

The Corporation of the City of Kawartha Lakes

Agenda

Agricultural Development Advisory Committee Meeting

ADAC2019-02

Friday, April 12, 2019

9:30 A.M.

Economic Development Boardroom

Economic Development

180 Kent Street West, Lindsay, Ontario

Members:

Councillor Andrew Veale

Robert Bonis

Paul Brown

Phil Callaghan

Rebecca Parker

Matthew Pecoskie

Tim Webster

Shawn Westland

Michelle Murphy-Ward

Adam Shea

Accessible formats and communication supports are available upon request.

1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda	
	That the agenda be adopted as circulated.	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	4 - 7
	That the minutes of the Agricultural Development Advisory Committee meeting held on December 13, 2018, be adopted as circulated.	
3.	Deputations/Presentations	
4.	Correspondence	
5.	New or Other Business	
5.1	Election of Chair and Vice-Chair	
5.2	CKL2019-004 Line Fences Act Review	8 - 24
	Joel Watts, Deputy Clerk - Timed Appointment 10:00 am Review of recommendations presented to Council at Committee of the Whole regarding implementation changes for the Ontario Line Fences Act.	
5.3	Orientation Session	25 - 46
	Members are encouraged to review materials in advance and to be prepared with any questions.	
5.4	2019 ADAC Work Plan	47 - 50
	Review 2018 Work Plan Accomplishments and draft 2019 ADAC Work Plan	
5.5	2019 VIP Agriculture Committee Appointments	

5.6 ADAC Member Vacancy

As per Council Policy, when a vacancy persists the Committee may make a recommendation to Council to fill the vacancy.

6. Update from Economic Development Division

6.1 Spotlight on Agriculture Awards and Gala - Verbal Update

6.2 Agriculture and Food Summit and Action Plan development - Verbal Update

6.3 Comprehensive Rural Zoning By-law Development - Verbal Update

7. News and Updates from Members

7.1 Nutri-Pal Concerns Raised in the Community

8. Next Meeting

9. Adjournment

The Corporation of the City of Kawartha Lakes

Minutes

Agricultural Development Advisory Committee Meeting

ADAC2018-04
Thursday, December 13, 2018
9:30am
Economic Development Boardroom
180 Kent Street West, Lindsay, Ontario

Members:
Councillor Andrew Veale
Paul Brown
Phil Callaghan
Bruce McKeown
Rebecca Parker
Tim Webster
Shawn Westland

Accessible formats and communication supports are available upon request.

1. Call to Order

Welcome to Council representative appointed by Council at December 11, 2018 Council meeting for 2018-2022 Term of Council.

Chair R. Parker called the meeting to order at 9:35a.m. Councillor A. Veale and Members P. Brown, P. Callaghan, B. McKeown, T. Webster and S. Westland, and staff K. Maloney were in attendance.

Absent: R. Bonis, M. Hollinger, M. Pecoskie

Guests: A. Elmhirst, R. Holy, A. Sloan

2. Administrative Business

2.1 Adoption of Agenda

Moved By P. Brown

Seconded By P. Callaghan

That the agenda be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

Moved By P. Brown

Seconded By S. Westland

That the minutes of the Agricultural Development Advisory Board meeting held on October 11, 2018, be adopted as circulated.

Carried

3. **Deputations/Presentations**

3.1 Understanding Septic Mantle/Load Area Building Code Requirements

Attendance and discussion by Anne Elmhirst, Supervisor, Part 8 Sewage Systems, Building Division, City of Kawartha Lakes

Moved By B. McKeown

Seconded By T. Webster

That the deputation of A. Elmhirst, regarding Septic Mantle/Load Area Building Code Requirements, be received.

Carried

4. **Correspondence**

5. **New or Other Business**

5.1 By-Law 2018-214 Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades

R. Holy and A. Sloan attended the meeting and reviewed the new by-law with members of the Committee. Several items of concern were reviewed in preparation for a recommendation by ADAC to Council for further amendments.

Moved By B. McKeown

Seconded By P. Brown

That the deputation by R. Holy and A. Sloan, regarding By-Law 2018-214 Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades, be received.

Carried

Moved By B. McKeown

Seconded By P. Brown

That the Agricultural Development Advisory Committee recommends that Council amend By-Law 2018-014 Regulating the Removal of Soil, Placement of Fill, and the Alteration of Grades in the following ways:

That the exemption provided in Schedule A Section 2.1, for construction where a permit authorized under the Building Code Act, 1992, S. O. 1002, c. 23, as amended, has been issued by the Chief Building Official, be extended for agricultural buildings or structures to include an area of 100 m surrounding the building and that there be no volume limit imposed for fill dumped or placed within that radius; and

That a section be added in Schedule A Section 3.0 Agricultural Exemptions such that the provisions of this By-law do not apply to the Placing or Dumping of Fill for projects of up to 1000 m³ as an incidental part of a Normal Farm Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, c. 1 as amended, on Agricultural Lands as part of an Agricultural Operation, save and except requirements for the Protection of the Natural Environment found within Sections 2.6 and 2.7, unless permitted or required by the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended; and

That a section be added in Schedule A Section 3.0 Agricultural Exemptions such that the provisions of this By-law do not apply to any form of Site Alteration or the alteration of Grade where soils are being moved with the property as an incidental part of a Normal Farm Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, c. 1 as amended, on Agricultural Lands as part of an Agricultural Operation; and

That that the final sentence of Schedule A Section 3.3, "This exception does not include the removal of Topsoil for sale, exchange or other disposition", be removed.

Carried

6. Update from Economic Development Division

6.1 Terms of Reference Updated

Council updated the Terms of Reference for non-legislated Committees of Council. The Terms of Reference were adopted by Council and circulated for information.

6.2 Kawartha Lakes Agricultural Summit - March 1, 2019

This workshop is planned to update the Kawartha Lakes Agriculture and Food Action Plan. A scoped Agriculture and Food interview and survey will precede the

event to inform decision making. Members were asked to plan to attend the Workshop.

6.3 Spotlight on Agriculture in Kawartha Lakes - March 22, 2019

Nominations are open for 2 awards to be given at this event. Sponsorships are available. Tickets are available from the Agriculture Development Officer. Members were encouraged to submit nominations, attend the event and also encourage others to do the same, as Champions for this event and awards program.

7. News and Updates from Members

Members noted the following updates and news items:

-The Victoria Soil & Crop Improvement Association Annual Meeting will be held on January 15.

-Sheep prices have dropped because of an increase of Alberta lambs coming into the Ontario market.

-Wool processing facilities have been opened up locally to produce raw bats or yarn.

-Crop yields were above average and elevators are full locally

8. Next Meeting

The next meeting will be Friday, February 15, 2019 at 9:30am in the Economic Development Boardroom.

9. Adjournment

The meeting was adjourned by the Chair at 12:05pm.

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number CLK2019-004

Date: April 9, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Line Fences Act Review

Author and Title: Joel Watts, Deputy Clerk

Recommendation(s):

That Report CLK2019-004, **Line Fences Act Review**, be received;

That a by-law, attached as Appendix A to this report, affirming that the Line Fences Act, 1990, does not apply to any property in the City of Kawartha Lakes (with the exception of agricultural and rural properties) and establishing a procedure for equal line fence cost sharing of a basic fence, be forwarded to Council for adoption;

That the administration fee for Line Fences Act proceedings be raised to \$250.00 at the next amendment to the Consolidated Fees by-law; and

That this recommendation be brought forward to Council for consideration at the next Regular Council meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Every term of Council, the City of Kawartha Lakes appoints a number of Fence Viewers (currently six are appointed) to regulate and adjudicate the City's role in the Line Fences Act. The six currently appointed Fence Viewers remain appointed until successors are designated at a future meeting by Council, and all have indicated an intention to continue serving as Fence Viewers.

Prior to appointing new Fence Viewers, the Clerk's Office deems it appropriate to provide Council with information regarding the City's responsibilities and options for regulating the Line Fences Act during the new term of Council. Direction from Council is required to either proceed with the status quo, or act on adopting a new process.

Currently, staff believe it may be expedient to revisit the Line Fences Act as it applies to the municipality. The Line Fences Act is an administratively encumbering piece of legislation, and more efficient methods of settling disputes exist and have been adopted by surrounding municipalities.

At the August 9, 2018 Agricultural Development Advisory Committee meeting the following was noted:

Line Fences Act implementation for next term of Council – Joel Watts and Connor Chase from the Clerk's Office attended and gave a verbal presentation regarding some investigation they have done regarding potential options for implementation of the Line Fences Act. The goal is to remove some red tape and cost from this process in time for the next term of Council.

Suggestions were provided that Agricultural Line Fences process be retained and discontinued for non-agricultural. Costs should be charged up front for both the original application and an appeal. If both lots are designated in the Official Plan as agricultural then Line Fences Act would apply.

Moved by T. Webster and seconded by R. Bonis to receive the presentation and that the Board requests a 'Made-in-Kawartha Lakes' approach based on the System 2 model with fees up front and to be increased to current costs, to be prepared by the Clerk's Office and presented to a future ADAB meeting. Carried.

The Municipal Act permits a municipality to select between the following options for fence cost-sharing disputes:

- Continue using the provisions of the Line Fences Act, 1990 (status quo)

- Adopting a Fence Cost Sharing By-law specific to Kawartha Lakes (an option recently adopted by the Municipality of Clarington, City of Pickering)
- A hybrid-model utilizing the Line Fences Act for some disputes, and a Fence Cost Sharing By-law for other disputes (based on the location of the properties, an option recently adopted by the Town of Milton, City of Hamilton)
- Removing all application of the Line Fences Act completely

The Municipal Act states in Section 98(1):

Non-application of Act

98 (1) A local municipality may provide that the Line Fences Act does not apply to all or any part of the municipality. 2001, c. 25, s. 98 (1).

Exclusion

(2) Despite a by-law passed under subsection (1), section 20 of the Lines Fences Act continues to apply throughout the municipality. 2001, c. 25, s. 98 (2).

The Line Fences Act

The Line Fences Act, referenced in the Municipal Act, is the first and default regulatory process to settle a dispute or disagreement between neighbours regarding the construction, reconstruction or repair of a line fence (that is a fence built directly on the property line between two or more properties). The Act requires a municipality to appoint at least three (3) Fence Viewers and to fix their remuneration. These persons are paid on the basis of the visits and work they undertake, and are not generally permanent, full time employees.

It also authorizes a municipality to restrict the attendance or re-attendance of the Fence-Viewers during the winter months which has been done in this municipality for several years. Further, it provides several administrative instructions for the Municipal Clerk to undertake to assist with the processing of the request.

Where two neighbours dispute the sharing of the cost of a line fence, three fence viewers may be called out by the Clerk's Office to attend and view the situation and consult with both disputing parties. This site visit is called a Fence Viewing. The Fence Viewers are empowered to make rulings (an award) as to:

- the style and type of fence which will be constructed
- who will construct the fence and who selects a contractor
- who pays who for the construction of the fence
- who is responsible for future maintenance of the fence

- the percentage payable by each of the parties for the fence
- the percentage payable by each of the parties for the administration fees

There are provisions in the Act for appealing and for enforcing the Fence Viewers' awards. Ultimately, upon the failure of one party to pay the other (or a fence contractor), the municipality pays the party who is not in default, and places the sum onto the tax roll for the party who has defaulted.

Regarding boundary disputes, the municipality and the Fence Viewers have no jurisdiction. If either party advises the Clerk's Office or the Fence Viewers that a property line is in dispute, it is recommended that the disputing parties obtain a survey at their own cost, and have the property line staked. If the property line is agreed upon, a Fence Viewing may commence. If the property line remains in dispute, a judge is the relevant authority to adjudicate the dispute.

The original direction to the Clerk's Office to use the Line Fences Act was given in 2002, when two reports (CAO2002-35 and CAO2002-42) were drafted which recommended that council utilize powers bestowed upon them by section 98 (1) of the *Municipal Act* to exempt the City from the *Line Fences Act*. It was recognized that, under the Line Fences Act, where municipal property abuts private property, the City could be required to pay a portion of the cost of line fence and such a requirement could be a significant cost to the City.

Fence Cost Sharing By-laws

While never enacted in the history of the City of Kawartha Lakes, Fence Cost Sharing By-laws are very common in other municipalities (particularly in Durham Region). The basic premise is that disputing neighbours can divide costs associated to erecting or repairing a property line fence, without the involvement of the municipality. A Fence Cost Sharing By-law could include and define for residents:

- the basic costs that adjoining property owners are responsible for in relation to a new line fence
- what process to follow, under the Provincial Offences Act, when an adjoining owner defaults on payment
- the repair and reconstruction requirements of existing line fences

Fence Cost Sharing By-laws can be designed to encourage property owners to settle disputes informally, without involving the use of the courts. Highlights of a proposed Cost Sharing By-law might include:

- that an owner may construct a line fence to mark the boundary between his property and adjoining properties
- definitions of what a 'basic fence' is (Chain-link in residential, page-wire in agricultural/rural settings)

- that unless otherwise agreed, an adjoining owner shall be responsible for 50 percent of the basic cost of construction or the actual cost of re-constructing a line fence
- should one property owner want a higher standard of fence other than a basic fence, that property owner is 100% responsible for the additional costs
- that outside an informal dispute an owner seeking to share the cost of constructing a new line fence, or reconstruction of a line fence must serve upon the adjoining owner a notice that includes, a copy of the cost sharing by-law; the date the work is planned to commence; copies of 3 estimates received for the cost of the proposed fence; an estimate of the basic cost of the proposed fence; and a request for payment from the adjoining owner calculated in accordance with this by-law
- that notice must be served at least fourteen days prior to the commencement of any work or execution of any contract in relation to the work to be undertaken

Rationale:

The Line Fences Act exists because it provides a framework to settle disputes amongst neighbours over the erection of a boundary fence. However, the framework it provides is costly to the city, and depending on the volume of inquiries can be burdensome to Clerk's Office staff with 4-5 hours of dedicated staff time required.

Under the Act, the City Clerk's Office has the following responsibilities:

- To encourage property owners to settle their dispute informally
- To ensure prescribed forms are fully filled out (including Form 1 to start the process)
- To provide copies of all relevant materials to the parties
- To schedule the viewing between the 2 disputing parties and 3 Fence Viewers
- To ensure the attendance of the Fence Viewers
- To set out formal notice of the Fence Viewing
- To meet with the Fence Viewers following the Fence Viewing and provide administrative support to prepare an award
- To ensure that the Fence Viewers are paid
- To send out all required notices via registered mail within the prescribed timelines
- To make appeal, re-attendance, and enforcement arrangements if required

Report CLK2015-018 recommended increasing the Line Fence Administration fees to keep in line with the rising prices of the significant registered postage required by the Act. The recommendation was not adopted at that time.

In agricultural areas, where fences are large, expensive, and of considerable significance to the property owner, the Line Fences Act can be a reasonable framework to resolve disputes as significant sums of money are at stake. The administration costs of a Line Fence Dispute are often worth it to the neighbours to settle a longstanding dispute. The City Clerk's Office acknowledges, that the majority of disputes over agricultural line fence cost sharing is due to the following reasons:

- Livestock pasturing beside cash-cropping or environmental features (forest, wetlands, etc.)
- Newer hobby-farms implementing fencing beside cash-cropping, or rural severed lots
- Neighbours with a significant history of dispute

However, as acknowledged by this municipality (and many others) the significant amount of administration required by the City in disputes over fences in urban or waterfront areas that are minimal and are unreasonable relative to the process of constructing the fence itself. The administration costs are often not worth the burden for many residential property owners, who often will come to an amicable agreement with their neighbours to settle costs for who will pay what for property line fences. The City Clerk's Office acknowledges, that the majority of disputes over urban and waterfront line fence cost sharing is due to the following reasons:

- Containment of pets, and protection of children
- Remediation of negative sightlines (where one neighbour has a higher standard for yard maintenance)
- Privacy
- Protection of property from short-term rental usage
- Neighbours with a significant history of dispute

The Line Fences Act can be used in either a frivolous or vexatious manner against a neighbour to force them to pay for a portion of a fence that may or may not benefit them. The City has no option under the Act to forego implementing the significant number of hours of work required by the Act to enact a Line Fence dispute that arises from a frivolous or vexatious motive. It is recommended to propose an alternative for neighbours with a history of dispute (especially in urban or waterfront areas), that would reduce the required amount of administration for the City Clerk's Office.

One proposed solution could maintain the Line Fences Act in agricultural and rural areas of the City, where fence construction is a large endeavor and a formal adjudication process is necessary to attain a fair outcome. In other residential and urban areas however, the proposed alternative would establish a conflict resolution process (a line fence cost sharing by-law) that assumes a 50-50 responsibility by both property owners, that if required, can be enforced in a small

claims court. A draft by-law attached as Appendix A provides the framework for how this solution could be regulated.

Alternatives Considered:

Option 1

The first option (recommended and endorsed by the Agricultural Development Advisory Committee) would consist of adopting a Line Fence Cost Sharing By-law distinguishing between residential/urban land and agricultural land. It would retain the *Line Fences Act* for disputes in the agricultural and rural areas, but have a separate Cost Sharing procedure applicable to Urban, Hamlet and Waterfront properties. Property owners using a Cost Sharing By-law would not involve the City and would delegate the responsibility of conflict resolution to the neighbors themselves. Staff notes the following:

- a. The benefits of this system would reduce the bureaucracy imposed on the City by the Act. Fences in residential areas are smaller, less expensive, and typically, when a Line Fence viewing is pursued in these areas, it is out of frivolous or vexatious motive.
- b. This proposal would retain the adjudication of the Fence Viewers within the parameters of the *Line Fences Act* for the agricultural and rural lands, where fence disputes are much more significant, both in terms of expense and maintenance.
- c. The downside of this option might be that the uniform applicability of the cost sharing by-law might disadvantage some parties more than others. However, property owners may have been more willing to involve a City adjudication process, than to initiate a legal proceeding on their own.
- d. This option has been endorsed by the Agricultural Development Advisory Committee
- e. This system, or slight variations of it, is used by Milton, Hamilton, Loyalist Township, Lambton Shores.
- f. Appendix A attached provides a Draft By-law that is recommended for adoption by Council

Proposed Resolution for Option 1:

That Report CLK2019-004, **Line Fences Act Review**, be received;

That a by-law, attached as Appendix A to this report, affirming that the Line Fences Act, 1990, does not apply to any property in the City of Kawartha Lakes (with the exception of agricultural and rural properties) and establishing a procedure for equal line fence cost sharing of a basic fence, be forwarded to Council for adoption;

That the administration fee for Line Fences Act proceedings be raised to \$250.00 at the next amendment to the Consolidated Fees by-law.

That this recommendation be brought forward to Council for consideration at the next Regular Council meeting.

Option 2

The second option is to adopt a Line Fence Cost Sharing By-law establishing a procedure that property owners may utilize for all new line fences (or reconstructions or maintenance) in Kawartha Lakes. The premise assumes that both property owners will pay 50% of the costs associated for the construction of a basic new line fence, or the reconstruction of an existing line fence.

- a. It is worth noting that the municipalities which adopted this approach are mostly urban, however some municipalities with significant rural areas have adopted a blanket Cost Sharing By-law. This can be remedied by identifying two types of a 'basic cost' for a fence (Chain-link for urban residential, and page-wire for rural agricultural)
- b. This option completely removes the City's administration burden with these matters, and would reduce operating budget expenditures
- c. It would eliminate the requirement for the appointment of Fence Viewers
- d. This system, or slight variants of it, is in use by Clarington, Oshawa, Whitby and Pickering.

Proposed Resolution for Option 2:

That Report CLK2019-004, **Line Fences Act Review**, be received;

That the Line Fences Act, 1990, does not apply to any property in the City of Kawartha Lakes; and

That a Line Fence Cost Sharing By-law establishing a procedure for equal line fence cost sharing of the costs of a basic fence for all Kawartha Lakes properties be presented to Council for approval.

Option 3

A third option would be to continue with the status quo default use of the Line Fences Act. Continuing the use of the Act would

- a. Provide a reasonable adjudication where a 50-50 split of the costs would not be appropriate
- b. Retain City administration that is not mandatory, including expenditures, and staff time

- c. Hold the City to responding to Line Fence requests involving municipal property
- d. The City could retain this option, but it is recommended to increase fees to stay in line with rising postage fees, and administration costs. Increased fees in line with actual costs incurred by the City may discourage frivolous and vexatious requests for Line Fence Viewings
- e. This is the default for all municipalities in Ontario that have not specified a by-law that would exempt themselves from the Line Fences Act

Proposed Resolution for Option 3:

That Report CLK2019-004, **Line Fences Act Review**, be received; and

That the administration fee for Line Fences Act proceedings be raised to \$250.00 at the next amendment to the Consolidated Fees by-law.

Option 4

A fourth option would be the absolute abolishment of municipal authority in line fence disputes. In this case, disputes over the erection or maintenance of property fences would in no way involve the City. Responsibility for resolving such disputes would be entirely delegated to the parties in disagreement.

- a. Eliminates all City administration requirements from the Line Fences Act
- b. Does not provide an alternative for property owners to assist with cost sharing for line fences
- c. This system is used by Caledon

Proposed Resolution for Option 4:

That Report CLK2019-004, **Line Fences Act Review**, be received;

That the Line Fences Act, 1990, does not apply to any property in the City of Kawartha Lakes; and

That a by-law exempting all properties in the City of Kawartha Lakes from the Line Fences Act, 1990, be presented to Council for adoption.

Financial/Operation Impacts:

Should the City pursue a Cost Sharing By-law, the financial impact to the City would be negligible. The City Solicitor confirmed there would be no impact to any court filings with the City's Provincial Offences division.

Should the City continue to keep the provisions of the Line Fences Act, for all, or for part of the City, it is recommended to increase current administration fees that are recovered by the disputing parties. The greatest significant cost to the City is the significant amount of registered postage required by the Act. No other provisions are permitted (to distribute notices by courier or regular post). Postage rates have increased significantly, yet no changes have been made for many years to the administration fees charged to the disputing parties. Itemized listing of Registered Postage expenses to the City are available with the Clerk's Office. The Line Fence Viewing Fees are structured as follows:

Fee	Qty	Unit Cost	Cost to City	Recoverable from parties?	Actual Cost
Fence Viewer Remuneration	3	\$70.00	\$210.00	Yes	\$0.00
Fence Viewer Mileage	3	\$40.00 (avg)	\$120.00 (avg)	Yes	\$0.00
Registered Postage	8-30	\$11.00 (avg)	\$85.00 - \$315.00	With \$110 Admin Fee	\$25.00 – (\$205.00)
Staff time	4-5 hrs	\$40/hour	\$160.00 - 200.00	Part of Admin Fee	(\$160.00) – (\$200.00)
Totals:			\$575.00 - \$845.00		(\$135.00) – (\$405.00)

Fees collected over the last 4 years by the City due to the Line Fences Act proceedings and administration were as follows:

Year	Fees Collected	# of Fence Viewings	Shortfall at minimum cost (\$575.00)
2015	\$ 698.34	2	\$(451.66)
2016	\$ 1306.00	4	\$(994.00)
2017	\$ 1147.49	2	\$(2.51)
2018	\$ 942.50	3	\$(782.50)
Totals:	\$ 4094.33	11	\$(2,230.67)

Based off the fees and recoveries above, it would seem reasonable that the Administration fee should be raised to \$250.00 per Line Fence Viewing to recover all expenses, and the current minimum shortfall of \$135.00 of the \$110.00 administration fee. Increasing fees to a fiscally responsible level may also dissuade citizens from using the provisions of the Line Fences Act over frivolous and vexatious disputes.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

There is no direct relationship to the Strategic plan. If passed, however, it would unencumber the City from the most frivolous of Line Fence enactments and thereby free its staff to better serve the citizens of the City of the Kawartha Lakes.

Consultations:

City Clerk
City Solicitor
Manager of Planning and Supervisor of Policy Planning
Manager of Municipal Law Enforcement

Attachments:



Appendix A
2019-XXX A By-law tc

Appendix A – Draft Cost Sharing By-law

Department Head E-Mail: rtaylor@kawarthalakes.ca

Department Head: Ron Taylor, CAO

“Appendix A”

The Corporation of the City of Kawartha Lakes

By-Law 2019-01

A By-law to Regulate Cost Sharing Measures for Fences on Property Lines in the City of Kawartha Lakes

Recitals

1. The Line Fences Act, 1990 establishes a dispute mechanism process for property owners erecting or reconstructing a fence built on a property line
2. Section 98(1) of the Municipal Act, 2001 permits a municipality to specify where and how the Line Fences Act apply within its boundaries
3. Council deems it appropriate to enact a by-law to apportion the costs of fences built on property lines

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-01.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“Actual Cost” means the total cost of the construction, reconstruction, maintenance or repair of a line fence, and includes the value of the material used and the value of the labour performed to complete the work;

“Adjoining Owner” means the person(s) who owns land adjoining the land on which another land owner desires to build a line fence;

“Basic Cost” means the cost of installing, constructing or reconstructing a 1.2 metre (4 ft.) chain link fence which:

- has a diamond mesh not greater than 50 mm (2 inches);
- is constructed of galvanized steel wire not less than 9 gauge or steel wire covered with vinyl forming a total thickness equivalent to 9 gauge galvanized wire;
- is supported by at least 48 mm (1.88 inch) diameter galvanized steel posts encased in a minimum of 50 mm (2 inches) of concrete from grade to a minimum of 1 metre (39 inches) below grade such posts to be spaced not more than 3 metres (10 feet) apart; and
- top and bottom horizontal rails of 35 mm (1.37 inches) minimum galvanized steel except that a minimum 9 gauge galvanized steel wire may be substituted for the bottom horizontal steel rail.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Fees By-Law” means the City of Kawartha Lakes Fees By-Law, as amended, or any subsequent by-law known as the Consolidated Fees By-Law;

“Fence Regulation By-law” means By-law 2017-216, being ‘A by-law to Regulate Fences in the City of Kawartha Lakes’ and its successor by-laws;

“Grade” means the average elevation of the finished surface of the ground beneath the fence;

“Line Fence” means a fence marking the boundary between adjoining parcels of land and located on the actual property line;

“Owner” means the registered owner of the land and includes the person managing or receiving the rent for the land or premises, and the person who wishes to erect the fence;

- 1.02 **Interpretation Rules:** The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Fencing Regulations

- 2.01 Every person who intends to erect a fence shall satisfy himself/herself as to the location of all property lines prior to fence construction. Any surveying costs incurred to establish such lot lines shall be borne by the owner.
- 2.02 All fencing, including fence height and location, shall comply with the provisions of the Fence Regulation By-law.

Section 3.00 Appportionment of Cost for Line Fences

- 3.01 The apportionment of costs for the construction of a line fence must be considered by the owners of adjoining lands prior to the construction of the line fence.
- 3.02 An owner of land may construct and maintain a line fence.
- 3.03 Where owners of adjoining lands are in agreement or are able to reach agreement on the details of construction, repair or replacement of a line fence, each of them shall construct, repair, replace or maintain a reasonable proportion of the line fence, or shall bear a reasonable and just proportion of the cost of any work required to do so, in accordance with the agreement reached between the owners, regardless of any provision to the contrary in this By-law.
- 3.04 Where the owners of adjoining lands cannot agree or reach an agreement as referred to in section 3.03 of this By-law, on the details of construction, repair or replacement of a line fence, an adjoining owner desiring to construct, reconstruct or repair a line fence may do so subject to complying with the following requirements:
1. the owner must serve the adjoining owner(s) with a notice of intent to construct, repair or replace the line fence, by registered mail;
 2. the notice of intent must contain the following information:
 - a. the owner must provide the adjoining owner with three (3) written quotes for the actual or basic cost for the fencing work to be undertaken;
 - b. the construction, repair or replacement of the line fence located at (address) will commence after fourteen (14) days of the mailing of this notice of intent and the owner may seek payment of a contribution for the construction of the line fence from the adjoining owner(s) in accordance with the formula set out in section 3.05 of this by-law;
 - c. the adjoining owner may obtain additional quotes to be presented not later than ten (10) business days from the date on the notice of intent, sent by registered mail.
 3. a copy of this by-law must be attached to the notice of intent to construct.
- 3.05 The cost of construction of a line fence shall be assigned as follows:
1. the adjoining owner shall pay fifty percent (50%) of the basic cost or fifty percent (50%) of the actual cost, whichever is the lesser quote submitted; and
 2. the owner shall pay the balance of the actual cost.
- 3.06 The cost of reconstruction or maintenance of a line fence shall be borne equally by the owner and the adjoining owner.

- 3.07 The cost of repairs to a line fence shall be borne by the owner if he/she caused the damage necessitating the repair. The cost of repairs to a line fence shall be borne by the adjoining owner if he/she caused the damage necessitating the repair. Subject to section 3.07 of this By-law, the cost of repairs to a line fence shall be borne equally by the owner and the adjoining owner if the damage necessitating the repair was caused by a natural disaster.
- 3.08 If a tree is thrown down by accident or otherwise so as to cause damage to a line fence, the owner of the land on which the tree stood shall at his/her sole expense forthwith remove the tree and repair the fence.
- 3.09 The cost sharing provisions of this By-law shall only apply prior to the commencement of any work and cannot be used retroactively for previously completed work.
- 3.10 Unless specifically agreed to by both parties, only new material shall be used in the construction or reconstruction of a line fence.

Section 4.00 Application of Line Fences Act

- 4.01 The provisions of this by-law shall apply to all properties in Kawartha Lakes within the defined urban settlement areas as defined by the City of Kawartha Lakes Official Plan being:
- Bobcaygeon
 - Fenelon Falls
 - Lindsay
 - Omemee
 - Woodville
- 4.02 The provisions of this by-law shall also apply to all properties in Kawartha Lakes within a 'Development Plan Area' or 'Hamlet' or 'Waterfront' designation areas as defined by the City of Kawartha Lakes Official Plan.
- 4.03 The provisions of the Line Fences Act, 1990, as amended, shall apply to all other properties in Kawartha Lakes not identified in section 4.01 and 4.02.
- 4.04 The provisions of the Line Fences Act, 1990, as amended, shall not apply to the properties in Kawartha Lakes identified in section 4.01 and 4.02.
- 4.05 Where a property as described in Section 4.01 and 4.02 abuts a property outside of that description, the Line Fences Act shall be applied to apportion the cost of a line fence on the mutual lot line(s).
- 4.06 Fees and scheduling for Line Fences Act administration shall be in accordance with the By-law to Set Line Fences Administration Fee for the City of Kawartha Lakes and the Fees By-law.

Section 5.00: Enforcement and Application

- 5.01 Where an owner or adjoining owner is in default of his/her obligations under this By-law, the person desiring to enforce the provisions of this By-law shall, within ninety (90) days after the completion of the construction of the line fence, serve or cause to be served on the defaulting person a notice by registered mail requiring compliance with this By-law, and if such compliance does not take place within thirty (30) days after service of the notice, the person serving the notice may make appropriate proceedings under the Provincial Offences Act to recover the proportionate share of the cost of the work from the defaulting person.
- 5.02 This By-law does not apply to any lands that constitute a public highway, including lands abutting a public highway that are held as a reserve by a municipality or other public authority, or to lands that are being held by a municipality or other public authority as an unopened road allowance or for future public highway purposes.
- 5.03 This By-law does not apply to noise barriers located on public lands.
- 5.04 This By-law does not apply to fences erected under By-law 2005-314, as amended, known as the By-law Respecting Swimming Pools and Swimming Pool Fences.
- 5.05 This by-law does not apply to an owner wishing to upgrade an existing line fence that is in a state of good repair, meaning:
- the fence is complete and in a structurally sound condition, plumb and securely anchored;
 - the fence is protected by weather resistant materials;
 - fence components are not broken, rusted, rotten or in a hazardous condition;
 - all stained or painted fences are maintained free of peeling and discolouration; and
 - that the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
- 5.05 The provisions of this By-law shall not supersede any fencing restrictions or conditions as set out in a Site Plan, Subdivision or Development Agreement.

Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this day of , 201 .

Andy Letham, Mayor

Cathie Ritchie, City Clerk

DRAFT

Committees of Council Orientation Package



Introduction

Welcome to a volunteer advisory committee of the City of Kawartha Lakes. We thank you for submitting your name to serve on this committee and provide the City with your insight into the discussions and recommendations that will be presented to Council.

This Orientation Package has been assembled to supply you with basic information on the Committee, how advisory committees operate and some rules that all municipalities must follow in their deliberations.

Good luck with your involvement with the City and again, we thank you for your volunteer participation.

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Council Committee, Board and Task Force Policy

The Council Committee, Board and Task Force Policy applies to all Council Committees, Boards and Task Forces created and approved by Council and their working groups. Where a Council Committee or Board is legislated, the provisions of the governing legislation shall take precedence over this policy.

Council Committee, Board and Task Force Policy



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ncil%20Committee%

Terms of Reference

What are Terms of Reference?

Terms of Reference describe the purpose and structure of a committee, board, or task force that has been established by Council including the group's scope and limitations. All Terms of Reference for each Committee of Council have been adopted by Council, and as such are required to be followed for all activities of the group. And while some Committees of Council have very similar Terms of Reference, elements may differ between various committees. Amendments, deletions, and additions to the Terms of Reference to your committee must be approved by Council.

Included in this package are the Terms of Reference specific to your Committee of Council.

Terms of Reference Template – Committees/Board



Terms%20of%20Ref
erence%20Template'

Terms of Reference Template – Task Force



Terms%20of%20Ref
erence%20Template'

Roles of Various Committee Members

Chair

The role of the Chairperson includes:

- The responsibility to chair the meeting.
- Ensuring notice of meetings is provided to members of the Committee/Board through the Recording Secretary.
- Ensuring the meeting is conducted as listed on the agenda or by resolution if it is decided to move an item up on the agenda.
- Calling for pecuniary interest when listed on agenda. It is up to the individual to determine whether or not he/she has a pecuniary interest and the person cannot be advised by any other member of the committee, including the chairperson.
- Ensuring all members of the Committee, visiting staff and members of the public are treated with respect.
- Providing a memo to the liaison department identifying any Committee/Board recommendations to facilitate preparation of a report to Council.

Vice-Chair

The Vice-Chairs of committees may serve as replacements for the Chair, presiding over meetings when the Chair is unable to attend. All of the Chair's powers can be delegated to the Vice-Chair, and the Vice-Chair can preside over a committee meeting while the office of Chair is vacant.

Recording Secretary

The role of the recording secretary includes:

- Ensuring current Terms of Reference for the Committee has been provided to the Clerk's office and is posted on the City website.
- Preparation of agenda for circulation per Terms of Reference which (including circulation to the Clerk's Office)
- Ensuring items for Closed Session meet the criteria for Closed Session per the Municipal Act
- Attendance at meetings to take minutes
- Receive written statements of any member's disclosure of pecuniary interest and in turn provide it to the City Clerk for inclusion in the City's Registry of Statement of Disclosure as required by the Municipal Act
- Record all motions including having a mover and seconder and noted if the motion is **Carried** or **Defeated**

- Ensuring quorum is maintained (a majority of the members of the Committee unless otherwise outlined in approved Terms of Reference)
- Preparation of Minutes for circulation as per Terms of Reference (including circulation to the Clerk's Office within two (2) weeks of the meeting; the Clerk's Office will circulate the draft minutes to Council electronically to members of Council and Directors as per established process.
- Submitting mileage sheets to members for completion and then to A/P per department procedures
- Keeping a task list of all action items
- If task requires approval from Council, prepare a staff report to be added to a Council agenda per policy
- Acknowledging correspondence that has been received by the committee
- Keeping originals or copies of all agenda items per the City's Records Management Program
- Ensuring accessibility needs are met (accessible rooms, documents, assistive devices)

Councillor Liaison

Members of Council are given the opportunity to serve on committee(s) of interest by advising the Mayor of their committee preferences for service. The Mayor shall coordinate the appointment of members of Council to Committees and all appointments shall be approved by Council resolution. Unless specifically required by the Council approved Terms of Reference, City of Kawartha Lakes committees shall generally have no more than one Councillor appointed. The Councillor Liaison role within the committee provides advice and support relevant to the decisions at hand.

The role of Council Liaisons includes:

- Acting as an informal liaison between the Committee and Council
- Communicating Council's perspective or Council matters where appropriate
- Ensuring that the committee adheres to the municipality's policies and procedures

Staff Liaison

The role of Staff Liaison includes:

- Providing technical support to the Committee as required
- Communicating the Corporate Strategic Plan, Committee and Council related policies and information items, departmental goals and objectives as required
- Incorporating formal Committee comments and recommendations into Staff Reports where appropriate or where Committee advice has been sought
- Assisting with the development and completion of work plans

Note: Staff are not formal members of committees and have no voting privileges, unless otherwise provided in the Council-approved Terms of Reference.

Process for Appointment of Roles

1. At the first meeting in each year, Committees of Council shall elect from its membership a chairperson and vice chairperson. A member of staff shall be designated as Recording Secretary by the liaison department. In the event there is no staff liaison, the Committee shall, at its first meeting in each year, elect from its membership a Secretary.
2. The first item of business on the agenda of the first meeting in each year shall be the appointment of the executive positions. The meeting will be called to order by the appropriate Staff Liaison or his/her delegate who shall be acting chair.
3. The Staff Liaison or delegate shall call for nominations for the position of Chair. This shall be done three (3) times after which the nominations shall be declared closed.
4. The Staff Liaison or delegate shall then call the vote, by a show of hands. Each member may vote only once. If there is a tie vote, the person with the least number of votes is no longer considered a candidate and a second vote is called to break the tie. Each member is again allowed only one vote. The Staff Liaison or delegate declares the name of the member appointed as Chair.
5. The Staff Liaison may continue with the nomination for the other positions with the newly appointed Chair assuming the Chair once all positions have been filled.

Sample Minutes for Appointments

The Staff Liaison called for the nominations for the position of Chair.
(One or more persons may be nominated)

The Staff Liaison called a second time for nominations for the position of Chair.
(More nominations may be put forward)

The Staff Liaison called for a third and final time for nominations for the position of Chair.
(More nominations may be put forward)

The Staff Liaison declared nominations for the position of Chair for the _____ Committee closed.

Each nominated person was asked if he wished to let his name stand for Chair of the Committee.

The Staff Liaison declared _____ as Chair of the _____ Committee.

The Chair assumed the Chair and conducted the nominations for Vice Chair (*and any other position that needs to be appointed*).

Note: If more than one person wishes to leave his name stand for Chair a vote by a show of hands shall be held. (See Item # 4 under Process for Appointment.)

Note: The same process as outlined above is used for all nominations.

Absence of the Chair

In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Vice-Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Vice-Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Chair and Vice-Chair, the Recording Secretary shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Chair or Vice Chair. While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

Work Plan Document and Reporting Requirements

What are the Work Plan and Reporting Requirements?

Included in the Terms of Reference, each committee will be required to provide and present to Council an annual written report by end of Q1 each calendar year to outline the Committee's/Board's achievements/progress from the previous year in line with their approved work plan. This report will measure the committee's effectiveness in relation to their established goals, approved mandate and Council's strategic priorities. The annual report will ensure Council maintains their required oversight of activities. In addition, it provides Council with a way to measure the committee's performance. The Council Liaison position also has the opportunity to advise Council if they feel a committee is not reaching its mandate during the year, if the goals need to be amended, or if the committee has issues related to deviation from City policies.

Included in this section is a sample Work Plan form, and Council Report template that your committee may use to fulfill the reporting requirements.



Council Report
Template.docx



Committee Work Plan
Tool.docx

Insurance Requirements

Managing Risk with Volunteers

The City of Kawartha Lakes' Municipal Liability Policy provides coverage to Committees of Council and their members provided that the Committee is under the control of, answerable to, or the responsibility of the City of Kawartha Lakes. The intent is that the Committee of Council works in conjunction with the municipality. To be insured, the City must be aware of all activities planned by the Committee so that the City can access the risks and ensure that proper policies and procedures are being adhered to.

A Committee of Council is a representation of the City of Kawartha Lakes and therefore must always act in the best interest of the municipality and its citizens.

On a general note, any committee or individual committee members should not make any commitments on behalf of the committee or the City unless they know they are in a position to properly and safely complete the task. Any commitments they make and if not followed through on could result in a finding of liability against the City. The same would be true for any Committee events; it would be the City's Municipal Liability Policy that would respond in the event of a loss, with the City financing all expenses within its deductible.

Any Committee member that has concerns with respect to their roles and responsibilities, performance of their duties as assigned or any risks associated with such duties should address such concerns with the Committee head or staff liaison. Committees of Council are expected to be aware of and follow all applicable City policies and procedures.

Please review the additional insurance information supplied. A waiver has also been supplied that must be signed by all committee members and returned to the Clerk's Office at City Hall.

Insurance Definitions

For reference purposes, the definition of an Insured as identified within the Municipal Liability Policy is as follows:

"INSURED" includes the "Named Insured" meaning the municipality and also the following "Additional Insureds" while performing their duties for or in association with the "Named Insured":

- a. Any Board, Commission or Committee of Council.
- b. Any Member of Council or of a Board, Commission or Committee of Council or Trustees of a Police Village.
- c. Any statutory officer, officer or employee of any "Insured".

- d. Any firefighter. Firefighters' duties are deemed to include all activities related to the occupation of a firefighter including rescue operations and his or her activities as a member of Firefighters' Associations or Clubs.
- e. Any volunteer worker of any "Insured".

Insurance Coverage

Where the following conditions apply, coverage under the Municipal Liability Policy is extended to the Committee of Council:

1. Council must pass a resolution stating that a group of individuals will be acting as a Committee of Council;
2. The Committee must be accountable to Council for all their actions and activities;
3. All finances are directed by Council, or at least approved by Council;
4. Typically, one or two Council Members are appointed to sit on the Committee.

The Municipal Liability Policy extends to the activities of the Committee of Council that are authorized by the City. Where a committee acts completely independent of the municipality, no coverage under the Municipal Liability Policy exists. If the committee partners with another group that does not have their own insurance, the Municipal Liability Policy will not extend coverage to that uninsured group. In the event of a loss, the City's insurer would only be obligated to defend the City and the authorized Committee of Council, not another group partnered with. Therefore it is not in the best interest of the City and/or a Committee to partner with another group that does not have insurance.

Committee members are volunteers and are not entitled to any benefits normally provided by The Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario (WSIB). There is no coverage for any loss or injury sustained by the member or loss or damage to their personal property. Committee members are responsible for their own medical, disability or health insurance coverage.

Risk Management

All Committees of Council must incorporate best risk management practices into their activities/events to ensure the safety of the community and to reduce the possibility of a loss against the municipality. Events that are considered outside of normal municipal operations or viewed as higher risk may not be covered under the City's general insurance program. For example, fireworks displays, music festivals or events with large attendance, BMX/Skateboard or high risk sports demonstrations or events where alcohol is being served, may all require the purchase of alternate insurance coverage or modification of the event.

All Committees must be risk aware. The following provides examples of general risk management best practices:

- Committee events and activities must be well documented and planned, adhering to all applicable City policies and procedures;
- Any contracts or hold harmless agreements to be signed with third parties including businesses, vendors, partnering groups must first be reviewed by the appropriate municipal staff or department. Insurance requirements must be reviewed and complied with;
- Any events held by the committee must be inspected on an ongoing basis including before, during and after the event to ensure that it is clear of debris and any hazardous situations;
- Any hazardous situations or concerns should be addressed immediately either by repairing the hazard or clearly marking it in a manner that will not cause harm to the general public and such situations must be reported to the appropriate municipal staff liaison as soon as is practicable ;
- All such inspections completed by the committee and any actions taken should be well documented by the committee members;
- All extension cords etc. that could pose a trip hazard, whenever possible should be covered with thick rubber matting, or securely fastened to the floor;
- If the area will be closed to traffic, consideration will need to be given as to how to manage an emergency situation that requires the attention of fire/police/ambulance, and adherence shall be given to the Road Closure Application/Process including any pre-event planning including signage requirements, crowd control etc.;
- Accidents/incidents must be reported immediately to the appropriate municipal staff liaison with all documentation, including a completed Accident Incident Report Form submitted within 24 hours including the details of the incident, photographs, diagrams, witness and contact information.

All municipalities are looked upon as having “deep pockets” and subject to the legal principle of Joint and Several Liability. If a municipality is found to be 1% at fault, the City could potentially be ordered to pay the entire settlement if insurance proceeds (coverage) are unavailable elsewhere. Due to this principal, it is very important for municipalities and committees to utilize all available risk management tools and to avoid activities that can increase liability. The Insurance & Risk Management Department is available to review committee events/activities and offer general advice.



CKL Volunteer Waiver
Final.docx

Committee Member Resources



Municipal Conflict of Interest Act

All Committee Members shall recognize and be aware of their obligations under Municipal Conflict of Interest Act, 1994, as amended from time to time.

Additionally, members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure the utmost integrity in the decision making process.

Declaring a pecuniary interest is the responsibility of the individual member. It is not the role of the Chair, or other committee member or staff to provide advice or direction on a pecuniary interest to the individual member.

Commencing on March 1, 2019, new provisions under the Act require that at a meeting at which a member discloses a pecuniary interest, or as soon as possible afterwards. The member shall file a written statement of interest and its general nature with the clerk of the municipality or the secretary of the Committee/Board. Written statements filed with the Recording Secretary will be forwarded to the City Clerk for inclusion in the City's Registry of Statement of Disclosure.

Please review the Municipal Conflict of Interest Act (Consolidated, 2018) in this section.



Municipal Conflict of
Interest Act.docx

Section 239 of the Municipal Act

Closed Session Meetings

Only Committees permitted to hold Closed Session Meetings as per their Council-approved Terms of Reference may do so.

Section 239, Municipal Act, 2001

239.(1) Meetings open to public. – Except as provided in this section, all meetings shall be open to the public.

(2) Exceptions. – A meeting or part of a meeting may be closed to the public if any subject matter being considered is,

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(3) Other criteria. – A meeting shall be closed to the public if the subject matter being considers is,

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

(3.1) Educational or training sessions. – A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

(4) Resolution. – Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

(5) Open meeting. – Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.

(6) Exception. – Despite section 244, a meeting may be closed to the public during a vote if,

- a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

(7) Record of meeting. - A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

(8) Same. – The record required by subsection (7) shall be made by,

- a) the clerk, in the case of a meeting of council; or

- b) the appropriate officer, in the case of a meeting of a local board or committee.

(9) Record may be disclosed. – Clause 6(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1).

Note: Clause 6(1)(b) of MFIPPA reads:

EXEMPTIONS

Draft by-laws, etc.

6.(1) a head may refuse to disclose a record,

- a) that contains a draft of a by-law or a draft of a private bill; or
- b) that reveals the substance of deliberations of a meeting of council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

Meeting Investigator

With the *Municipal Act, 2001* amendments, Section 239.1 and 239.2 have established the right of any person to request an investigation of whether a municipality or local board has complied with the closed meeting requirements of the Act. Should the municipality receive a request, there are really two options in dealing with the request:

- 1) obtain the services of an independent investigator; or
- 2) by default, the Ombudsman for Ontario will conduct the investigation.

Section 239.3, 239.4, and 239.5 sets out that municipalities must have regard for several issues when assigning powers and duties of a meetings investigator including the following:

- The investigator's independence and impartiality;
- Confidentiality with respect to the investigator's activities; and
- The credibility of the investigator's investigative process.

When reviewing the issues that a meeting investigator would be involved in, it seems logical that the following attributes would serve the municipality and the public interest:

- Extensive knowledge of municipal government
- Working knowledge of council operations and policies

- Detailed knowledge of the Municipal Act and its requirements
- Credibility with municipal councils and staff
- Credibility with the public
- Credibility with the media
- No specific connections to the City of Kawartha Lakes.

Accountability and Transparency Policy

Please review the Accountability and Transparency Policy in this section.



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Code of Conduct and Ethics – Members of Committees, Boards & Task Forces

Please review the Code of Conduct for Members of Committees, Boards and Task Forces included in this section. It is expected that volunteers to Committees of Council act in a respectful and ethical manner as representatives of the City of Kawartha Lakes.



CP2018-018%20Code
e%20of%20Conduct

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

F.O.I. (Freedom of Information) is a commonly used term that refers to Ontario's *Municipal Freedom of Information and Protection of Privacy Act*. The *Act* came into force in 1991, and applies to all Ontario municipalities, local boards, agencies and commissions.

The fundamental purpose of the freedom of information system is accountability to the public.

The spirit of the *Act* is to create an open and accountable government by providing as much information as possible to the public, while ensuring that their personal privacy is protected.

The *Act* gives individuals two legal rights:

- The right to access government information, including most general records, and personal information about yourself; and
- The right to the protection of personal information which may be held within government records.

The *Act* contains a number of mandatory and discretionary exemptions which allow the City to deny access to records containing certain types of information.

Mandatory exemptions include: someone else's personal information; inter-governmental relations; information about a third party.

Discretionary exemptions include:

- Information that may cause danger of health and safety
- Solicitor-Client privilege
- Published information
- Economic or other interests of an individual or company
- Limitations on access to one's own personal information
- Draft By-Laws
- Reports and records of Closed Meetings
- Legal, consultant advice or recommendations
- Law Enforcement information.



Councillor's Guide to
FOI.docx



CKL Staff Guide to
FOI - Revised 2017.pdf



IPC Factsheet for
Councillors.pdf

Accessibility for Committees

Accessibility training is a mandatory requirement of the AODA (Accessibility for Ontarians with Disabilities Act, 2005). A training module is available for all committees (in DVD or PowerPoint format), and staff liaisons can set up this training following a regularly scheduled meeting. In addition, please review the following items:

- Accessibility Policy # CP2018-006 and the procedures associated to it
- “May I Help You Guide”, the City’s policy and information guide on serving customers with disabilities
- OMSSA’s Guide to Conducting Accessible Meetings (optional resource)
- [Accessible Customer Service Training Video - Focus on the Person not the Disability](#)

Should you have any questions, please contact Barb Condie, Accessibility Coordinator at 705-324-9411 ext. 1185 or bcondie@kawarthalakes.ca



Agricultural Development Advisory Board Work Plan Review

Committee Name: Agricultural Development Advisory Board

Work plan for Year: 2018

Approved by Council: April 10, 2018

Goal	Accomplishments	Measurement for Success
1. Review and advise Council and Ec Dev on matters related to agricultural industry to improve economic environment of the agricultural sector and prosperity of the rural areas	<ul style="list-style-type: none"> a) Provided comments to Council regarding Ontario Wildlife Damage Compensation Program b) Drafted Terms of Reference and provided comment on Drainage Task Force c) Provided input to the Healthy Environment Plan development d) Provided feedback to Clerk's Office Staff regarding Line Fences Act implementation changes e) Provided comments to Council regarding new Fill By-law 	<ul style="list-style-type: none"> a) Council provided support and additional feedback in seeking additional amendments to the Wildlife Damage Compensation Program b) Council adopted Drainage Task Force Terms of Reference, appointed members, received the Task Force final report and approved recommendations. c) Consultant working with staff incorporated recommendations and subsequently adopted the Healthy Environment Plan d) Clerk's Office staff drafted revised Line Fences program for presentation to Council in 2019. e) Updates to Fill by-law to be presented to Council in 2019
2. Host VIP Agricultural Tour to allow for education and open dialogue in context of modern farming and agri-business	<ul style="list-style-type: none"> a) VIP Agriculture Tour planned and hosted in partnership with Kawartha Lakes Haliburton Federation of Agriculture. 	Approximately 60 people in attendance. Toured DLF Pickseed Research Test Plots, Midnight Acres Inc., Cover Crop Grazing at Adam Bent's Farm, and Richardson's Pineneedle Farms.

Goal	Accomplishments	Measurement for Success
3. ADAB Members Participate at East Central Farm Show Booth with Ec Dev to increase visibility access to ADAB	a) East Central Farm Show booth supported by volunteer ADAB members	ADAB and CKL farm business operators better able to speak publicly on issues affecting agriculture. Farm Businesses Connected with ADAB representatives
4. Agricultural Awards and Hall of Fame	a) Provided support as Champions of the Initiative, soliciting other volunteer supporters b) Chair participated on planning committee for awards and gala.	Agricultural Awards created and gala event planned and advertised in 2018 for a 2019 gala dinner and awards presentation.
5. Maintain and Service Share The Roads Signs	a) Received sponsorship support from Kawartha Lakes Haliburton Federation of Agriculture for the purchase of additional signs in 2019.	Share the Roads signs maintained in a visually appealing manner to encourage road safety with farm vehicles

Committee Work Plan Tool

Committee Name: Agricultural Development Advisory Board

Work plan for Year: 2019

Approved by Council:

2019 Agricultural Development Advisory Board Work Plan			
Goal	Measurement Stages	Timeline	Measurement for Success
1. Review and advise Council and Ec Dev on matters related to agricultural industry to improve economic environment of the agricultural sector and prosperity of the rural areas	<ul style="list-style-type: none"> a) As issues arise b) ADAB Meetings called c) Items Discussed d) Report to Council 	Ongoing	Council Adoption
2. Host VIP Agricultural Tour to allow for education and open dialogue in context of modern farming and agri-business	<ul style="list-style-type: none"> a) Set Sub-committee b) Hold Planning Meeting c) Contact Hosts d) Send Invitations e) Prepare Program f) Register Invitees g) Host Tour h) Thank Hosts 	<ul style="list-style-type: none"> a) February b) April c) May d) July e) August f) August g) September h) September 	<ul style="list-style-type: none"> a) Committee set b) Meeting Held c) Hosts Confirmed d) Invitations Sent e) Program Complete f) Bus Filled g) Tour Held & Council Informed h) Thank you letters sent
3. ADAB Members Participate at East Central Farm Show Booth with Ec Dev to increase visibility access to ADAB	<ul style="list-style-type: none"> a) Set Volunteer Schedule b) Work Booth at Show 	<ul style="list-style-type: none"> a) February b) March 	<p>ADAB and CKL farm business operators better able to speak publicly on issues affecting agriculture</p> <p>Farm Businesses Connected with ADAB representatives</p>
4. ADAC to act as the Steering Committee for the development of the 2020-2025 Agriculture and Food Action Plan	<ul style="list-style-type: none"> a) Attend Agriculture and Food Summit b) Review presentation(s) and draft action plan from Consultant and provide feedback c) Endorse final Plan with 	<ul style="list-style-type: none"> a) March b) June c) August 	Updated Agriculture and Food Action Plan to guide growth and development of sector from 2020 to 2025.

2019 Agricultural Development Advisory Board Work Plan			
	recommendation for Council adoption.		
5. ADAC to actively participate in the development of the Comprehensive Rural Zoning By-law	a) Provide input into By-law development on matters affecting rural and agricultural land use.	a) June to December as requested. This is a 2 year initiative of Planning.	a) Modern Zoning By-law to reduce restrictions for agriculture and food businesses; clearly identify permitted uses, and for uses with a lesser connection to agriculture in agricultural zones, develop as-of-right zoning criteria for proposed on-farm uses that are compatible with neighbouring agricultural uses as per provincial policies to reduce red tape.
6.	b)	b)	b)
7.	c)	c)	c)