of Council, the Integrity Commissioner is bound by the advice given in any subsequent investigation, provided that the facts upon which the advice was based remain unchanged.

#### **IMPLEMENTATION:**

1. A Code of Conduct component will be included as part of the orientation workshop for each new Council term.
2. Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis.
3. Members of Council will be expected to sign a Confirmation of Understanding of the Code of Conduct to convey to each other, members of the public and staff that they have read, understand and accept it.

For further information, contact:

The Corporation of the Township of North Dundas  
Jo-Anne McCaslin, Clerk  
626 St. Lawrence Street  
Winchester, Ontario  
(613) 774-2105

**Confirmation of Understanding of  
The Corporation of the Township of North Dundas  
Code of Conduct for Members of Council**

I have received a copy of the Corporation of the Township of North Dundas Code of Conduct for Members of Council and have read the document carefully.

I understand all of the policies and terms and agree to abide by them.

I understand that if I violate these policies, I may be subject to corrective or disciplinary action.

\_\_\_\_\_  
Council Member Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Council Member Name (please print)

\_\_\_\_\_  
Witness

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

**BY-LAW No. 2020-48**

***Being a By-law of the Corporation of the Township of North Dundas to adopt, confirm and ratify matters dealt with by resolution.***

**WHEREAS** the *Municipal Act, 2001*, as amended, provides that the powers of the Corporation of the Township of North Dundas, shall be exercised by By-law.

**AND WHEREAS** in many cases, action which is taken or authorized to be taken by the Township of North Dundas does not lend itself to the passage of an individual By-law;

**NOW THEREFORE** the Council of the Township of North Dundas enacts as follows:

- 1.0** That the actions of the Township of North Dundas at the Special Meeting held on September 22, 2020 in respect of each motion, resolution and other action taken by the Township of North Dundas at its meeting are, except where the prior approval of the Local Planning Appeal Tribunal or other authority is required by law, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
- 2.0** That where no individual By-law has been or is passed with respect to the taking of any action authorized in or by the above-mentioned minutes or with respect to the exercise of any powers by the Township of North Dundas in the above-mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein and thereby or required for the exercise of any powers therein by the Township of North Dundas.
- 3.0** That the Mayor and Members of Council of the Township of North Dundas are hereby authorized and directed to do all things necessary to give effect to the said action of the Township of North Dundas to obtain approvals where required and except as otherwise provided, the Mayor, or in the absence of the Mayor the alternate Head of Council, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Deputy Clerk, are hereby directed to execute all documents necessary on behalf of the Township of North Dundas.

**READ and passed in Open Council, signed and sealed this 22nd day of September, 2020.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK