The Corporation of the City of Kawartha Lakes
Agenda

Regular Council Meeting

CC2021-02
Thursday, January 28, 2021
Open Session Commencing at 1:00 p.m. - Electronic Participation
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham
Deputy Mayor Patrick O'Reilly
Councillor Ron Ashmore
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Tracy Richardson
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Councillor Emmett Yeo

Note: This will be an electronic participation meeting and public access to Council Chambers will not be available. Please visit the City of Kawartha Lakes YouTube Channel at https://www.youtube.com/c/CityofKawarthaLakes to view the proceedings.

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		Pages
1.	**Call to Order**	
2.	**Opening Ceremonies**	
2.1.	O Canada	
2.2.	Moment of Silent Reflection	
2.3.	Adoption of Open Session Agenda	
3.	**Disclosure of Pecuniary Interest**	
4.	**Notices and Information by Members of Council and Staff**	
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5.	**Council Minutes**	18 - 48
	Regular Council Meeting Minutes, December 15, 2021	
6.	**Deputations**	
6.1.	CC2021-02.6.1	49 - 51
	Review of Service Levels by the CAO **(Item 9.3.21 on the Agenda)** David Webb	
7.	**Correspondence**	
7.1.	CC2021-02.7.1	52 - 57
	Correspondence Regarding the COVID-19 Pandemic Kerstin Kelly	
8.	**Presentations**	
9.	**Committee of the Whole**	
9.1.	Correspondence Regarding Committee of the Whole Recommendations	

9.2. Committee of the Whole Minutes 58 - 73

Committee of the Whole Meeting Minutes, January 12, 2021

That the Minutes of the January 12, 2021 Committee of the Whole Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

9.3. Business Arising from Committee of the Whole Minutes

9.3.1. CW2021-002

That the deputation and correspondence of Sandra Robinson, **regarding the Dock License Application for 114 Front Street East, Bobcaygeon**, be received; and

That the request for a Dock License for 114 Front Street East, Bobcaygeon, be referred to Staff for review and report back by the end of Q1, 2021.

9.3.2. CW2021-003

That the deputation of Mikaela Holtzheimer, **regarding the Water Bill for 53 Gee Crescent, Lindsay**, be received;

That the request for a water bill reduction for 53 Gee Crescent, Lindsay, be referred to Staff for review and report back by the end of Q1, 2021.

9.3.3. CW2021-004

That the deputation of Anne Yorke, **regarding the Council Decision Making Process**, be received.

9.3.4. CW2021-005

That the deputation of C. Brian Lailey, **regarding Fall Leaf Pick-up**, be received;

That the issue of Fall Leaf Pick-up at condominium properties be forwarded to Staff for review and report back by the end of Q1, 2021.

9.3.5. CW2021-006

That the correspondence from Councillor Ashmore, **regarding a Medical Supply Manufacturing Park**, be received.

9.3.6. CW2021-007

That the presentation of the 2020 Environmental Business Hero and Environmental Youth Hero Awards by Councillor Richardson, Pat Warren and Deborah Pearson, to award recipients Boiling Over's Coffee Vault, Burns Bulk Food, Country Cupboard, Dive Kawartha, Flex Fitness, LaMantia's Country Market, UnWrapped and the Grade 5/6 Leadership Team at King Albert Public School, be received.

9.3.7. CW2021-008

That the presentation by Bryan Robinson, Director of Public Works, **regarding the Roads Database Update**, be received.

9.3.8. CW2021-009

That Report RD2021-001, **Roads Database Update**, be received.

9.3.9. CW2021-010

That Report CLK2021-001, **Municipal Elections 2022 – Voting Method**, be received;

That the voting method of internet/telephone for the 2022 municipal election be approved; and

That a by-law be brought forward to Council authorizing the alternative voting method as required by the Municipal Elections Act as amended Section 42(1b).

9.3.10. CW2021-011

That Report RS2021-002, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Omega Road, Kirkfield**, be received;

That the subject property, being a portion of road allowance legally described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council set a price of $5,000.00 as consideration for the subject portion of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

9.3.11. CW2021-012

That Report RS2021-003, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Jasper Drive, Kirkfield**, be received;

That the subject property, being a portion of road allowance legally described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council set a price of $5,000.00 as consideration for the subject portion of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

9.3.12. CW2021-013

That Report RS2021-005, **Potential Surplus and Sale of City Owned Property Municipally Addressed as Between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes**, be received;

That the City-owned property municipally addressed as between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes, be declared surplus to municipal needs;

That a direct sale to the adjacent owner be supported in principle, in accordance with the previsions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands.

9.3.13. CW2021-014

That Report PLAN2021-001, **Tree Preservation,** and the presentation by Anna Kalnina, Planner II, be received; and

That Council direct staff to commence a formal public consultation strategy and education plan, and deliver an Options Update report to Council within 6 months.

9.3.14. CW2021-015

That Report ED2021-001, **Ontario Heritage Act Processes**, be received; and

That property owners be provided with notice in advance of the listing of their properties on the Heritage Register in addition to the new statutory notice.

9.3.15. CW2021-016

That Report ENG2021-003, **Temporary Support for Fenelon Falls Bridge**, be received; and

That Council authorizes the required funds in the amount of $349,934 be funded from the uncommitted portion of the capital contingency reserve. (1.32248).

9.3.16. CW2021-017

That the Memorandum from Mayor Letham, **regarding the Waive of Encroachment Fee for the Woodville Lion's Club,** be received;

That Council direct staff to waive the $125.00 annual fee for the Woodville Lions Club with respect to the installation of a speed radar sign; and

That, notwithstanding section 4.03 of City Lands Encroachment By-Law 2018-017 which requires Licensees to pay the prescribed annual encroachment fee (in this case, $125.00 per year), Council waive this requirement.

9.3.17. CW2021-018

That the Memorandum from Councillor Ashmore, **regarding Improved Lighting at Heron's Landing Entrance,** be received;

That staff conduct a traffic count in summer and provide statistical analysis of entrance regarding traffic and safety to see if warranted for streetlight; and

That staff report back in Q3, 2021.

9.3.18. CW2021-019

That the Memorandum from Councillor Ashmore, **regarding the Omemee Beach Park Splash Pad,** be received;

That staff develop a plan consistent with past community partnerships for the infrastructure with costing to establish a splash pad in Omemee; and

That staff report back in Q2, 2021.

9.3.19. CW2021-020

That the Memorandum from Councillor Veale, **regarding the Purchasing Policy Amendment,** be received; and

That the policy be brought forward as part of the policy review so that all substantiated costs associated with each project are described before budgets are approved.

9.3.20. CW2021-021

That the Memorandum from Councillor Veale, **regarding combining the Kirkfield Medical Centre and Library**, be received; and

That staff be directed to investigate options and costs for combining the Kirkfield Medical Centre and Library together in one building and report back in Q3, 2021.

9.3.21. CW2021-022

That the Memorandum from Councillor Veale, **regarding a Review of Service Levels by the CAO,** be received; and

That the CAO review service levels in light of operational changes and changing service demands, recommend efficiencies and service enhancements and report back in Q2, 2021.

9.3.22. CW2021-023

That Report FIRE2021-001, **Master Fire Plan**, be received;

That the Master Fire Plan be referred to Staff for review and report back to allow for the following items to be incorporated into the Plan:

- a Strategy to protect the health and well being of the City's Firefighters;
- a costing and the projected timelines (based on growth projections) for the recommendations within the Plan; and
- a Strategy for the City's Fire Halls.

9.4. Items Extracted from Committee of the Whole Minutes

10. Planning Advisory Committee

10.1. Correspondence Regarding Planning Advisory Committee Recommendations

10.2. Planning Advisory Committee Minutes 74 - 80

Planning Advisory Committee Meeting Minutes, January 13, 2021

That the Minutes of the January 13, 2021 Planning Advisory Committee Meeting be received and the recommendations, included in Section 10.3 of the Agenda, be adopted.

10.3. Business Arising from Planning Advisory Committee Minutes

10.3.1. PAC2021-003

That Report PLAN 2021-002 **respecting Part of Lot 19, Concession 3, geographic Township of Emily, Edward Grass – Applications D01-2020-009 and D06-2020-028**, be received; and

That Report PLAN2021-002 respecting Applications D01-2020-009 and D06-2020-028 be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

10.4. Items Extracted from Planning Advisory Committee Minutes

11. Consent Matters

That all of the proposed resolutions shown in Section 11.1 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

11.1. Reports

11.1.1. RS2021-001 81 - 98

License Agreement for Parking Spaces on Clonsilla Drive (East Beehive Subdivision)
Laura Carnochan, Law Clerk - Realty Services

That Report RS2021-001, **License Agreement for Parking Spaces on Clonsilla Drive (East Beehive Subdivision)**, be received; and

That the tasks associated with Council Resolution CR2020-156 and Council Resolution CR2020-157 be considered complete.

11.1.2. PUR2021-001 99 - 101

Request for Quotation 2020-04-OP Supply, Delivery and Application of Calcium Chloride
Marielle van Engelen, Buyer

That Report PUR2021-001, **Request for Quotation 2020-24-OQ Supply, Delivery and Application of Calcium Chloride**, be received; and

That Council approve the four (4) – one (1) year optional renewal periods, with Morris Chemical (A Division of Da-Lee Dust Control Ltd.), based on the contract terms, annual budget approval, mutual agreement and successful completion of the initial term and each term thereafter.

11.1.3. ED2021-003 102 - 105

Film Production and Processes
Donna Goodwin, Economic Development Officer - Arts and Culture

That Report 2021-003, **Film Production and Processes**, be received; and

That up to $40,000 be allocated from the Economic Development Reserve to undertake a Film Production and Processes study with the intent of establishing a municipal film office in Economic Development Division.

11.1.4. ED2021-006 106 - 122

Arts Culture and Heritage Recovery Funding Framework
Donna Goodwin, Economic Development Officer - Arts and Culture

That Report ED2021-006, **Arts, Culture and Heritage Recovery Funding Framework**, be received;

That funds of up to $100,000 be allocated to the Arts, Culture and Heritage Recovery Fund from the Pandemic Related portion of the contingency reserve;

That staff be delegated the responsibility to establish and manage the Arts, Culture and Heritage Recovery Fund as detailed in Appendix A and B; and

That a review committee of up to five (5) Staff from Development Services, Community Services and Corporate Services be established to review application eligibility and the Director of Corporate Services be authorized to approve applications.

11.1.5. ED2021-007 123 - 126

Rural Economic Development Program Application
Rebecca Mustard, Manager, Economic Development

That Report ED2021-007, **Rural Economic Development Program Application Request**, be received;

That the project Business and Workforce Attraction be approved for an application to the Ontario Rural Economic Development Program with a total project cost of up to $100,000 with the City's 50% contribution coming from the Economic Development operating 2021 and 2022 operating budgets; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

11.1.6. HH2021-001 127 - 132

KLH Housing - Purchase of 11 West Street South, Fenelon Falls
Hope Lee, Manager, Human Services (Housing)

That Report HH2021-001, **KLH Housing – Purchase of 11 West Street South, Fenelon Falls**, be received; and

That the City approves the debenture financing of $1,450,000 for KLH Housing Corporation for up to a thirty-year term in order to purchase the property located at 11 West Street South, Fenelon Falls.

11.1.7. HS2021-001 133 - 149

Community Pandemic Recovery Fund Framework
Rod Sutherland, Director of Human Services

That Report HS2021-001, **Community Pandemic Recovery Fund Framework**, be received;

That the Community Pandemic Recovery Fund Framework, attached as Appendix A to Report HS2021-01, be approved;

That the Community Pandemic Recovery Fund Evaluation Committee Terms of Reference, attached as Appendix B to Report HS2021-01, be approved;

That Marina Hodson, Heather Kirby, Lynda Nydam, Max Radiff and Councillor Tracy Richardson be appointed to the Community Pandemic Recovery Fund Evaluation Committee; and

That a total maximum of $500,000 be allocated to the Community Pandemic Recovery Fund for 2021, funded up to $120,000 from the Pandemic related portion of the City's Contingency Reserve and up to $380,000 from the 2021 Lindsay Legacy CHEST Fund.

11.2. Items Extracted from Consent

12. Petitions

13. Other or New Business

14. By-Laws

That the By-Laws shown in Section 14.1 of the Agenda, namely: Items 14.1.1 to and including 14.1.4 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

14.1. By-Laws by Consent

14.1.1. CC2021-02.14.1.1 150 - 151

A By-Law To Authorize the Use of Alternative Voting Methods and Advance Vote for the City of Kawartha Lakes 2022 Municipal Elections and to Repeal and Replace By-Law 2017-013

14.1.2. CC2021-02.14.1.2 152 - 157

A By-Law to Designate 28 Boyd Street, Bobcaygeon in the City of Kawartha Lakes

14.1.3. CC2021-02.14.1.3 158 - 187

A By-Law to Authorize the Execution of a Letter of Agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario and the City of Kawartha Lakes related to Funding Provided by the Province of Ontario to the Municipality under the Municipal Transit Enhanced Cleaning (MTEC) Program

14.1.4. CC2021-02.14.1.4 188 - 192

A By-Law to Authorize the Execution of a Letter of Agreement between Her Majesty in Right of the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario and the City of Kawartha Lakes related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program

14.2. By-Laws Extracted from Consent

15. Notice of Motion

16. Closed Session

16.1. Adoption of Closed Session Agenda

16.2. Disclosure of Pecuniary Interest in Closed Session Items

16.3. Move Into Closed Session

That Council convene into closed session at ___ p.m. pursuant to Section 239(2) of the Municipal Act, S.O. 2001 s.25, in order to consider matters identified in Section 16.3 of the Regular Council Meeting Agenda of Thursday, January 28, 2021, namely Items 16.3.1 to and including 16.3.10.

16.3.1. CC2021-02.16.3.1

Closed Session Minutes, Regular Council Meeting December 15, 2020
Municipal Act 2001, s.239(2)(b) Personal Matters about Identifiable Individuals
Municipal Act 2001, s.239(2)(c) Proposed or Pending Acquisition or Disposition of Land
Municipal Act 2001, s.239(2)(d) Labour Relations
Municipal Act 2001, s.239(2)(i) 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

16.3.2. ED2021-002

Kawartha Lakes Municipal Heritage Committee Appointments
Municipal Act, 2001 s.239(2)(b) Personal Matters about Identifiable Individuals
Emily Turner, Economic Development Officer - Heritage Planning

16.3.3. ED2021-008

Agricultural Development Advisory Committee Appointments
Municipal Act, 2001 s.239(2)(b) Personal Matters about Identifiable Individuals
Kelly Maloney, Economic Development Officer - Agriculture

16.3.4. CLK2021-002

Appointments to the Kawartha Lakes Accessibility Advisory Committee
Municipal Act, 2001 s.239(2)(b) Personal Matters about Identifiable Individuals
Barb Condie, Accessibility Officer

16.3.5. PW2021-001

Appointment of Members to the Off Road Vehicle Use of City Roads Task Force
Municipal Act, 2001 s.239(2)(b) Personal Matters about Identifiable Individuals
Bryan Robinson, Director of Public Works

16.3.6. WM2021-002

Member Recruitment to the Lindsay Ops Landfill Public Review Committee
Municipal Act, 2001 s.239(2)(b) Personal Matters about Identifiable Individuals
Kerri Snoddy, Regulatory Compliance Officer

16.3.7. WM2021-005

Evaluation of Bagged Recycling for Curbside Collection
Municipal Act, 2001 s.239(2)(i) Third Party Information Supplied in Confidence to the Municipality
David Kerr, Manager of Environmental Services

16.3.8. CORP2021-001

Bargaining Mandate for Ontario Nurses Association (ONA)
Municipal Act, 2001(2)(d) Labour Relations
Liana Patterson, Manager, Human Resources

16.3.9. LGL2021-001

Mapleridge Mechanical Contracting Inc. v. The Corporation of the City of Kawartha Lakes - Court File Number 19-142
Municipal Act, 2001 s.239(2)(e) Litigation or Potential Litigation, including matters before administrative tribunals, affecting the municipality or local board
Municipal Act, 2001 s.239(2)(f) Advice that is Subject to Solicitor-Client Privilege, including communications necessary for that purpose
Robyn Carlson, City Solicitor

16.3.10. CC2021-02.16.3.10

Fire Service Staff Matter - Verbal Report
Municipal Act 2001, s.239(2)(b) Personal Matters about Identifiable Individuals
Councillor Yeo

17. Matters from Closed Session

17.1. ED2021-002

That the following members of the public be appointed to the Kawartha Lakes Municipal Heritage Committee:

_____ for a 2 year term, ending December 31, 2022;

_____ for a 2 year term, ending December 31, 2022; and

_____ for a 2 year term, ending December 31, 2022.

17.2. ED2021-008

That the following members of the public be appointed to the Agricultural Development Advisory Committee:

_____ for a 2 year term, ending December 31, 2021; and

_____ for a 2 year term, ending December 31, 2021.

17.3. CLK2021-002

That the following members of the public be appointed to the Kawartha Lakes Accessibility Advisory Committee (AAC):

_____ for a two year term, ending December 31, 2022;

_____ for a two year term, ending December 31, 2022;

_____ for a two year term, ending December 31, 2022; and

_____ for a two year term, ending December 31, 2022.

17.4. PW2021-001

That the following members of the public be appointed to the Off Road Vehicle Use of City Roads Task Force:

_____ for a ____ term;

_____ for a ____ term;

_____ for a ____ term; and

_____ for a ____ term.

17.5. WM2021-002

That the following members of the public be appointed to the Lindsay Ops Landfill Public Review Committee:

_____ for a 2 year term, ending December 31, 2022;

_____ for a 2 year term, ending December 31, 2022;

_____ for a 2 year term, ending December 31, 2022;

_____ for a 2 year term, ending December 31, 2022; and

_____ for a 2 year term, ending December 31, 2022.

18. Confirming By-Law

18.1. CC2021-02.18.1 193 - 193

A By-Law to Confirm the Proceedings on the Regular Council Meeting on January 28, 2021

19. Adjournment

The Corporation of the City of Kawartha Lakes

Minutes

Regular Council Meeting

CC2020-15
Tuesday, December 15, 2020
Open Session Commencing at 1:00 p.m. – Electronic Participation
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Deputy Mayor Patrick O'Reilly
Councillor Ron Ashmore
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Tracy Richardson
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Councillor Emmett Yeo

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1. Call to Order

Mayor Letham called the Meeting to order at 1:00 p.m. Deputy Mayor P. O'Reilly and Councillors R. Ashmore, P. Dunn, D. Elmslie, T. Richardson, K. Seymour-Fagan and E. Yeo were in attendance.

Late Arrival: Councillor A. Veale (1:38 p.m.)

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk S. O'Connell and Deputy Clerk J. Watts were in attendance in Council Chambers.

Directors C. Marshall, B. Robinson, J. Rojas, C. Shanks, J. Stover, R. Sutherland, City Solicitor R. Carlson, Manager of Municipal Law Enforcement and Licensing A. Sloan, Manager of Economic Development R. Mustard and Economic Development Officer Danielle Harris were in attendance electronically.

2. Opening Ceremonies

2.1 O Canada

The Meeting was opened with the singing of 'O Canada'.

2.2 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

2.3 Adoption of Open Session Agenda

CR2020-422
Moved By Councillor Elmslie
Seconded By Councillor Dunn

That the Agenda for the Open Session of the Regular Council Meeting of Tuesday, December 15, 2020, be adopted as circulated and with the following amendments:

Additions:

Item 8.2 Deputation Regarding the Martin Municipal Drain Petition (Item 13.1.2 on the Agenda)
Adam Martin

Item 9.4 Correspondence Regarding a By-Law to Provide for the Changing of Names of a Public Highway in the City of Kawartha Lakes to Fallaise Court and Cityview Heights

(Item 15.1.13 on the Agenda
Melanie Denham

Carried

3. Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

4. Notices and Information by Members of Council and Staff

4.1 Council

Councillor Richardson:

- The Fire Stations in Pontypool, Bethany and Janetville were thanked for the Food and Toy Drives that have been held gather donations to help the local community over the holiday season.

Councillor Dunn:

- Words of thanks were extended to City Staff, with a highlight to the City's outside workers, for all of the work that has been completed throughout the Covid-19 Pandemic.

Councillor Yeo:

- Words of thanks were extended to the Coboconk Chamber of Commerce for organizing the Coboconk Santa Claus Parade. Over 500 vehicles toured Coboconk to view the outdoor displays that were assembled for the reversed Santa Claus Parade.

Councillor Ashmore:

- There will be fireworks at the Omemee Beach Park on New Years Eve; words of thanks were extended to Super Nova Fireworks for sponsoring the event.
- Words of thanks were extended to the Patel Family of Dunsford for their monetary donation to the Kinsmen Toy Drive.
- A Tree Lighting was held in Omeme; words of thanks were extended to the organizers of the event.

Deputy Mayor O'Reilly:

- The Merry and Bright Festival will be held at the Lindsay Exhibition Grounds starting on December 18th. The event will feature a drive through tour of

Christmas light displays and will conclude on New Years Eve with a fireworks display.

- The redevelopment of a Place Called Home is being initiated.

Councillor Seymour-Fagan:

- Words of thanks were extended to the residents of Kinmount and Bobcaygeon for all the efforts that have been taken to increase the sense of Christmas Spirit in light of the challenging year that has been experienced.

Mayor Letham:

- Words of thanks and appreciation were extended to residents of the City of Kawartha Lakes for all of the efforts that have been made in light of the challenges that have been faced in 2020.

4.2 Staff

5. 2020 Deputy Mayor Report

Deputy Mayor O'Reilly provided an overview of his term as Deputy Mayor and thanked Council for the opportunity to serve as Deputy Mayor.

6. 2021 Deputy Mayor Election

Presiding Officer - Cathie Ritchie, City Clerk

6.1 CC2020-15.6.1

Call for Nominations for Deputy Mayor

C. Ritchie, City Clerk, called for nominations for Deputy Mayor.

Nominated By Councillor Elmslie
Seconded By Councillor Seymour-Fagan

That Councillor O'Reilly be nominated as Deputy Mayor for the City of Kawartha Lakes for 2021.

There was a second call for nominations for Deputy Mayor.

Nominated By Councillor Yeo
Seconded By Councillor Dunn

That Councillor Ashmore be nominated as Deputy Mayor for the City of Kawartha Lakes for 2021.

There was a third and final call for nominations for Deputy Mayor.

CR2020-423
Moved By Councillor Elmslie
Seconded By Councillor Richardson

That nominations for the election of Deputy Mayor be closed.

Carried

6.2 CC2020-15.6.2

Appointment of Scrutineer

CR2020-424
Moved By Councillor Yeo
Seconded By Councillor Seymour-Fagan

That Director of Corporate Services Jennifer Stover be appointed as scrutineer.

Carried

6.3 CC2020-15.6.3

Recess to Conduct Voting

The Meeting recessed at 1:25 p.m.

6.4 CC2020-15.6.4

Return to Council Session

The Meeting reconvened at 1:31 p.m.

6.5 CC2020-15.6.5

Deputy Mayor Election Results Declared

Councillor O'Reilly was declared as Deputy Mayor for the City of Kawartha Lakes for the 2021 calendar year.

6.6 CC2020-15.6.6

Motion to Authorize the Destruction of the Ballots

CR2020-425
Moved By Councillor Dunn
Seconded By Councillor Elmslie

That Council authorize the destruction of the ballots for the election of Deputy Mayor.

Carried

6.7 CC2020-15.6.7

Introductory Remarks from the Deputy Mayor Elect

Deputy Mayor Elect O'Reilly thanked Council for the nomination to the position of Deputy Mayor for the 2021 calendar year. Deputy Mayor Elect O'Reilly noted the importance of the Deputy Mayor position and how he looks forward to working with council, staff and members of the public in the coming year.

7. Council Minutes

Special Council Meeting Minutes, November 12, 2020
Regular Council Meeting Minutes, November 17, 2020
Special Council Meeting Minutes, December 1, 2020

CR2020-426
Moved By Councillor Yeo
Seconded By Councillor Seymour-Fagan

That the Minutes of the November 12, 2020 Special Council Meeting, the November 17, 2020 Regular Council Meeting and the December 1, 2020 Special Council Meeting, be received and adopted.

Carried

8. Deputations

8.1 CC2020-15.8.1

Martin Municipal Drain Petition
(Item 13.1.2 on the Agenda)
Diane Dilling

Diane Dilling spoke in opposition to the Martin Municipal Drain Petition.

CR2020-427
Moved By Councillor Ashmore
Seconded By Councillor Seymour-Fagan

That the deputation of Diane Dilling, and supplementary correspondence, **regarding the Martin Municipal Drain Petition**, be received.

Carried

8.2 CC2020-15.8.2

Martin Municipal Drain Petition
(Item 13.1.2 on the Agenda)
Adam Martin

Adam Martin provided an overview of the Municipal Drain Petition that he has initiated.

CR2020-428
Moved By Councillor Veale
Seconded By Councillor Dunn

That the deputation of Adam Martin, and supplementary correspondence, **regarding the Martin Municipal Drain Petition**, be received.

Carried

9. Correspondence

9.1 CC2020-15.9.1

Correspondence Regarding the Creation of an Annual Winter Festival in the City of Kawartha Lakes
David Robinson

CR2020-429
Moved By Councillor Seymour-Fagan
Seconded By Councillor Elmslie

That the correspondence from David Robinson, **regarding the creation of an annual winter festival in the City of Kawartha Lakes**, be received and referred to Staff for joint communication and promotion for 2020; and

That staff bring forward recommendations in Q2 of 2021 with possible ideas on coordinating winter activities over a certain period of time.

Carried

9.2 CC2020-15.9.2

Correspondence Regarding the Martin Municipal Drain Petition
(Item 13.1.2 on the Agenda)
Scott and Cindy Haney

CR2020-430
Moved By Councillor Elmslie
Seconded By Councillor Ashmore

That the correspondence from Scott and Cindy Haney, **regarding the Martin Municipal Drain Petition**, be received.

Carried

9.3 CC2020-15.9.3

Correspondence Regarding the Martin Municipal Drain Petition
(Item 13.1.2 on the Agenda)
George and Shirley Salter

CR2020-431
Moved By Councillor Richardson
Seconded By Deputy Mayor O'Reilly

That the correspondence from George and Shirley Salter, **regarding the Martin Municipal Drain Petition**, be received.

Carried

9.4 CC2020-15.9.4

Correspondence Regarding A By-Law to Provide for the Changing of Names of a Public Highway in the City of Kawartha Lakes to Fallaise Court and Cityview Heights
(Item 15.1.3 on the Agenda)
Melanie Denham

CR2020-432
Moved By Councillor Richardson
Seconded By Councillor Dunn

That the correspondence from Melanie Denham, **regarding a by-law to provide for the changing of names of a public highway in the City of Kawartha Lakes to Fallaise Court and Cityview Heights**, be received.

Carried

10. Petitions

10.1 CC2020-15.10.1

Petition Regarding the Condition of Hickory Beach Road, from CKL Road 30 to Sandy Point Road, and CKL Road 30 from Hickory Beach Road to CKL Road 25
(A Complete Copy of the Petition is Available Through the City Clerk's Office)
Greg Mills, President, Hickory Beach Association

CR2020-433
Moved By Councillor Elmslie
Seconded By Deputy Mayor O'Reilly

That the petition received from Greg Mills, President of Hickory Beach Association, **regarding the condition of Hickory Beach Road, from CKL Road 30 to Sandy Point Road, and CKL Road 30 from Hickory Beach Road to CKL Road 25**, be received and referred to Staff for consideration for the 5-Year Roads Plan.

Carried

11. Presentations

12. Planning Advisory Committee

12.1 Correspondence Regarding Planning Advisory Committee Recommendations

12.2 Planning Advisory Committee Minutes

Planning Advisory Committee Minutes, December 2, 2020

CR2020-434
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Veale

That the Minutes of the December 2, 2020 Planning Advisory Committee Meeting be received and the recommendations, included in Section 12.3 of the Agenda, be adopted.

Carried

12.3 Business Arising from Planning Advisory Committee Minutes

12.3.1 PAC2020-056

That Report PLAN2020-059, **Part Lot 5, S of Wellington St, Part 1, 57R-5112, former Town of Lindsay, now City of Kawartha Lakes, identified as 44-64,**

66 William Street North, J Eighteen Corp. – D01-2020-005, and D06-2020-023, be received; and

That PLAN2020-059 respecting Applications D01-2020-005, and D06-2020-023 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Carried

12.3.2 PAC2020-057

That Report PLAN2020-060, **respecting Part of Lots 31 to 34, Part of Part 1 on 57R-4102 and Part 2 on 57R-8168, Geographic Township of Bexley and identified as 7 Copes Lane – Application D06-2020-026**, be received;

That a Zoning By-law Amendment respecting application D06-2020-026, substantially in the form attached as Appendix D to Report PLAN2020-060, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

12.3.3 PAC2020-058

That Report PLAN2020-057, **Additional Residential Units**, be received;

That By-laws to implement the proposed Official Plan Amendments, substantially in the form attached as Appendices B, C, D, E, and F to Report PLAN2020-057, be referred to Council for adoption;

That the Zoning By-law Amendment to the Oak Ridges Moraine Zoning By-law 2005-133 substantially in the form attached as Appendix G to Report PLAN2020-057, be referred to Council for adoption;

That the Zoning By-law Amendment to the City's 18 Zoning By-laws, substantially in the form attached as Appendix H to Report PLAN2020-057, be referred to Council for adoption;

That the Additional Residential Unit Registration By-law, substantially in the form attached as Appendix I to Report PLAN2020-057 be referred to Council for adoption; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Carried

12.3.4 PAC2020-059

That Report PLAN2020-058, **Three Lakes Developments Inc. (Former Rokeby) Subdivision Agreement**, be received;

That the Subdivision Agreement for the Three Lakes Developments Inc. (Former Rokeby) Subdivision, City of Kawartha Lakes, substantially in the form attached as Appendix C to Report PLAN2020-058 be approved by Council;

That the recommended payment of Development Charges, as outlined in the draft subdivision agreement contained in Appendix C to Report PLAN2020-058, be received and approved by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this Agreement.

Carried

12.3.5 PAC2020-060

That Report ED2020-026, **Economic Recovery Task Force Sub-Committee Recommendations**, be received for information.

Carried

12.3.6 PAC2020-061

That Report ENG2020-014, **Municipal Infrastructure Design Guidelines – Annual Update**, be received;

That Staff be directed to continue to update and to add to the information available on the City's website, including templates and details, to facilitate engineering design submissions for development; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City's website.

Carried

12.3.7 PAC2020-062

That Report ENG2020-015, **Subdivision Agreement Template Updates – Engineering and Corporate Assets**, be received;

That the City's subdivision agreement and cost estimate schedule templates be updated and amended, as outlined in Appendix A and B, respectively, to Report ENG2020-015; and

That Staff be directed to continue to monitor for any improvements to the language in the template of the subdivision agreement to ensure there are opportunities to refine the timelines and clarity of language with the development process.

Carried

12.4 Items Extracted from Planning Advisory Committee Minutes

13. Consent Matters

The following items were requested to be extracted from the Consent Agenda:

Mayor Letham Item 13.1.14

Councillor Ashmore Items 13.1.2 and 13.2.1

Councillor Elmslie Items 13.1.6, 13.1.16 and 13.1.17

Moved By Councillor Veale
Seconded By Councillor Richardson

That all of the proposed resolutions shown in Section 13.1 and 13.2 of the Agenda, save and except for Items 13.1.2, 13.1.6, 13.1.14, 13.1.16, 13.1.17 and 13.2.1, be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

Carried

13.1 Reports

13.1.1 ENG2020-027

Recommendations from the November 24, 2020 Drainage Board Meeting (Desroche Petition)
Michael Farquhar, Supervisor of Technical Services

CR2020-435

That Report ENG2020-027, **Recommendations from the November 24, 2020 Drainage Board Meeting (Desroche Petition)**, be received;

That Council proceed with the petition submitted by Janette Desroches for drainage works for Concession 4, South ½ Lot 15 Geographic Township of Mariposa to be known as the "Desroches Municipal Drain" and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, Staff recommend to Council Michael Gerrits of M. Gerrits Consulting Inc. for the examination of the area requiring drainage and proceed with the requirements of the proposed Desroches Municipal Drain.

Carried

13.1.3 RS2020-025

Amending Lease Agreement for 193 Centreline Rd., Omemee
Christine Oliver, Law Clerk, Realty Services

CR2020-436

That Report RS2020-025, **Bell Mobility Inc. Amending Lease Agreement for 193 Centreline Road, Omemee**, be received; and

That the Mayor and Clerk be authorized to execute an amending lease agreement on behalf of the Corporation of the City of Kawartha Lakes with Bell Mobility Inc. for the purpose of constructing a new telecommunications tower at 193 Centreline Road, in the Geographic Township of Emily, which amends the agreement completed on the 1st day of December, 2015.

Carried

13.1.4 ED2020-028

Kawartha Lakes Innovation Cluster Pilot Project Extension
Rebecca Mustard, Manager of Economic Development

CR2020-437

That Report ED2020-028, **Kawartha Lakes Innovation Cluster Pilot Project Extension**, be received; and

That the Mayor and Clerk be authorized to execute a revised agreement with the Innovation Cluster - Peterborough Kawartha as outlined in Appendix A to Report ED2020-028.

Carried

13.1.5 RS2020-027

180 Kent St. Lease – Innovation Cluster
Robyn Carlson, City Solicitor

CR2020-438

That Report RS2020-027, **180 Kent St. Lease – Innovation Cluster – Peterborough and the Kawartha**, be received; and

That the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix A on behalf of the Corporation of the City of Kawartha Lakes, being a Lease Agreement with the Innovation Cluster - Peterborough and the Kawarthas.

Carried

13.1.7 PUR2020-033

2020-71-CQ Construction of a Washroom Facility at Garnet Graham Park, Fenelon Falls
Ashley Wykes, Buyer

CR2020-439

That Report PUR2020-033, **2020-71-CQ Construction of a Washroom Facility at Garnet Graham Park, Fenelon Falls**, be received;

That MVW Construction & Engineering Inc., being the lowest compliant bid, be awarded 2020-71-CQ Construction of a Washroom Facility at Garnet Graham Park, Fenelon Falls for the quotation price of $419,967 not including HST;

That subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreement to award this quotation; and

That the Procurement Division be authorized to issue a purchase order.

Carried

13.1.8 PUR2020-034

Request for Quotation 2020-81-OQ Calibration and Maintenance of Weigh Scales at Various Landfill Sites
Marielle van Engelen, Buyer
Kerri Snoddy, Regulatory Compliance Officer

CR2020-440

That Report PUR2020-034, **Request for Quotation 2020-81-OQ Calibration and Maintenance of Weigh Scales at Various Landfill Sites,** be received;

That Masstec Weighing Systems Inc., of Peterborough, be awarded Request for Quotation 2020-81-OQ Calibration and Maintenance of Weigh Scales for a three (3) year term at Various Landfill Sites for the estimated annual quoted amount of $33,436.00 plus HST;

That Council authorizes the option to renew the contract including adjustments subject to Consumer Price Index for an additional three (3) - one (1) year terms, based on annual budget approval, mutual agreement and successful completion of the initial term and each term thereafter; and

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreement.

Carried

13.1.9 CS2020-013

Bobcaygeon Legacy C.H.E.S.T. Fund 2021 Allocation
LeAnn Donnelly, Executive Assistant, Community Service

CR2020-441

That Report CS2020-013, **Bobcaygeon Legacy C.H.E.S.T. Fund 2021 Allocation**, be received;

That total funding in the amount of $65,655.50 be provided, with the allocation to come from the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve (3.24320), for the projects as approved by the Bobcaygeon Legacy C.H.E.S.T. Fund Grant Committee at its meeting of November 3, 2020 as follows:

Bobcaygeon Canada Day Committee	$ 829.75
Globus Theater	$ 8,000.00
Impact 32 – Beautify Our Bobcaygeon	$10,708.00

Bobcaygeon Lawn Bowling Club	$ 1,476.75
Bobcaygeon District Lions Club	$10,206.00
Environmental Action Bobcaygeon	$ 5,000.00
Kawartha Region Arts & Heritage Society	$ 9,975.00
Royal Canadian Legion Branch 239	$19,460.00

That $4,264.16 (10% of interest earned from January 1 to August 31, 2020) be retained in the principle of the Bobcaygeon Legacy C.H.E.S.T. Fund Reserve (3.24320) for inflationary growth of the fund; and

That the remaining $61,743.37 of available funds not allocated in 2021 be available for distribution in a future year.

Carried

13.1.10 ENG2020-024

Additional Funds required for RD2010 (Streetlight Replacement Program)
Mike Farquhar, Supervisor of Technical Services

CR2020-442

That Report ENG2020-024, **Additional Funds required for RD2010 (Streetlight Replacement Program)**, be received; and

That Council authorizes funds in the amount of $72,234.98 to be added to capital project 9832010 from the Capital Contingency reserve (1.32248).

Carried

13.1.11 ENG2020-025

Request to Prohibit Commercial Through Traffic in the Cloverlea Development in Lindsay
Joseph Kelly, Senior Engineering Technician

CR2020-443

That Report ENG2020-025, **Request to Prohibit Commercial Through Traffic in the Cloverlea Development,** be received;

That all commercial through traffic be restricted at all times on all internal roads of the Cloverlea development with the exception of local deliveries;

That the necessary By-law for the above recommendations be forwarded to council for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

Carried

13.1.12 ENG2020-026

Request for Stop Control – Sanderling Court and Pickerel Point Road Intersections
Joseph Kelly, Senior Engineering Technician

CR2020-444

That Report ENG2020-026 **Request for Stop Control – Sanderling Court and Pickerel Point Road Intersections,** be received;

That a stop sign be installed at the east intersection of Sanderling Court and Pickerel Point Road on the Sanderling Court (northern) approach;

That a stop sign be installed at the west intersection of Sanderling Court and Pickerel Point Road on the Sanderling Court (northern) approach;

That the necessary By-laws for the above recommendations be forwarded to council for adoption; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

Carried

13.1.13 PLAN2020-062

A By-law to Deem Lot 16, Plan 224 (63 North Taylor Road), Geographic Township of Eldon (Ullah and Nutan) – Planning File D30-2020-004
David Harding, Planner II

CR2020-445

That Report PLAN2020-062, **A By-Law to Deem Lot 16, Plan 224 (63 North Taylor Road), Geographic Township of Eldon (Ullah and Nutan) – D30-2020-004**, be received;

That a Deeming By-law respecting Lot 16, Registered Plan 224, substantially in the form attached as Appendix “D” to Report PLAN2020-062, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Carried

13.1.15 ED2020-029

Kawartha Choice FarmFresh Program Memorandum of Understanding (MOU)
Kelly Maloney, Economic Development Officer - Agriculture

CR2020-446

That Report ED2020-029, **Kawartha Choice FarmFresh Program Memorandum of Understanding (MOU)**, be received;

That the Kawartha Choice FarmFresh Program Memorandum of Understanding (MOU) as outlined in Appendix A to Report ED2020-029 be approved; and

That the Mayor and Clerk be authorized to execute the Kawartha Choice FarmFresh Program Memorandum of Understanding (MOU) between the Corporation of the City of Kawartha Lakes and the Greater Peterborough Area Economic Development Commission.

Carried

13.1.18 HH2020-004

A Place Called Home Redevelopment
Hope Lee, Housing Manager

CR2020-447

That Report HH2020-004, **A Place Called Home (APCH) - Redevelopment**, be received;

That the A Place Called Home (APCH) redevelopment project at 64 Lindsay Street South in Lindsay, as outlined in Report HH2020-004, be endorsed as a priority housing and emergency shelter project in the City of Kawartha Lakes;

That the City provides the following financial support to this redevelopment project:

1. One-time capital funding of $1,500,000 through the provincial Phase 2, Social Services Relief Funding (SSRF) planning allocation;
2. One-time capital funding of $264,410 through the provincial Year 2, Ontario Priorities Housing Initiative (OPHI) Rental Component Funding;
3. One-time capital funding of up to $212,104 through the City's Developing Opportunities for Ontario Renters DOOR Reserve to offset applicable Development Charges and Demolition/Building Permit fees;
4. Annual financial contributions required to provide rent supplement funding for a period of ten (10) years, for the five new affordable housing units, starting in 2022 and funded through the operating budget; and
5. Cash flow assistance during the construction phase of the project not to exceed five hundred thousand dollars ($500,000), with payment terms and conditions identified in an executed funding agreement;

That the Chief Administrative Officer be authorized to approve relief from any and all required municipal fees and charges, as in-kind municipal support, needed to implement the project;

That the redevelopment project as outlined in Report HH2020-004 be exempt from the City's site plan approval process; and

That the Director of Human Services and the Manager of Housing be authorized to execute necessary agreements including contribution agreements, loan agreements and rent supplement agreements to implement this redevelopment project.

Carried

13.1.19 HH2020-005

Affordable Housing Target Program Revisions
Hope Lee, Manager, Human Services (Housing)

CR2020-448

That Report HH2020-005, **Affordable Housing Target Program Policy Amendments**, be received; and

That the policy entitled CP 2019-004 Affordable Housing Incentives, attached as Appendix A to Report HH2020-005, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions.

Carried

13.2 Memorandum

13.2.2 CC2020-15.13.2.2

Memo Regarding Childcare Legislation
Rod Sutherland, Director of Human Services

CR2020-449

That the Memorandum from Rod Sutherland, Director of Human Services, **Proposed Provincial Amendments to Child Care and Early Years Act**, be received;

That Council asks that the Province of Ontario reconsider the proposed amendments to the Child Care and Early Years Act and consult further with the sector and municipal service managers to design and implement Ontario's new child care plan, and to work with the federal government to implement a national child care plan with universal access across Canada; and

That a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Education and MPP Laurie Scott.

Carried

13.3 Items Extracted from Consent

13.1.2 ENG2020-028

Recommendations from the November 24, 2020 Drainage Board Meeting (Martin Petition)
Michael Farquhar, Supervisor of Technical Services

CR2020-450
Moved By Councillor Ashmore
Seconded By Councillor Seymour-Fagan

That Report ENG2020-028, **Recommendations from the November 24, 2020 Drainage Board Meeting (Martin Petition),** be received.

Carried

CR2020-451
Moved By Councillor Veale
Seconded By Councillor Yeo

That Council proceed with the petition submitted by Adam Martin for drainage works for Concession 12, Part Lot 19 Geographic Township of Emily to be known

as the Martin Municipal Drain and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, Staff recommend to Council Michael Gerrits of M. Gerrits Consulting Inc. for the examination of the area requiring drainage and proceed with the requirements of the proposed Martin Municipal Drain.

Carried

13.1.6 LIC2020-002

Charitable Road Tolls Supplemental Report
Aaron Sloan, Manager, Municipal Law Enforcement and Licensing

CR2020-452
Moved By Councillor Elmslie
Seconded By Councillor Yeo

That Report LIC2020-002 **Charitable Road Tolls – Supplemental Report**, be received;

That the proposed by-law, being a By-law to Regulate Charitable Road Tolls in the City of Kawartha Lakes, attached as Appendix C to Report LIC2020-002 be approved;

That By-law 2015-199 being a By-Law to Regulate Charitable Road Tolls in the City of Kawartha Lakes be repealed; and

That the necessary By-law(s) be forwarded to Council for adoption.

Carried

13.1.14 ED2020-027

Kawartha Lakes Skills Advance Ontario Programs Agreements with Victoria County Career Services and Sir Sandford Fleming College
Danielle K. Harris, Economic Development Officer, Workforce Planning

CR2020-453
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Veale

That Report ED2020-027, **Kawartha Lakes Skills Advance Ontario Programs Agreements with Victoria County Career Services and Sir Sandford Fleming College,** be received; and

That the Mayor and Clerk be authorized to execute service agreements with Victoria County Career Services and Sir Sanford Fleming College to implement the Kawartha Lakes Skills Advance Ontario Program, substantially in the form as provided in Appendix B and C respectively to Report ED2020-027.

Carried

13.1.16 PW2020-001

Establishment of a By-Law to Regulate Road Occupancy and Closure
Bryan Robinson, Director of Public Works

Moved By Councillor Elmslie
Seconded By Councillor Ashmore

That Report PW2020-001, **Establishment of a By-Law to Regulate Road Occupancy and Closure**, be received; and

That the draft By-Law be referred to staff for a report back on how the proposed By-Law will effect the programs and policies that are in place regarding road use.

Motion Failed

CR2020-454
Moved By Councillor Dunn
Seconded By Councillor Seymour-Fagan

That Report PW2020-001, **Establishment of a By-Law to Regulate Road Occupancy and Closure**, be received; and

That the draft By-Law attached as Appendix A to Report PW2020-001 be approved and adopted by Council.

Carried

13.1.17 WWW2020-009

Backwater Valve Subsidy Program
Robert MacPherson, Water WasteWater Technician

CR2020-455
Moved By Councillor Elmslie
Seconded By Councillor Dunn

That Report WWW2020-009, **Backwater Valve Subsidy Program**, be received;

That the policy entitled Backwater Valve Subsidy Program Policy appended to Report WWW2020-009 as Appendix "A", as amended to provide 50% of the installation cost; to include a provision which will allow applicants to reapply to the Program should their initial application be denied due to lack of program funds and that the applications can be retroactive to include events that occurred in 2020, be adopted, numbered and inserted in the Corporate Policy and Procedures Manual;

That the Backwater Valve Subsidy Program Management Directive be received; and

That $75,000 be included in the 2021 Water & Wastewater Operating Budget to be funded through the Sewer Infrastructure Reserve.

Carried

13.2.1 CC2020-15.13.2.1

Memorandum Regarding Council Appointment to the City of Kawartha Drainage Board
Councillor Veale

CR2020-456
Moved By Councillor Veale
Seconded By Councillor Yeo

That the Memorandum from Councillor Veale regarding the **Drainage Board Composition** be received;

That the Drainage Board's Terms of Reference be amended to allow for up to 3 Council Representatives as part of the overall composition of up to 7 members; and

That Deputy Mayor O'Reilly, be appointed to the Drainage Board for the remainder of the 2018-2022 term of Council.

Carried

13.3.1 RD2020-012

Task Force - Off-Road Vehicle Use of Roads
Bryan Robinson, Director of Public Works

CR2020-457
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Yeo

That Report RD2020-012, **Task Force – Off Road Vehicle Use of Municipal Roads,** be received;

That the Terms of Reference in Appendix A to Report RD2020-012 be approved by Council;

That Councillors Richardson, Dunn and Seymour-Fagan be appointed to the Task Force; and

That Staff be authorized to proceed with recruitment of task force members.

Carried

14. Other or New Business

15. By-Laws

The mover requested the consent of Council to read the by-laws by number only.

CR2020-458
Moved By Councillor Richardson
Seconded By Councillor Veale

That the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.29 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

15.1 By-Laws by Consent

15.1.1 By-Law 2020-134

A By-Law to Amend By-Law 2020-001, being the Procedural By-Law of the City of Kawartha Lakes

15.1.2 By-Law 2020-135

A By-Law to Authorize Borrowing from Time to Time to Meet Current Expenditures During the Fiscal Year ending December 31, 2021 in the City of Kawartha Lakes

15.1.3 By-Law 2020-136

A By-Law to Levy Interim Taxes for 2021 in the City of Kawartha Lakes

15.1.4 By-Law 2020-137

A By-Law to Amend By-Law 2018-234, being a By-Law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-Law)

15.1.5 By-Law 2020-138

A By-Law to Authorize the Execution of a Telecommunications Amended Lease Agreement between the Corporation of the City of Kawartha Lakes and Bell Mobility Inc. Located at the Address Municipally Known as 193 Centreline Road, Geographic Township of Emily, City of Kawartha Lakes

15.1.6 By-Law 2020-139

A By-Law to Stop Up and Close that Portion of the Road Allowance Set Out as Part of the Road on Plan 152 as in R260900, in the Geographic Township of Fenelon, City of Kawartha Lakes, Being Part of PIN: 63144-0118 (LT) (44 Manor Road)

15.1.7 By-Law 2020-140

A By-Law to Stop Up and Close Part of the Original Road Allowance Along Lake Dalrymple Laying in Front of Point A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, Further Described as Parts 1 and 2 on Plan 57R-10758, and to Authorize the Sale of the Land to the Abutting Owner (309 Avery Point Road)

15.1.8 By-Law 2020-141

A By-Law to Amend By-Law 2018-142, Being a By-law to Repeal and Replace By-Law 1992-12, Being a By-Law to Designate 37 Colborne Street, Fenelon Falls as in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest

15.1.9 By-Law 2020-142

A By-Law to Amend By-Law 2018-143, Being a By-Law to Repeal and Replace By-Law 2001-172, Being a By-Law to Designate 13 Lindsay Street, Fenelon Falls as in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest

15.1.10 By-Law 2020-143

A By-Law to Amend By-Law 2018-163, Being a By-Law to Repeal and Replace By-Law 1980-02, Being a By-Law to Designate 2 Lindsay Street South, Lindsay as in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest

15.1.11 By-Law 2020-144

A By-Law to Amend By-Law 2018-167, Being a By-Law to Repeal and Replace By-Law 1981-46, Being a By-law to Designate 45 Russell Street West, Lindsay as in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest

15.1.12 By-Law 2020-145

A By-Law to Amend By-Law 2018-178, Being a By-Law to Repeal and Replace Township of Mariposa By-law 1996-36, Being a By-Law to Designate 17025 Simcoe Street, Manilla as in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest

15.1.13 By-Law 2020-146

A By-Law to Provide for the Changing of Names of a Public Highway in the City of Kawartha Lakes to Fallaise Court and Cityview Heights

15.1.14 By-Law 2020-147

A By-Law Imposing Special Annual Drainage Rates Upon Land in Respect of Which Money is Borrowed Under the Tile Drainage Act (Dobbs)

15.1.15 By-Law 2020-148

A By-Law to Regulate the Activity and Use of Municipal Right-of-Ways in the City of Kawartha Lakes

15.1.16 By-Law 2020-149

A By-Law to Amend By-Law 2005-328 being A By-Law to Establish Speed Limits

15.1.17 By-Law 2020-150

A By-Law to Provide for the Erection of Stop Signs in the City of Kawartha Lakes (Sanderling Court)

15.1.18 By-Law 2020-151

A By-Law to Regulate Charitable Road Tolls in the City of Kawartha Lakes

15.1.19 By-Law 2020-152

A By-Law to Deem Part of a Plan of Subdivision, Previously Registered for Lands Within Kawartha Lakes, Not to be a Registered Plan of Subdivision in Accordance with The Planning Act PIN # 63168-0278 (LT), Described as Lot 16, Plan 224, Geographic Township of Eldon, Now City of Kawartha Lakes (63 North Taylor Road)

15.1.20 By-Law 2020-153

A By-Law to Amend By-Law 2012-019, Being a By-Law to Provide for the Administration and Enforcement of the Building Code Act, 1992 within The City of Kawartha Lakes (Amendment 6)

15.1.21 By-Law 2020-154

A By-Law To Amend The Township of Bexley Zoning By-Law No. 93-09 To Rezone Land Within The City of Kawartha Lakes at 7 Copes Lane - Makarios Corporation

15.1.22 By-Law 2020-155

A By-Law to Amend The City of Kawartha Lakes Official Plan to Allow Additional Residential Units Within The City of Kawartha Lakes

15.1.23 By-Law 2020-156

A By-Law to Amend The Village of Fenelon Falls Official Plan to Allow Additional Residential Units

15.1.24 By-Law 2020-157

A By-Law to Amend The Town of Lindsay Official Plan to Allow Additional Residential Units

15.1.25 By-Law 2020-158

A By-Law to Amend The Township of Ops Official Plan to Allow Additional Residential Units

15.1.26 By-Law 2020-159

A By-Law to Amend The Victoria County Official Plan to Allow Additional Residential Units

15.1.27 By-Law 2020-160

A By-Law To Amend Multiple Zoning By-laws To Authorize Additional Residential Units And To Repeal By-Law 2014-283

15.1.28 By-Law 2020-161

A By-Law To Amend The Oak Ridges Moraine Zoning By-Law No. 2005-133 To Rezone Land Within The City Of Kawartha Lakes

15.1.29 By-Law 2020-162

A By-Law to Repeal and Replace By-Law 2014-305, Being a By-Law To Register Additional Residential Units in the City of Kawartha Lakes

15.2 By-Laws Extracted from Consent

15.2.1 By-Law 2020-163

A By-Law to Appoint a Member of Council to the City of Kawartha Lakes Committee of Adjustment for 2021 and to Repeal By-Law 2019-187

CR2020-459
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Veale

That a by-law to appoint a member of Council to the Committee of Adjustment for 2021 and to repeal By-Law 2019-187 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

16. Notice of Motion

17. Closed Session

17.1 Adoption of Closed Session Agenda

CR2020-460
Moved By Councillor Yeo
Seconded By Councillor Dunn

That the Closed Session agenda be adopted as circulated.

Carried

17.2 Disclosure of Pecuniary Interest in Closed Session Items

There were no declarations of pecuniary interest disclosed.

17.3 Move Into Closed Session

CR2020-461
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Veale

That Council convene into closed session at 3:09 p.m. pursuant to Section 239(2) of the Municipal Act, S.O. 2001 s.25, in order to consider matters identified in Section 17.1 of the Regular Council Meeting Agenda of Tuesday, December 15, 2020, namely Items 17.3.1 to and including 17.3.6.

Carried

18. Matters from Closed Session

Item 17.3.1

The Closed Session Minutes from the Regular Council Meeting on November 17, 2020 were approved.

Item 17.3.2

CR2020-471
Moved By Councillor Yeo
Seconded By Councillor Seymour-Fagan

That Staff be directed to obtain a Phase 1 Environmental Assessment Report for land legally described as Block N and Block O on Plan 105, in the Geographic Village of Kinmount, being All of PIN: 63120-0969 (LT) (the “Property”) and - if that report indicates the potential for contamination on the property – a Phase 2 Environmental Assessment Report;

That the survey and consultant costs associated with obtaining the environmental assessments be drawn from the Property Development Reserve;

That the matter of the potential acquisition of the Property return to Council for consideration once the reports have been finalized;

That, should Council approve the acquisition of the Property, that Council approve the vendor, John Austin & Sons Limited, retaining an easement over the property for the purpose of installing and operating a hydroelectric generator;

That 10% of the gross revenue obtained from the operation of the hydroelectric generator be deposited into the reserve account 1.32068, being the Kinmount Hydro Reserve;

That Staff be directed to acquire a further parcel of property identified as PIN 63120-1329 (the “Access Property”), currently being used for access to 4 Station Rd., in the Geographic Village of Kinmount; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of acquiring the Access Property.

Carried

Item 17.3.3

Council received an update on Curbside Collection Carts.

CR2020-472
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Richardson

That Council direct staff to enforce the requirement of By-Law 2016-044, being a By-law Regarding the Collection and Management of Waste and Recyclables.

Carried

CR2020-473
Moved By Councillor Ashmore
Seconded By Councillor Seymour-Fagan

That Council direct staff to evaluate the use large clear plastic bags for recycling and report back on the cost implications in January, 2021.

Carried

Item 17.3.4

Council received an update on Waste Management Budget Considerations.

CR2020-474
Moved By Councillor Yeo
Seconded By Councillor Seymour-Fagan

That Council provided direction to staff regarding Waste Management Budget Considerations; and

That Council direct staff to raise the minimum charge at the Landfill from $5.00 to $10.00 in 2021.

Carried

Item 17.3.5

CR2020-475
Moved By Councillor Elmslie
Seconded By Councillor Dunn

That the following members of the public be appointed to the Fenelon Landfill Public Review Committee:

Robert Coleman for term of two years (2020-2022); and

Mike Wilson for a term of two years (2020-2022)

Carried

Item 17.3.6

Council received an update on Procurement Complaint RFP2020-70-OP.

19. Confirming By-Law

19.1 CC2020-15.19.1

A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, December 15, 2020

CR2020-476
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Ashmore

That a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, December 15, 2020 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

20. Adjournment

CR2020-477
Moved By Councillor Yeo
Seconded By Councillor Dunn

That the Council Meeting adjourn at 4:41 p.m.

Carried

Read and adopted this 28 day of January, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Request to Speak before Council

Request to Make a Deputation/Presentation to Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

David Webb

Address: *

755 Cedar Glen Rd

City/Town/Village:

Dunsford

Province: *

Ont

Postal Code:

K0M1L0

Telephone: *

905 914 5479

Email: *

IUAASSOC@GMAIL.COM

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

David Webb

Deputant Two:

Please provide details of the matter to which you wish to speak: *

I would like to speak to Councilor Veale's item COW 2021-01.8.6 - Memorandum Regarding Review of Service Levels by the CAO.

I am in support of the Councilor's request but think that it should be treated as one deliverable of a more comprehensive Service Plan. This is especially true as staff are currently working on a report back to council regarding enhancements to case management (a key enabler of service management and reporting). To undertake the councilor's request in isolation would potentially duplicate effort and/or make the results less useful.

I will have a Powerpoint presentation to share.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

○ Yes

◉ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

The city will undertake the review of service levels as requested by Councilor Veale but the effort will be included as an item in an integrated plan for program enhancements for case management being crafted as a report back requested by council (Oct 20, 2020 Regular Council meeting CR2020-302). Also, that citizen input be part of the service level review and report back. That the results be shared publicly to increase public awareness of service performance, including through the creation of a Service Performance Forum on the city's Jump In platform.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

David Webb

Date:

Jan 19, 2021

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *

- (●) Yes
- ( ) No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

To the Mayor and Council of the City of Kawartha Lakes:

As a dual citizen of the Kawartha Lakes, Ontario and Alberta, and as a scientifically trained Doctor of Veterinary Medicine, I, Dr. Kerstin Kelly, urge you as public servants, who are expected to work for the public, in the public good, to consider the facts I present to you, and to act upon them in the best interests of the people you work for and represent.

I am bound by a moral and ethical duty as a Doctor, and as a moral and ethical Human Being, as you are expected to behave as well, to:

1) First, Do No Harm!

2) Respect our God given Rights and Freedoms, as reiterated in The Canadian Charter of Human Rights and Freedoms which is expressly not to be violated by any Emergencies Act.

3) Recognize that all businesses and productive work are essential and that no Canadian government has the authority to deem small and medium businesses as non-essential, nor to impose arbitrary lockdowns on any honest business.

4) Prevent coerced or mandatory vaccination for COVID-19 which is still experimental and not fully long term safety tested, nor peer reviewed, nor proven to decrease spread of disease or deaths and is not beneficial for the vast majority of the population of which 99.97% will have minimal effects and survive.

5) Recognize that there is no scientific proof nor basis for masking, 6 feet distancing, or lockdowns having any benefit in viral disease prevention, and that these practices have negative consequences for the population you represent, far exceeding any real or perceived benefits. Stop the lockdowns, and mandatory masking.

6) Ensure that police, bylaw, health officials and others, recognize that they, as well, are public servants who are duty bound to respect our rights and freedoms, be informed, be open and honest with the public who pay taxes and thereby, the wages of the public employees who are there to serve the people.

7) As public servants, we, the people, expect you to act openly, transparently, honestly, morally and ethically, and allow public inquiry, open discussion, and honest communication of all facts without censorship. All censorship must be stopped. Stifling of doctors, nurses, police officers and anyone trying to inform the people must be stopped.

8) As public servants, you have a duty to protect the sovereignty and freedom of our country, and not implement any foreign agenda.

As of today, the morning of January 4, 2021, there are 0 probable cases in the Kawartha Lakes, no hospitalizations, and none in ICU. In the whole province, with about 800 hospitals, there are reportedly 1190 patients hospitalized, all with multiple co-morbidities, and only 333 in ICU (out of 2,136 possible ICU beds) with 194 on ventilators down 34 from yesterday. These numbers are not higher than flu

hospitalizations in 2018. The definition of case no longer refers to neither sickness, nor illness and has been recently redefined as of November 20, 2020, by the government to mean merely a preliminary positive test, which in Ontario still is a PCR test known to represent mostly false positives, especially when run at a Ct level greater than 30. Cases do not equate to sick people, spreaders, nor any useful measurement, other than to create public panic via the media.

Please consider the attached supporting evidence, and same relevant questions posed and included in the open letter to the Premier of Alberta by Dr Dennis Modry, and consider the significant facts for the Kawarthas, Ontario and Canada as a whole. On review of the facts, I urge you to demand that the province and country reopen completely and honor the rights and freedoms of its citizens.

Kerstin Kelly BSc, DVM
[redacted]

Dennis L Modry, BSc, MD, MSc, FRCS, FACCP, FACS
Clinical Associate Professor, Cardiothoracic Surgery, University of Alberta
Founder and Director of the Heart, Lung and Heart-Lung Transplant Program
Director of the Cardiovascular Intensive Care Unit
(1984 – 2015)

Open Letter to Premier Jason Kenney
December 9, 2020

Dear Premier Kenney,

Many Albertans, myself included, commended you on your previous commitment to a balanced approach to protecting Albertans from COVID-19, while at the same time not completely abrogating our freedoms and rights such as free speech, peaceful assembly, association, and our ability to earn a living and care for our families.

Yesterday you imposed new lockdown measures which severely limit and, in some cases, shut down entirely many social, family, friendship, spiritual, recreational and entertainment pursuits that Albertans rely on for their well-being, just as you did in the Spring. While you have commendably spared small businesses from suffering the complete shut-down they experienced this past Spring (and your apology for this mistake is laudable and honourable), it seems that you have not learned much from the lockdown harms which Albertans experienced earlier this year.

The evidence that you provided for this lockdown is both suspect and incomplete and does a disservice to Albertans who deserve more from you. A major tenet of the Hippocratic Oath that physicians like myself ascribe to is “First Do No harm”, which is ignored by this imposed lockdown.

Is it too late to correct this lockdown error? No, not if you are willing to be better informed. We have learned a great deal since the onset of this pandemic, much of which is the result of how different regions and countries have attempted to control the spread of COVID-19 and treat those infected. Now we know who is at greatest risk and have proven effective therapies for those who are seriously ill, as reported by the National Institute of Health on Dec 3,2020 https://www.covid19treatmentguidelines.nih.gov/whats-new/; and we are on the cusp of mass immunization consequent to multiple vaccines soon to be available worldwide. The public should be re-assured.

Within the last few weeks, new evidence informs a more nuanced approach to better protect Albertans without unintended and unacceptable consequences, such as defined in the excellent recommendations of the Great Barrington Declaration, further addressed below.

I acknowledge with reverence those Albertans who have passed on from COVID-19, just as I acknowledge many others like [redacted] who have died because lockdowns prevented their access to healthcare for very serious non-COVID-19 illnesses and conditions. I acknowledge the many with despair who have died from suicide and drug overdose.
We now know that lockdowns are more lethal than Covid-19 https://www.jccf.ca/government-data-shows-lockdowns-more-deadly-than-covid-19, and must learn from what has transpired to ensure we do NOT continue to make the same mistakes. Were you not informed of these facts, or did you simply ignore them?

Please consider the following evidence and unintended consequences that should give you courage to retract the restrictions:
1. We are nowhere close to overwhelming our healthcare system. As of Dec 9, 2020, there were 654 COVID-19 patients in 8500 beds, or 7.7 % of capacity. There were only 112 patients in 272 ICU beds, or 41.2 % of operational capacity, however you have stated publicly that the ICU capacity can be increased to 1,081 beds. This implies that, at present, only 10.4 % of potential ICU beds are filled: https://www.cbc.ca/news/canada/calgary/alberta-all-about-icus-covid-19-critical-care-1.5723342.
2. Have you evaluated what percentage of patients hospitalized with COVID-19 are actually in hospital because of COVID-19, as opposed to with COVID-19, wherein it is the underlying disease that is the actual reason for the admission? The public deserves to know.
3. Have you evaluated the percentage of patients who died with, but not from COVID-19? This information is extremely important to share with the public who deserve a fair and balanced presentation of the facts to both prevent fear and panic, as well as garner buy-in of government policy.
4. Are you aware that the PCR test for COVID-19 has a false positive rate of up to 50% according to the CDC (USA Center for Disease Control), and up to 90% by other sources? https://www.ctvnews.ca/health/coronavirus/antibody-tests-for-covid-19-wrong-up-to-half-the-time-cdc-says-

1.4956506 and https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciaa1764/6018217 and https://www.zerohedge.com/medical/first-time-us-state-will-require-disclosure-pcr-test-cycle-data.

5. Are you aware of how many people have died or become seriously compromised because they could not access healthcare for non-COVID-19 disease, including treatments for heart disease, cancer, and other life-threatening problems? Lockdowns are more lethal than Covid-19, which cannot be over-emphasized. https://www.jccf.ca/government-data-shows-lockdowns-more-deadly-than-covid-19. Do you not think that the public should know this?

6. Are you aware of how many people have committed suicide due to government-imposed lockdowns and the shuttering of businesses, schools, colleges, and universities? Have you tried to find out?

7. Do you believe that it is ethically and morally appropriate for government to pick winners and losers by defining what is an essential versus a non-essential business, or activity such as, but not limited to, social, recreational, fitness-related, or spiritual pursuits?

8. Are you fully aware of the magnitude of the economic devastation Alberta has sustained, and that we are spiralling down rapidly to a have-not province, according to the Fraser Institute? https://calgaryherald.com/opinion/columnists/corbella-alberta-likely-to-be-a-have-not-province-soon-and-thats-bad-for-canada

9. Are you aware of how many divorces have occurred consequent to lockdowns and loss of income? What about the increase in domestic abuse, family violence and increase of substance abuse?

10. Are you aware of the short- and long-term effects on the mental health of our most vulnerable, including our children?

11. Have you been apprised of how much crime has increased due to people becoming desperate just to stay alive?

12. Finally, in the interests of transparency, please provide the information highlighted above to all Albertans on a daily or weekly basis on the AHS website, various social and other media sources available, so that we the people of Alberta can work with you, rather than question the validity of imposed interventions that are no longer required.

Your consideration to rescind the lockdown should also be based on fact. I implore you to read the Great Barrington Declaration https://gbdeclaration.org/ authored by professors in medicine from Oxford, Harvard, and Stanford, who are experts in epidemiology, immunology, biostatistics, vaccine development, mathematical modeling, and public health policy. The Declaration has been co-signed by 38,154 medical practitioners, as well as 12,717 medical and public health scientists world-wide. Please also review the section in the Declaration on Frequently Asked Questions. You will be better informed and better able to give proper consideration to a more humane, compassionate and effective approach, rather than inflicting a multitude of harms on 4.4 million people. Please consider the following targeted recommendations:

1. All testing should stop immediately, particularly for those who are asymptomatic, except for;
    - 1.1 People presenting to hospital with respiratory problems
    - 1.2 Healthcare workers
    - 1.3 Nursing home employees with 'point-of-care' testing

2. Nursing homes should have a comprehensive campaign for;
    2.1 Staff education in infection control
    2.2 Vitamin D daily for all inhabitants
        https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2770157
    2.3 Electronic audiovisual communications for loved ones wishing to stay in touch

3. Everywhere, hospitals included, should open immediately with conventional pre-Covid-19 precautions.

4. Mandatory mask-wearing should cease (except for health professionals) as there is no credible scientific basis, as evidenced in the Nov 18, 2020 Danish randomized controlled trial reported in the Annals of Internal Medicine https://www.acpjournals.org/doi/10.7326/M20-6817. Further, no country has reported a change in the trajectory of COVID-19 diagnosis consequent to widespread public testing of asymptomatic citizens before and after the institution of a country wide mask mandate. https://thefederalist.com/2020/10/29/these-12-graphs-show-mask-mandates-do-nothing-to-stop-covid/ and https://rationalground.com/more-mask-charts/

5. Interventions such as total lockdowns, social distancing, and compulsory mask use are causing more harm than good. The genie (virus) is out of the bottle and the spread CANNOT realistically be controlled at all by the current interventions.

6. Contact tracing and snitching should cease immediately

7. AHS must come clean with Albertans and provide robust information on the unintended consequences of lockdown measures which were initially well-intentioned but have now proven to be harmful to Albertans' mental, physical, emotional, psychological, spiritual, and economic well-being; as well as lethal from suicide, drug overdose and inability to access healthcare for serious non-COVID illness and conditions.

8. Finally, as healthcare is in your purview, please ensure that decisions come from your government/AHS, and not from municipalities who do not have access to the necessary resources and expertise to justify restrictions of any kind.

In conclusion, we have learned much over the past several months. Perhaps most important is the knowledge that lockdowns are more lethal than COVID-19, which should compel you and your government to end them. Your advice and policies for the benefit of Albertans should be predicated on one important tenet of the Hippocratic Oath, "First Do No Harm", and a focussed approach will achieve just that, as explained in the Great Barrington Declaration.

As for each of us Albertans, we must simply adapt and learn to accommodate to COVID-19, as we all did every previous year with seasonal influenza. We must all take personal responsibility for our health and take actions that are in each of our best interest, including vaccination if one is so inclined, which may well be of benefit if one is COVID-19 negative. Healthcare, like all freedoms, must and should always remain an informed choice, not a government directive.

Dennis L Modry, BSc, MD, MSc, FRCS, FACCP, FACS
Clinical Associate Professor, Cardiothoracic Surgery, University of Alberta

Founder and Director of the Heart, Lung and Heart-Lung Transplant Program
Director of the Cardiovascular Intensive Care Unit
(1984 – 2015)

The Corporation of the City of Kawartha Lakes

Minutes

Committee of the Whole Meeting

COW2021-01
Tuesday, January 12, 2021 – Electronic Participation
Open Session Commencing at 1:00 p.m.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Deputy Mayor Patrick O'Reilly
Councillor Ron Ashmore
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Tracy Richardson
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. Call to Order

Mayor Letham called the Meeting to order at 1:00 p.m. with City Clerk C. Ritchie, Deputy Clerk S. O'Connell and Deputy Clerk J. Watts in attendance in Council Chambers.

Deputy Mayor P O'Reilly, and Councillors R. Ashmore, P. Dunn, D. Elmslie, T. Richardson, K. Seymour-Fagan, A. Veale and E. Yeo were in attendance electronically.

CAO R. Taylor, Directors B. Robinson, J. Rojas, Chief of Fire Services M. Pankhurst, City Solicitor R. Carlson, Planner II A. Kalnina and Economic Development Officer - Heritage Planning E. Turner were also in attendance electronically.

2. Adoption of Agenda

Mayor Letham advised that the Deputation Request submitted by Alan Webster, regarding the proposed surplus declaration, closure and sale of a portion of road allowance adjacent to 2 Omega Road, Kirkfield (Item 7.2 on the Agenda) had been withdrawn.

Mayor Letham advised that Item 7.7, being Report FIRE2021-001, would be considered after Section 8, being Memorandums.

CW2021-001
Moved By Councillor Veale
Seconded By Councillor Elmslie

That the agenda be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest

Councillor Veale declared a pecuniary interest in relation to Item 8.1, being a Memorandum Regarding Waiving an Encroachment Fee for the Woodville Lion's Club, as he is a member of that Association.

4. Deputations

4.1 COW2021-01.4.1

Dock License Application for 114 Front Street East, Bobcaygeon
Sandra Robinson

Sandra and Dave Robinson provided an overview and history of the dock associated with 114 Front Street East, Bobcaygeon, which has been in place since 1975.

CW2021-002
Moved By Councillor Dunn
Seconded By Councillor Seymour-Fagan

That the deputation and correspondence of Sandra Robinson, **regarding the Dock License Application for 114 Front Street East, Bobcaygeon**, be received;

That the request for a Dock License for 114 Front Street East, Bobcaygeon, be referred to Staff for review and report back by the end of Q1, 2021; and

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

Carried

4.2 COW2021-01.4.2

Water Bill for 53 Gee Crescent, Lindsay
Mikaela Holtzheimer

Mikaela Holtzheimer provided an overview of a high water bill that she received for 53 Gee Crescent, Lindsay. Ms. Holtzheimer reviewed the steps that were taken to investigate the cause of the high water bill and requested that the high water bill be reduced.

CW2021-003
Moved By Councillor Dunn
Seconded By Councillor Seymour-Fagan

That the deputation of Mikaela Holtzheimer, **regarding the Water Bill for 53 Gee Crescent, Lindsay**, be received;

That the request for a water bill reduction for 53 Gee Crescent, Lindsay, be referred to Staff for review and report back by the end of Q1, 2021; and

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

Carried

4.3 COW2021-01.4.3

Council Decision Making Process
Anne Yorke

Anne Yorke reviewed concerns regarding the Council decision making process.

CW2021-004
Moved By Councillor Dunn
Seconded By Councillor Yeo

That the deputation of Anne Yorke, **regarding the Council Decision Making Process**, be received; and

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

Carried

4.4 COW2021-01.4.4

Fall Leaf Pick-Up
C. Brian Lailey

C. Brian Lailey expressed concern regarding the lack of Fall Leaf Pick-up at Edgewater Condominium in Bobcaygeon in the Fall of 2020. Mr. Lailey requested that the situation be corrected and that the City provide Fall Leaf Pick-up for condominium properties.

CW2021-005
Moved By Councillor Yeo
Seconded By Councillor Richardson

That the deputation of C. Brian Lailey, **regarding Fall Leaf Pick-up**, be received;

That the issue of Fall Leaf Pick-up at condominium properties be forwarded to Staff for review and report back by the end of Q1, 2021; and

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

Carried

5. Correspondence

5.1 COW2021-01.5.1

Correspondence Regarding a Medical Supply Manufacturing Park
Councillor Ashmore

CW2021-006
Moved By Councillor Ashmore
Seconded By Councillor Dunn

That the correspondence from Councillor Ashmore, **regarding a Medical Supply Manufacturing Park**, be received; and

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

Carried

6. Presentations

6.1 COW2021-01.6.1

Environmental Business Hero and Environmental Youth Hero Awards Presentation
Councillor Richardson
Pat Warren, Chair, City of Kawartha Lakes Environmental Advisory Committee
Deborah Pearson, City of Kawartha Lakes Environmental Advisory Committee

Councillor Richardson, Pat Warren, Chair of the Kawartha Lakes Environmental Advisory Committee, presented the 2020 Environmental Business Hero Awards to the following recipients:

- Boiling Over's Coffee Vault
- Burns Bulk Food
- Country Cupboard
- Dive Kawartha
- Flex Fitness
- LaMantia's Country Market
- UnWrapped

Deborah Pearson, Kawartha Lakes Environmental Advisory Committee Member, presented the 2020 Environmental Youth Hero Award to the King Albert Public School Grade 5/6 Leadership Team.

CW2021-007
Moved By Councillor Richardson
Seconded By Councillor Dunn

That the presentation of the 2020 Environmental Business Hero and Environmental Youth Hero Awards by Councillor Richardson, Pat Warren and Deborah Pearson, to award recipients Boiling Over's Coffee Vault, Burns Bulk Food, Country Cupboard, Dive Kawartha, Flex Fitness, LaMantia's Country Market, UnWrapped and the Grade 5/6 Leadership Team at King Albert Public School, be received; and

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

Carried

6.2 COW2021-01.6.2

Roads Database Update
Bryan Robinson, Director of Public Works

Director Robinson provided an overview of Roads Database which is used to track ownership, status and the level of service provided to road segments in the City of Kawartha Lakes.

CW2021-008
Moved By Councillor Elmslie
Seconded By Councillor Yeo

That the presentation by Bryan Robinson, Director of Public Works, **regarding the Roads Database Update**, be received; and

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

Carried

6.2.1 Report RD2021-001

Roads Database Update
Bryan Robinson, Director of Public Works

CW2021-009
Moved By Deputy Mayor O'Reilly
Seconded By Councillor Yeo

That Report RD2021-001, **Roads Database Update**, be received; and

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

Carried

7. Reports

CAO R. Taylor provided an update on the Pandemic to confirm that the Province of Ontario has declared a State of Emergency and a Stay at Home Order will be in effect as of 12:01 a.m. on Thursday, January 14, 2021.

The meeting recessed at 2:17 p.m. and reconvened at 2:25 p.m.

7.1 CLK2021-001

Municipal Election 2022 - Voting Method
Cathie Ritchie, City Clerk

CW2021-010
Moved By Councillor Elmslie
Seconded By Councillor Richardson

That Report CLK2021-001, **Municipal Elections 2022 – Voting Method**, be received;

That the voting method of internet/telephone for the 2022 municipal election be approved;

That a by-law be brought forward to Council authorizing the alternative voting method as required by the Municipal Elections Act as amended Section 42(1b); and

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

Carried

7.2 RS2021-002

Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Omega Road, Kirkfield
Laura Carnochan, Law Clerk - Realty Services

CW2021-011
Moved By Councillor Yeo
Seconded By Councillor Dunn

That Report RS2021-002, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Omega Road, Kirkfield**, be received;

That the subject property, being a portion of road allowance legally described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council set a price of $5,000.00 as consideration for the subject portion of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.3 RS2021-003

Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Jasper Drive, Kirkfield
Laura Carnochan, Law Clerk - Realty Services

CW2021-012
Moved By Councillor Yeo
Seconded By Deputy Mayor O'Reilly

That Report RS2021-003, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Jasper Drive, Kirkfield**, be received;

That the subject property, being a portion of road allowance legally described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That Council set a price of $5,000.00 as consideration for the subject portion of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.4 RS2021-005

Potential Surplus and Sale of City-Owned Property Municipally Addressed as between 1462 and 1474 Fleetwood Road, in the Geographic Township of Manvers, in the City of Kawartha Lakes
Christine Oliver, Law Clerk - Realty Services

CW2021-013
Moved By Councillor Richardson
Seconded By Councillor Seymour-Fagan

That Report RS2021-005, **Potential Surplus and Sale of City Owned Property Municipally Addressed as Between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes**, be received;

That the City-owned property municipally addressed as between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes, be declared surplus to municipal needs;

That a direct sale to the adjacent owner be supported in principle, in accordance with the previsions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

That a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed;

That the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.5 PLAN2021-001

Tree Preservation
Anna Kalnina, Planner II
Leah Barrie, Policy Planning Supervisor

Anna Kalnina, Planner II, made a presentation on existing efforts that are made and future steps that may be taken in relation to Tree Preservation within the City of Kawartha Lakes.

CW2021-014
Moved By Councillor Veale
Seconded By Councillor Yeo

That Report PLAN2021-001, **Tree Preservation,** and the presentation by Anna Kalnina, Planner II, be received;

That Council direct staff to commence a formal public consultation strategy and education plan, and deliver an Options Update report to Council within 6 months; and

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

Carried

7.6 ED2021-001

Ontario Heritage Act Processes
Emily Turner, Economic Development Officer - Heritage Planning

CW2021-015
Moved By Councillor Ashmore
Seconded By Councillor Yeo

That Report ED2021-001, **Ontario Heritage Act Processes**, be received;

That property owners be provided with notice in advance of the listing of their properties on the Heritage Register in addition to the new statutory notice; and

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

Carried

7.8 ENG2021-003

Temporary Support for Fenelon Falls Bridge
Martin Sadowski, Senior Engineering Technician

CW2021-016
Moved By Councillor Elmslie
Seconded By Councillor Seymour-Fagan

That Report ENG2021-003, **Temporary Support for Fenelon Falls Bridge**, be received;

That Council authorizes the required funds in the amount of $349,934 be funded from the uncommitted portion of the capital contingency reserve. (1.32248); and

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

Carried

8. Memorandums

8.1 COW2021-01.8.1

Memorandum Regarding Waiving an Encroachment Fee for the Woodville Lion's Club
Mayor Letham

CW2021-017
Moved By Councillor Richardson
Seconded By Councillor Elmslie

That the Memorandum from Mayor Letham, **regarding the Waive of Encroachment Fee for the Woodville Lion’s Club,** be received;

That Council direct staff to waive the $125.00 annual fee for the Woodville Lions Club with respect to the installation of a speed radar sign;

That, notwithstanding section 4.03 of City Lands Encroachment By-Law 2018-017 which requires Licensees to pay the prescribed annual encroachment fee (in this case, $125.00 per year), Council waive this requirement; and

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

Carried

8.2 COW2021-01.8.2

Memorandum Regarding Improved Lighting at Heron's Landing Entrance
Councillor Ashmore

CW2021-018
Moved By Councillor Ashmore
Seconded By Councillor Yeo

That the Memorandum from Councillor Ashmore, **regarding Improved Lighting at Heron’s Landing Entrance,** be received;

That staff conduct a traffic count in summer and provide statistical analysis of entrance regarding traffic and safety to see if warranted for streetlight;

That staff report back in Q3, 2021; and

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

Carried

8.3 COW2021-01.8.3

Memorandum Regarding Omemee Beach Park Splash Pad
Councillor Ashmore

CW2021-019
Moved By Councillor Ashmore
Seconded By Councillor Dunn

That the Memorandum from Councillor Ashmore, **regarding the Omemee Beach Park Splash Pad,** be received;

That staff develop a plan consistent with past community partnerships for the infrastructure with costing to establish a splash pad in Omemee;

That staff report back in Q2, 2021; and

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

Carried

8.4 COW2021-01.8.4

Memorandum Regarding Purchasing Policy Amendment
Councillor Veale

CW2021-020
Moved By Councillor Veale
Seconded By Councillor Seymour-Fagan

That the Memorandum from Councillor Veale, **regarding the Purchasing Policy Amendment,** be received;

That the policy be brought forward as part of the policy review so that all substantiated costs associated with each project are described before budgets are approved; and

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

Carried

8.5 COW2021-01.8.5

Memorandum Regarding Combining the Kirkfield Medical Centre and Library
Councillor Veale

CW2021-021
Moved By Councillor Veale
Seconded By Councillor Yeo

That the Memorandum from Councillor Veale, **regarding combining the Kirkfield Medical Centre and Library**, be received;

That staff be directed to investigate options and costs for combining the Kirkfield Medical Centre and Library together in one building and report back in Q3, 2021; and

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

Carried

8.6 COW2021-01.8.6

Memorandum Regarding Review of Service Levels by the CAO
Councillor Veale

CW2021-022
Moved By Councillor Veale
Seconded By Councillor Elmslie

That the Memorandum from Councillor Veale, **regarding a Review of Service Levels by the CAO,** be received;

That the CAO review service levels in light of operational changes and changing service demands, recommend efficiencies and service enhancements and report back in Q2, 2021; and

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

Carried

7.7 FIRE2021-001

Master Fire Plan
Mark Pankhurst, Chief of Fire Services

Moved By Councillor Dunn
Seconded By Deputy Mayor O'Reilly

That Report FIRE2021-001, **Master Fire Plan**, be received;

That the recommendations contained within the Master Fire Plan attached to Report FIRE2021-001 as Appendix A be considered as part of the future strategic planning and Department work plan objectives; and

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

Motion Failed

CW2021-023
Moved By Councillor Elmslie
Seconded By Councillor Yeo

That Report FIRE2021-001, **Master Fire Plan**, be received;

That the Master Fire Plan be referred to Staff for review and report back to allow for the following items to be incorporated into the Plan:

- a Strategy to protect the health and well being of the City's Firefighters;
- a costing and the projected timelines (based on growth projections) for the recommendations within the Plan;
- a Strategy for the City's Fire Halls; and

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

Carried

9. Adjournment

CW2021-024
Moved By Councillor Yeo
Seconded By Councillor Dunn

That the Committee of the Whole Meeting adjourn at 4:43 p.m.

Carried

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Minutes

Planning Advisory Committee Meeting

PC2021-01
Wednesday, January 13, 2021
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Deputy Mayor Patrick O'Reilly
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Mike Barkwell
Jason Willock

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1. Call to Order and Adoption of Agenda

1.1 Call to Order

Deputy Clerk & Recording Secretary J. Watts

Deputy Clerk and Recording Secretary J. Watts called the meeting to order at 1:00 p.m. Mayor A. Letham, Deputy Mayor P. O'Reilly, Councillors K. Seymour-Fagan, and A. Veale and M.Barkwell and J. Willock were in attendance.

Director of Development Services C. Marshall, Manager of Planning R. Holy, Supervisor of Development Engineering C. Sisson, and Planner II J. Derworiz, were also in attendance.

Mr. Watts welcomed all in attendance and opened the meeting by describing the process for the appointment of the Chair and Vice-Chair including a brief description of the roles.

1.2 Appointment of the Chair and Vice-Chair

Deputy Clerk and Recording Secretary J. Watts called for the nominations for the position of Chair.

Councillor Veale was nominated.

Mr. Watts called a second time for nominations for the position of Chair.

Mr. Watts called for a third and final time for nominations for the position of Chair.

Mr. Watts declared nominations for the position of Chair for the Planning Advisory Committee closed.

Mr. Watts asked Councillor Veale if he wished to let his name stand for Chair of the Planning Advisory Committee. He consented to the nomination.

Mr. Watts declared Councillor Veale as Chair of the Planning Advisory Committee.

Mr. Watts called for the nominations for the position of Vice-Chair.

Deputy Mayor O'Reilly was nominated.

Mr. Watts called a second time for nominations for the position of Vice-Chair.

Mr. Watts called for a third and final time for nominations for the position of Vice-Chair.

Mr. Watts declared nominations for the position of Vice-Chair for the Planning Advisory Committee closed.

Mr. Watts asked Deputy Mayor O'Reilly if he wished to let his name stand for Vice-Chair of the Committee. He consented to the nomination.

Mr. Watts declared Deputy Mayor O'Reilly as Vice-Chair of the Planning Advisory Committee.

PAC2021-001
Moved By Mayor Letham
Seconded By Councillor Seymour-Fagan

That Vice-Chair O'Reilly preside as Acting Chair for the Planning Advisory Committee of January 13, 2021

Carried

The Vice-Chair thanked the members of the committee for the opportunity to serve as Vice-Chair, and congratulated Councillor Veale on his appointment as Chairperson for the Committee.

1.3 Adoption of the Agenda

PAC2021-002
Moved By Councillor Seymour-Fagan
Seconded By M. Barkwell

That the agenda be adopted as circulated.

Carried

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

3. Public Meeting

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2021-002

Applications to amend the Kawartha Lakes Official Plan and Township of Emily Zoning By-law 1996-30 at the property described as Part Lot 19, Concession 3, geographic Township of Emily, identified as 689 Cottingham Road - Grass> Jonathan Derworiz, Planner II

3.1.1 Public Meeting

The Chair requested staff to advise on the manner of giving notice for the proposed Official Plan and Zoning By-law Amendments. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Derworiz confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres, and that a sign was posted on the subject property. He summarized the application, explaining that it proposes to establish a recreational trailer sales and storage use on the subject property within an existing detached accessory building. Trailer sales offices and display models would be located within the accessory building while storage of trailers would be outdoors. Approximately 0.20 hectares of the 39.66-hectare site would be utilized for the proposal with the balance of the site continuing to be used for agriculture and residential. He stated that further review (including a requested Agricultural Brief) is necessary to establish consistency with the Provincial Policy Statement, and conformity to the Growth Plan for the Greater Golden Horseshoe and the Kawartha Lakes Official Plan. Mr. Derworiz summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the following individuals:

- Abigail Harrison-Kong
- Alexander Robinson
- Allan Mills
- Andrew and Sonja Ellis
- Angela Cook
- Blair and Nancy Paish
- Brett and Pam Tregunno
- Bridget Kelley
- Bruce and MaryAnne Hoyle
- Carl and Carolyn Bishton
- Craig Andrew
- Chad Hope
- Darlene Callan
- Darren Barker
- David Windrem
- Deborah and Mark Carew
- Donna McDonald
- Douglas Howden

- Evelyn Doleman
- Evelyn Linton
- Floyd and Marilyn Pehlemann
- Gail Battelle
- Hugh and Becky Fife
- Jean and Chuck Rendell
- Jeff and Barb Vissers
- Joe Greer
- John and Carole Fair
- John Hope
- John Young
- Julie and Tyler Burch
- Ken Behan
- Linda McLean
- Lisa Collison
- Mark Atherly
- Mike Johnson
- Nancy Evans
- Randy Clement
- Ric Snudden
- Sheldon and Lynn Bongard
- Shirley M. Fife
- Stefan McDonald
- Steve Smith
- Tracy Doyle
- Trisha West
- Wylene Lucas

He summarized the comments in opposition noting the following themes:

- Current state of Cottingham Road and Orange Corners Road, and concerns about increased traffic
- Roadside parking near the Trans-Canada Trail entrances on the area roads and the driveway to the site
- Roadside pedestrian and cycling safety
- Concerns about proposing a commercial use in an agricultural area

Staff are recommending that the application be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all

circulated agencies and City departments, and that any comments and concerns have been addressed. Mr. Derworiz and Mr. Marshall responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Kent Randall of EcoVue Consulting spoke on behalf of the applicant. He clarified the proposal stating that the application would permit an enhanced start-up home-based business. He stated that the trailer sales business has met all five criteria for an on-farm diversified use, and did not believe an agricultural brief should be required for approval. He addressed the public opposition stating that, no agricultural land would be taken out of service, that the business may increase traffic on Cottingham Road by 4-5 vehicles per day, and that trees and vegetation would block the view of the business to most other area residents. Mr. Randall, and owner, Mr. Grass, responded to questions from the members of the Committee.

The Chair inquired if anyone wished to speak to the application.

Hugh Fife of 796 Cottingham Road spoke as a third generation landowner on Cottingham Road, and stated that he is requesting that the application be sent back to staff for further review. He summarized his correspondence submitted to the Committee, noting that there are two other recreational vehicle sales locations in the area, and that the proposal would not be viable off the main highway. He questioned how the rezoning may effect land uses in the future, and how trailers might be impacted by the amount of roadside parking for trail access in the area. Overall, he promoted the stewardship of the land, and recommended that applicant should keep to the uses approved for the land in the Provincial Policy Statement.

Councillor Tracy Richardson (speaking as a local elected representative, not a Committee member) spoke to relay the amount of opposition she had heard from local residents. She noted that there are many concerns and questions that need to be reviewed regarding the proposed commercial use on agricultural lands.

Edward Grass, owner of the subject land, spoke to clarify the proposed business. He stated that 2/3rds of the product sold would be trailers for livestock and utility purposes, with additional sales for trailers with recreational purposes. He noted that no other businesses in the area sell livestock and utility trailers, and that the selling of trailers on the farm would provide another avenue for them to sell their agricultural products (honey and maple syrup). Overall he stated that this small business would keep to the approved size, and that if it grows, they would move off-site to a more appropriate highway location.

No other persons spoke to the application.

The Public Meeting concluded at 2:00 p.m.

3.1.2 Business Arising from the Public Meeting

PAC2021-003
Moved By Councillor Seymour-Fagan
Seconded By Mayor Letham

That Report PLAN 2021-002 **respecting Part of Lot 19, Concession 3, geographic Township of Emily, Edward Grass – Applications D01-2020-009 and D06-2020-028**, be received; and

That Report PLAN2021-002 respecting Applications D01-2020-009 and D06-2020-028 be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Carried

4. Deputations

5. Correspondence

6. City of Kawartha Lakes Reports

7. Adjournment

PAC2021-004
Moved By M. Barkwell
Seconded By J. Willock

That the Planning Advisory Committee Meeting adjourn at 2:02 p.m.

Carried

Council Report

Report Number:	**RS2021-001**
Meeting Date:	January 28, 2021
Title:	**License Agreement for Parking Spaces on Clonsilla Drive (East Beehive Subdivision)**
Description:	Update on the Status of the License Agreement between the City of Kawartha Lakes and Country Club Heights Association Incorporated for the Creation of Three Permanent Parking Spaces on Clonsilla Drive
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendation(s):

That Report RS2021-001, **License Agreement for Parking Spaces on Clonsilla Drive (East Beehive Subdivision)**, be received; and

That the tasks associated with Council Resolution CR2020-156 and Council Resolution CR2020-157 be considered complete.

Department Head: _____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of June 23, 2020 Council adopted the following resolutions:

CR2020-156
Moved By Councillor Yeo
Seconded By Councillor Dunn

That Report RS2020-004, **Request for the Creation of Parking Spaces on Clonsilla Drive – East Beehive Subdivision**, and additional correspondence, be received;

That permission be granted for three permanent parking spaces to be created on the most westerly portion of the road allowance legally described as Clonsilla Drive on Plan 373, in the Geographic Township of Verulam, City of Kawartha Lakes, being PIN: 631296-0485 (LT) in the East Beehive Estates subdivision;

That staff be directed to commence the process of allowing the creation of three parking spaces on the land described above, with all costs, including those of maintenance and insurance, payable by the applicants;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision; and

That the necessary By-laws be forwarded to Council for adoption.

Carried

CR2020-157
Moved By Councillor Seymour-Fagan
Seconded By Councillor Elmslie

That Country Club Heights Association be required to donate $500, annually, to the East Beehive Association as a contribution toward the cost of road maintenance; and

That staff report back at the end of Q2, 2021, on the use of the three approved parking spaces on Clonsilla Drive.

Carried

This report addresses that direction.

Following Council's decision on June 23, 2020, Realty Services (in consultation with the City Solicitor) drafted a License Agreement which would allow Country Club Heights Association Incorporated to create three permanent parking spaces at the West end of the City-owned road allowance legally described as Clonsilla Drive on Plan 373, in the Geographic Township of Verulam, City of Kawartha Lakes, being PIN: 63126-0485 (LT).

The initial License Agreement was provided to Country Club Heights Association Incorporated (hereinafter referred to as "CCH") on July 31, 2020. Following review by CCH, several requests for amendments were made throughout the month of August 2020. The City did agree to several of the requests and made amendments to the Agreement, including to the insurance provisions. The final version of the License Agreement was sent to CCH on September 11, 2020. A copy of the License Agreement is attached as Appendix A.

By way of e-mail dated September 25, 2020, The City of Kawartha Lakes received correspondence from CCH advising that its membership had voted against entering into the License Agreement.

CCH had specific concerns with the following aspects of the License Agreement:

1. The three parking spaces would not be exclusive to CCH;
2. Residents of the East Beehive Estates subdivision (hereinafter referred to as "EB") would have the right to have the License Agreement terminated at any time by claiming that CCH was causing a nuisance;
3. Section 14.1(d) of the License Agreement states that CCH would be in default if "the Lands are used by any other person or persons, or for any other purpose than as provided for in this License without the written consent of the City.";
4. The requirement to pay $500.00 annually to EB as a contribution to road maintenance; and
5. That the License Agreement does not contain any protections for CCH with regards to harassment by EB.

The correspondence from CCH also noted general concerns with the process of obtaining the License Agreement since their initial request.

Rationale:

The City of Kawartha Lakes provided CCH with a License Agreement that was consistent with the format of all License Agreements that the City of Kawartha Lakes offers property owners who wish to utilize City land. The City then made amendments to the standard format, which could be accommodated in keeping with Council direction by way of resolution and which still preserved the City's interests.

Exclusivity of parking cannot easily be implemented on an open road with no mechanism (such as barriers, as seen in private parking lots) to prevent unauthorized persons from parking. Enforcement would also be difficult for the same reason, and costly for the City.

The draft license provides that the license should not create a nuisance for others. If the City received a complaint of nuisance, the City would investigate to determine if the complaint had merit. If the City decided it did, the City could terminate the license.

The draft license provides that the lands cannot be used for any other purpose than as provided for in the license, which allows the City to terminate the license if it results in unexpected actions/ consequences.

The annual payment was required by Council Resolution, to offset third party road maintenance costs.

A license agreement between two entities cannot control the actions of a non-party to the agreement.

As CCH has advised that they do not wish to enter into the License Agreement as drafted and negotiated, it is in the best interest of the City to consider the matter at an end.

Other Alternatives Considered:

Council could decide to remove some of the standard language from the License Agreement as per CCH's request. This is not recommended, for the above-noted reasons.

Council could decide to reconsider CCH's original request, which was to amend By-Law 2018-196 to remove the West end of Clonsilla Drive as a restricted parking area. This would allow CCH to park in its desired area, close to its easement located to the West of the end of the Clonsilla Drive road allowance. However, this would not allow CCH any rights to maintain a path or walkway. Further, City resources may be required to deal with any parking complaints made to Municipal Law Enforcement.

Alignment to Strategic Priorities

The recommendations in this Report do not specifically align with any of the strategic priorities.

Financial/Operation Impacts:

There is no financial impact if Council decides to consider this matter at an end.

Consultations:

City Solicitor

Attachments:

Appendix A – License Agreement between The City of Kawartha Lakes and Country Club Heights Association Incorporated



Appendix A - License Agreement (

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson, City Solicitor

Department File: L17-20-RS041

LICENSE AGREEMENT

Effective when fully executed.

BETWEEN:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

(hereinafter called the "City")

- and -

COUNTRY CLUB HEIGHTS ASSOCIATION INCORPORATED

(hereinafter called the "Licensee")

WHEREAS:

a) The Licensee is an association duly incorporated under the laws of the Province of Ontario, as Ontario Corporation Number 1705038. The Licensee is made up of a group of residents who own property in the Country Club Heights subdivision, located in the Geographic Township of Verulam, City of Kawartha Lakes;

b) The City is the owner of those public highway lands known as Clonsilla Drive and Alymer Drive, and legally described as Clonsilla Drive on Plan 373, in the Geographic Township of Verulam, City of Kawartha Lakes, being PIN: 63126-0485 (LT) (the "City Property"); and

c) As per CR2020-156, Council for the Corporation of the City of Kawartha Lakes has agreed to allow the creation of three permanent parking spaces for the Licensee's use (the "Parking Spaces").

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Grant of License

1.1. The City hereby grants to the Licensee an exclusive license to cut brush, weeds and grass, overhanging tree branches and immature trees (less than 5 inches in diameter at 4.5 feet from ground), and a non-exclusive license (the "License") to occupy and use a part of the City Property, as more specifically shown outlined in red on Schedule "A" attached hereto (the "Lands"), for the sole purpose of creating space to park three (3) motor vehicles thereon, and for parking motor vehicles thereon, respectively, and for no other purpose.

2. License Term

2.1. This License will commence on the date it has been fully executed and terminate on the 31st day of August, 2025.

3. License Fee

3.1. In consideration for its use and occupation of the Lands, the Licensee agrees to pay to the City an annual license fee (the "License Fee") of One Hundred Twenty-Five Dollars ($125.00), increased annually by the Consumer Price Index – All Items, with payment due upon execution of this License and annually thereafter on or before the 1st day of August. The Licensee may make full payment for the entire term of the license upfront ($625.00), in which case the License Fee will not be indexed annually. The License Fee is in addition to and separate from any other fees or payments being made to the City by the Licensee in relation to the Licensee's use or license of any other portion of the City Property not covered by this License.

4. Road Maintenance Fee

4.1. The Licensee agrees to pay to the East Beehive Community Association an annual fee of Five Hundred Dollars ($500.00) as contribution to the costs associated with road maintenance (the "Road Maintenance Fee").

4.2. The payment of the Road Maintenance Fee shall be payable at execution and, for subsequent years, on or before the 1st day of September of each year of the term.

5. Payment of Fees

5.1. All payments of the License Fee to be made by the Licensee pursuant to this License shall be delivered to the City at the City's address for service set out in Section 16 or to such other place as the City may from time to time direct in writing.

5.2. All payments of the Road Maintenance Fee to be made by the Licensee pursuant to this License shall be delivered to the City in trust for the East Beehive Community Association or made directly to the East Beehive Community Association.

6. Licensee's Covenants

6.1. The Licensee shall not do or permit to be done on the Lands anything that may:

a) constitute a nuisance;

b) cause damage to the Lands;

c) cause injury or annoyance to occupants or owners of neighbouring properties;

d) make void or voidable any insurance upon the Lands;

e) constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority relating to the Lands; or

f) cause any lien, mortgage, or other encumbrance to be incurred or registered against the Lands.

7. State of the Lands

7.1. The Licensee agrees to accept the Lands on an “as is” basis.

7.2. The Licensee covenants and agrees that, upon expiration or other termination of this License, it will remediate the Lands to the state and standard of repair to which they existed prior to installation of the Parking Spaces, in the sole and absolute discretion of the City, reasonable wear and tear excepted.

8. Construction of the Parking Spaces

8.1. The Licensee may cut brush, weeds and grass, overhanging tree branches and immature trees (less than 5 inches in diameter at 4.5 feet from ground) in the areas indicated in red in the attached Schedule A.

8.2. The Licensee agrees that the Parking Spaces shall encompass no more than 54 square metres of space (approximately 580 square feet). Each parking space will be 18 square metres, with a length of 6 metres and a width of 3 metres.

8.3. The Licensee is required to satisfy itself as to the boundaries of the City’s Property, by reference to survey stakes, and to ensure that all construction remains within the City Property. If any of the work under this License will interfere with a third party encroachment into City Property, the Licensee must notify Municipal Law Enforcement at: bylawcomplaints@kawarthalakes.ca and request that the interfering structure (i.e. fence, sign, driveway, etc.) be removed. The Licensee is not entitled to remove any encroachment.

8.4. In the event that survey stakes cannot be located, the Licensee is required to hire an Ontario Land Surveyor, at its sole cost, to stake the boundaries of the City Property.

9. Licensee Expenses

9.1. The Licensee shall maintain the Lands in a good and safe state of repair. Such maintenance shall include grass cutting and any other necessary repairs as may be required by the Licensee in order to continue to use the Lands for the purpose intended herein, being the use and enjoyment of the Parking Spaces.

10. Repairs and Maintenance

10.1. The Licensee acknowledges that the City shall not be responsible for nor shall it assume any liability or responsibility for any capital expenditures, repairs or alterations of any nature whatsoever related to the Licensee's use of the Lands and in default of this covenant, the City shall have the right to terminate this License.

10.2. The Licensee shall not obstruct persons authorized by the City to enter the Lands to examine the condition thereof and view the state of repair at all reasonable times:

a) and if upon such examination repairs are found to be necessary, written notice of the repairs required shall be given to the Licensee by or on behalf of the City and the Licensee shall make the necessary repairs within the time specified in the notice;

b) and if the Licensee refuses or neglects to keep the Lands in good repair the City may, but shall not be obliged to, make any necessary repairs, and shall be permitted to enter the Lands, by itself or its servants or agents, for the purpose of effecting the repairs without being liable to the Licensee for any loss, damage or inconvenience to the Licensee in connection with the City's entry and repairs, and if the City makes repairs the Licensee shall pay the cost of them immediately.

10.3. Upon expiry of the Term or other determination of this License the Licensee agrees to peaceably surrender the Lands, including any alterations or additions made thereto, to the City in a state of good repair.

10.4. The Licensee shall immediately give written notice to the City of any damage that occurs to the Lands from any cause.

10.5. In the event the City or a third party utility, during the term of this License, undertakes any use, alteration, addition, improvement, expansion, renovation or repair (the "work") to the City Property, and/or other assets of the City (or third party utility within the City Property from time to time during the term of this License) in the vicinity of the Parking Spaces, and if, in the discretion of the City staff, agents or contractors undertaking the work, such work requires the removal of all or a portion of the Parking Spaces forming the subject matter of this License, to the extent same encroaches on the City Property, or should the work result in damage to the Parking Spaces, the Licensee herein acknowledges that

the City shall not be responsible for, nor shall it assume any liability or responsibility for, such removal and/or damage and that the Parking Spaces, or any portion thereof, will not be replaced and/or repaired and this License will be terminated effective immediately. **Without limiting the generality of the foregoing, the Licensee specifically acknowledges that, in the event of work including but not limited to snow removal or control, sidewalk improvements, watermain breaks, gas leak and repair, sewer main repair or replacement or any other works or emergency repair as required for public safety, conducted by the City, its agents or contractors, to municipal infrastructure that results in damage to, or requires the removal of, all or a portion of the Parking Spaces located on the City Property, the City will never repair, replace, or provide compensation for same.**

11. Environmental

11.1. The Licensee shall be, at its own expense, responsible for any loss, costs, damages, charges or expenses whatsoever which may be sustained by the City as a result of any environmental contamination, spill or hazard as may be created by the Licensee during its use of the Lands.

11.2. Execution of this License constitutes confirmation that any environmental damage occurring as a result of its occupation of the Lands shall be remedied upon the expiration of the License at the sole cost of the Licensee.

12. Insurance

12.1. During the License Term and any renewal thereof, the Licensee shall provide and maintain Comprehensive General Liability insurance including but not limited to, bodily injury including death, property damage including loss of use thereof, personal injury, blanket contractual liability, and include a cross liability/severability of interest clause.

12.2. The policy shall be in an amount of not less than Two Million Dollars ($2,000,000.00) per occurrence with a deductible of $1,000.00 or less.

12.3. The policy shall be issued by an insurance company authorized by law to carry on business in the Province of Ontario and *The Corporation of the City of Kawartha Lakes* shall be named as an additional insured on the policy.

12.4. The insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the City.

12.5. The insurance will not be cancelled, permitted to lapse or materially changed unless the insurer for the Licensee notifies the City in writing at least thirty (30) days prior to the effective date of cancellation, expiry or change.

12.6. Upon execution of this License, and annually thereafter, the Licensee shall provide the City with a Certificate of Insurance as confirmation of the above-

requested insurance coverage, extending full coverage to the Parking Spaces located on the Lands. If requested by the City, the Licensee shall provide copies of the said insurance policy.

12.7. If the City receives notification that the insurance policy has been cancelled, this License will terminate immediately.

13. Indemnity

13.1. The Licensee shall at all times indemnify and save harmless the City, its employees, agents and members of council from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, arising out of or occasioned by the maintenance, use or occupancy of the Lands or as a result of this License or any operation connected therewith except for the negligence or willful misconduct of the City.

13.2. The Licensee further covenants to indemnify and save harmless the City with respect to any encumbrance on or damage to the Lands or the Corporation of the City of Kawartha Lakes occasioned by or arising from the act, omission, default, or negligence of the Licensee, its officers, agents, servants, employees, contractors, customers and/or invitees.

13.3. The foregoing indemnities shall survive the termination of this License notwithstanding any provisions of this License to the contrary.

14. Acts of Default and City's Remedies

14.1. An "Act of Default" has occurred when:

a) The Licensee has breached its covenants or failed to perform any of its obligations under this License; and

i. the City has given fifteen (15) days' notice, or such longer period as the City may determine in its sole discretion, specifying the nature of the default and the steps required to correct it; and,

ii. The Licensee has failed to correct the default as required by the notice;

b) The Licensee has;

i. become bankrupt or insolvent or made an assignment for the benefit of creditors;

ii. had its property seized or attached in satisfaction of a judgment;

iii. had a receiver appointed;

iv. committed any act or neglected to do anything with the result that a Construction Lien or other encumbrance is registered against the City's property;

v. without the consent of the City, made or entered into a license to make a sale of its assets to which the Bulk Sales Act applies;

vi. taken action if the Licensee is a corporation, with a view to winding up, dissolution or liquidation;

vii. ceased to exist.

c) any insurance policy is cancelled or not renewed by reason of the use or occupation of the Lands, or by reason of non-payment of premiums;

d) the Lands;

i. are used by any other person or persons, or for any other purpose than as provided for in this License without the written consent of the City.

14.2. When an Act of Default on the part of the Licensee has occurred:

a) the City shall have the right to terminate this License.

14.3. If, because an Act of Default has occurred, the City exercises its right to terminate this License prior to the end of the Term, the Licensee shall nevertheless be liable for payment of the License Fee and all additional fees and all other amounts payable by the Licensee in accordance with the provisions of this License.

14.4. If, when an Act of Default has occurred, the City chooses not to terminate the License, the City shall have the right to take any and all necessary steps to rectify any or all Acts of Default of the Licensee and to charge the costs of such to the Licensee.

14.5. If, when an Act of Default has occurred, the City chooses to waive its right to exercise the remedies available to it under this License or at law, the waiver shall not constitute condonation of the Act of Default, nor shall the waiver be pleaded as an estoppel against the City to prevent its exercising its remedies with respect to a subsequent Act of Default. No covenant, term, or condition of the License shall be deemed to have been waived by the City unless the waiver is in writing and signed by the City.

15. Termination Upon Notice and at End of Term

15.1. Either party shall have the right to terminate this License by giving sixty (60) days prior written notice to the other party, in which case the License shall be cancelled without further recourse by either party against the other.

15.2. This License terminates on the 31st day of August, 2025, and is not subject to renewal. The Licensee may seek an extension or renewal of the License at or prior to the end of the Term, at their own initiation and expense and the City is under no obligation to permit or agree to same.

16. Notice

16.1. Any notice required of permitted to be given by one party to the other pursuant to the terms of this License shall be given:

To the City at:

The Corporation of the City of Kawartha Lakes
26 Francis Street, P.O. Box 9000
Lindsay, Ontario K9V 5R8
Attention: Clerk
Fax: 705-324-8110
E-mail: clerks@kawarthalakes.ca

To the Licensee at:

Country Club Heights Association
c/o Ann Davidson, President
28 Golf Course Crescent
Fenelon Falls, ON K0M 1N0
E-mail: ann.davidson16@gmail.com

16.2. The above addresses may be changed at any time by giving ten (10) days written notice to the other party to this License.

16.3. Any notice given by one party to the other in accordance with the provisions of this License shall be deemed conclusively to have been received on the date delivered if the notice is served personally or sent by e-mail or facsimile transmission or seventy-two (72) hours after mailing if the notice is mailed**.**

17. Registration

17.1. The Licensee hereby acknowledges and agrees that this License does not create or confer on the Licensee any interest in the Lands**,** that this License is personal to the Licensee and that this License merely confers on the Licensee the non-exclusive right to enter onto and occupy the Lands for the Term for the purpose of the use and enjoyment of the Parking Spaces. Accordingly, the Licensee agrees that it shall not at any time register notice of or a copy of this License on title to the Lands or the property of which the Lands forms part.

18. Assignment and Transfer

18.1. The Licensee shall not assign or transfer all or any part of its interest in this License without the prior written consent of the City, which consent may be unreasonably withheld.

18.2. The consent of the City to any assignment or transfer of interest in this License shall not operate as a waiver of the necessity for consent to any subsequent assignment or transfer.

18.3. Any consent granted by the City shall be conditional upon the assignee or transferee executing a written License directly with the City agreeing to be bound by all the terms of this License as if the assignee or transferee had originally executed this License as Licensee.

18.4. Any consent given by the City to any assignment or other disposition of the Licensee's interest in this License shall not relieve the Licensee from its obligations under the License.

18.5. If the party originally entering into this License as Licensee, or any party who subsequently becomes the Licensee by way of assignment or transfer or otherwise as provided for in this License, is a corporation then;

a) the Licensee shall not be entitled to deal with its assets in any way that results in a change in the effective voting control of the Licensee unless the City first consents in writing to the proposed change, and;

b) if any change is made in the control of the Licensee corporation without the written consent of the City then the City shall be entitled to treat this License as terminated.

19. Amendment

19.1. No alteration, amendment, change or addition to this License shall be binding on the City and/or the Licensee unless such alteration, amendment, change or addition is reduced to writing and signed by both the City and the Licensee.

20. Confirmation

20.1. The parties hereto hereby confirm that this License is a non-exclusive license to occupy and use the Lands only and shall not constitute a lease of the Lands and that the provisions of the *Commercial Tenancies Act* (Ontario) shall not apply hereto.

21. Entire License

21.1. It is agreed and understood that this License (including the schedules referred to herein, which are hereby incorporated by reference) constitutes the entire License between the parties with respect to the subject matter hereof and supersedes all prior arrangements, proposals, understandings and negotiations, both written and oral, between the parties or their predecessors with respect to the subject matter of this License.

22. General Matters of Intent and Interpretation

22.1. Each obligation under this License is a covenant.

22.2. The headings in this License are for ease of reference only and are not to be taken into account in the construction or interpretation of any provision to which they refer.

22.3. The use of the neuter singular pronoun to refer to the City or the Licensee is a proper reference even though the City or the Licensee is an individual, a partnership, a corporation or a group of two or more individuals, partnerships or corporations. The grammatical changes needed to make the provisions of this License apply in the plural sense when there is more than one City or Licensee and to corporations, associations, partnerships or individuals, males or females, are implied.

22.4. Whenever a statement or provision in this License is followed by words denoting including or example (such as ″including″ or ″such as″) and there is a list of, or reference to, specific matters or items, such list or reference shall not be read so as to limit to restrict the generality of such statement or provision, even though words such as ″without limitation″ or ″without limiting the generality of the foregoing″ do not precede such list of reference.

22.5. If a part of this License or the applications of it to a person or circumstance, is to any extent held or rendered invalid, unenforceable or illegal, that part:

a) is independent of the remainder of the License and is severable from it, and its invalidity, unenforceability or illegality does not affect, impair or invalidate the remainder of this License; and

b) continues in all circumstances except those as to which it has been held or rendered invalid, unenforceable or illegal.

22.6. This License will be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

22.7. Time is of the essence of this License.

22.8. To the extent that liability exists at the time of expiry or earlier surrender or termination of this License, the covenant(s) from which such liability is derived shall survive such expiry or earlier surrender or termination.

23. Force Majeure

23.1. Except for any obligation to pay money, neither party will be liable for any failure or delay in its performance under this License due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labour shortage or dispute, governmental act or failure of the Internet, provided that the delayed party:

a) gives the other party prompt notice of such cause; and

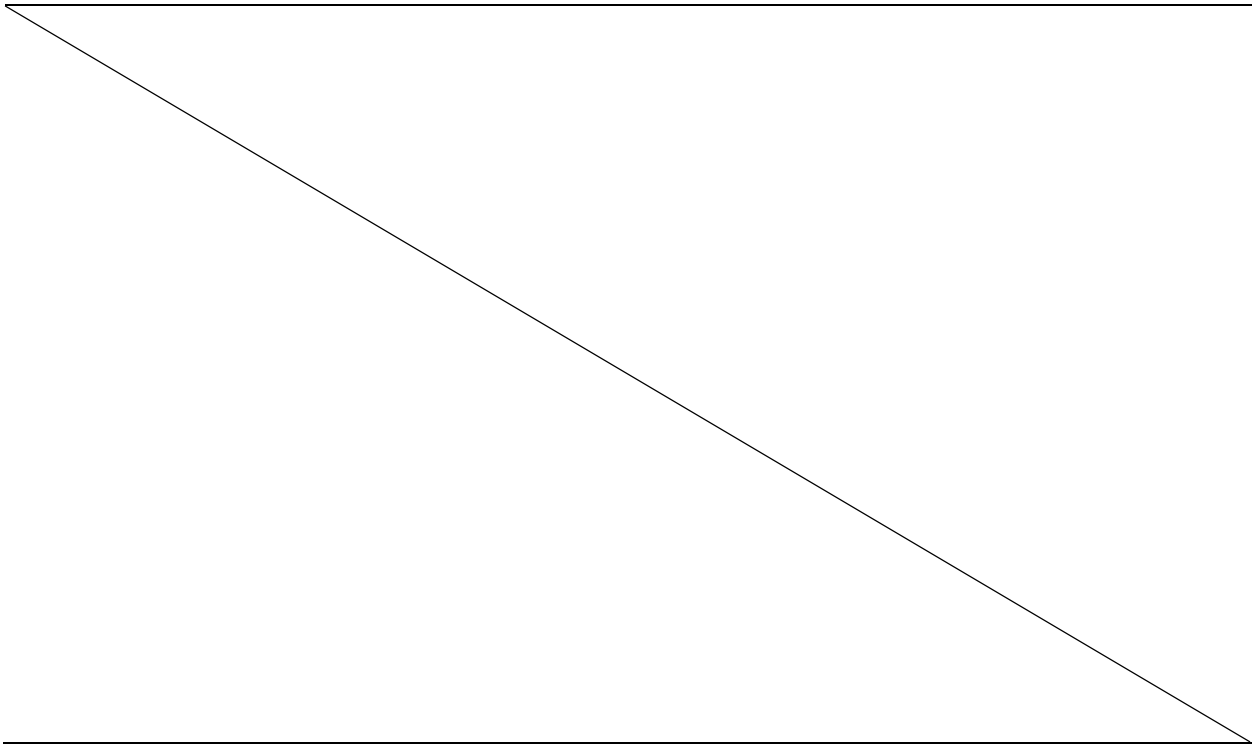
b) uses its reasonable commercial efforts to correct promptly such failure or delay in performance.

24. Compliance With Laws

24.1. The Licensee agrees to comply with all lawfully enacted statutes, regulations and by-laws of the Province of Ontario, the Government of Canada, and the City, as such may from time to time apply to the Licensee or its occupation of the Lands.

25. Successors

25.1. The rights and obligations under this License extend to and bind the parties and their respective successors and permitted assigns.



26. Electronic Signatures

26.1. This Agreement may be executed and delivered by facsimile or other electronic means, which electronic copies shall be deemed to be original.

DATED at Lindsay, this _____ day of _____, 2020

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

PER: _____
Name: Andy Letham
Title: Mayor

PER: _____
Name: Cathie Ritchie
Title: Clerk

(*We have authority to bind the Corporation in accordance with Council Resolution CR2020-157*)

We hereby accept the above License on the terms and conditions contained therein.

DATED at _____, this _____ day of _____, 2020

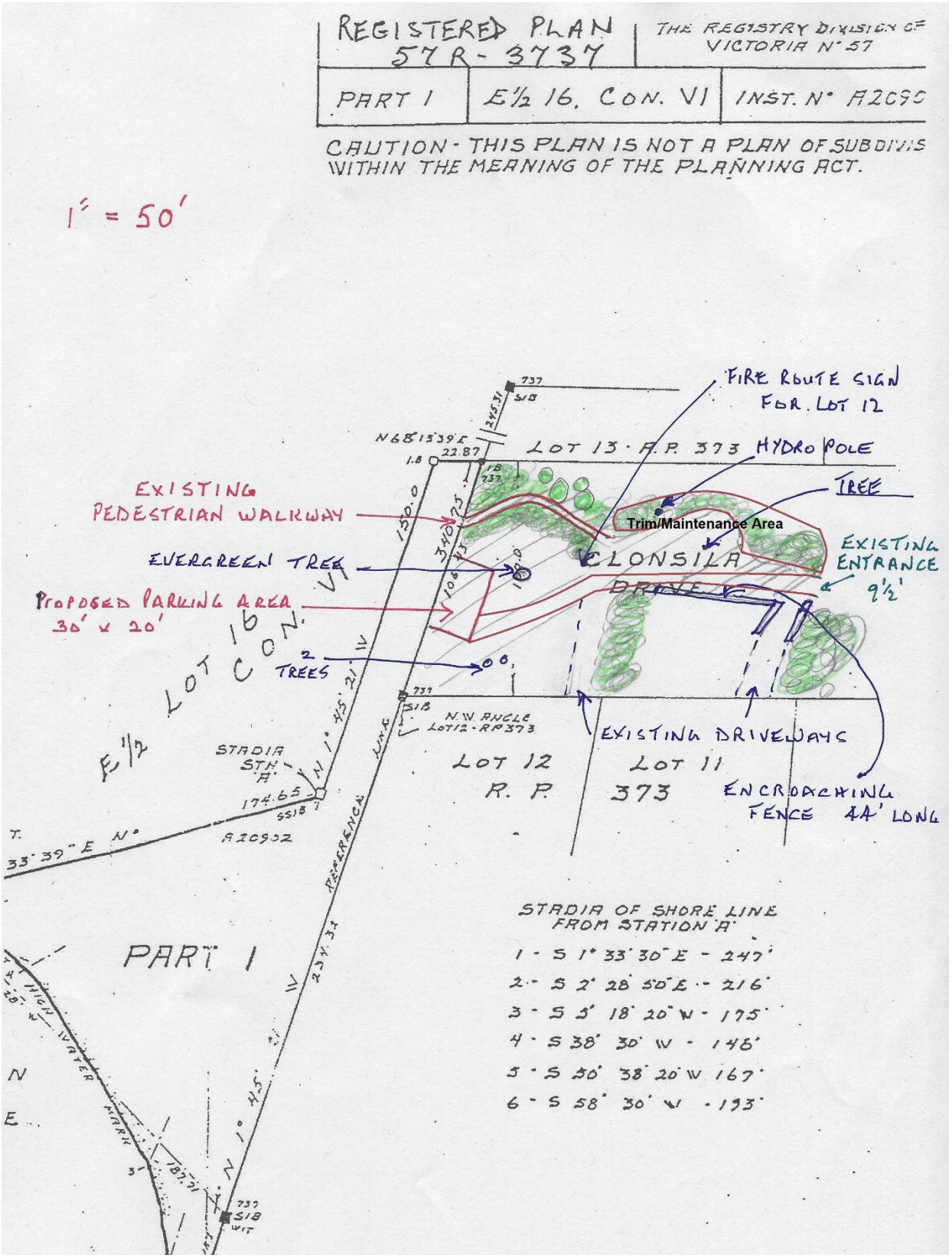
COUNTRY CLUB HEIGHTS ASSOCIATION INCORPORATED

PER: _____
Name:
Title: President

PER: _____
Name:
Title: Treasurer

(*We have authority to bind the Corporation*)

SCHEDULE "A"


REGISTERED PLAN 57R-3737
THE REGISTRY DIVISION OF VICTORIA N° 57
PART 1
E½ 16, CON. VI
INST. N° A20900
CAUTION - THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.
1" = 50'
FIRE ROUTE SIGN FOR LOT 12
LOT 13 - R.P. 373
HYDRO POLE
TREE
EXISTING PEDESTRIAN WALKWAY
Trim/Maintenance Area
EVERGREEN TREE
EXISTING ENTRANCE 9½'
CLONSILA DRIVE
PROPOSED PARKING AREA 30' x 20'
LOT 16 CON. VI
E½
2 TREES
N.W. ANGLE LOT 12 - RP 373
EXISTING DRIVEWAYS
LOT 12 R. P. 373
LOT 11
ENCROACHING FENCE 44' LONG
STADIA STN. A
174.65
A20902
PART 1
HIGH WATER MARK
REFERENCE LINE
STADIA OF SHORE LINE FROM STATION A
1 - S 1° 33' 30" E - 247'
2 - S 2° 28' 50" E - 216'
3 - S 5° 18' 20" W - 175'
4 - S 38° 30' W - 146'
5 - S 50° 38' 20" W 167'
6 - S 58° 30' W - 193'

Council Report

Report Number:	PUR2021-001
Meeting Date:	January 28, 2021
Title:	Request for Quotation 2020-24-OP Supply, Delivery and Application of Calcium Chloride
Author and Title:	Marielle van Engelen, Buyer

Recommendation(s):

That Report PUR2021-001, **Request for Quotation 2020-24-OQ Supply, Delivery and Application of Calcium Chloride**, be received; and

That Council approve the four (4) – one (1) year optional renewal periods, with Morris Chemical (A Division of Da-Lee Dust Control Ltd.), based on the contract terms, annual budget approval, mutual agreement and successful completion of the initial term and each term thereafter.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes has approximately 900 kilometres of gravel roads where calcium chloride is applied throughout the spring, summer and fall seasons, to improve gravel road durability and act as a dust suppressant. Calcium chloride also acts as a binding agent for the granular materials and increases the overall durability of the gravel driving surface.

The amount quoted is based on an estimated quantity of 5,100,000 litres (L).

Request for Quotation 2020-24-OQ for the Supply, Delivery and Application of Calcium Chloride was released for advertising in accordance with the City's Purchasing Policy. The quotation closed on Friday February 28, 2020, and was opened in public by Andy Letham, Mayor and Launa Macey, Supervisor of Procurement Services, with the following results:

Company	Estimated Quoted Amount
Morris Chemical (A Division of Da-Lee Dust Control Ltd.)	$1,188,300

Under delegated authority afforded to the CAO during the pandemic, he approved the award of the initial term, April 1, 2020 to March 31, 2021 to Morris Chemical (A Division of Da-Lee Dust Control Ltd.) through Repot PUR2020-012. The CAO provided direction to bring a report to Council to approve the optional renewal periods provided in the quotation.

This report addresses that direction.

Quotations were checked for mathematical errors and compliancy to the quotation. References were checked and found to be satisfactory.

Rationale:

The Public Works Department applies liquid calcium chloride to all gravel roads within the City annually. Calcium Chloride is a chemical compound that is hygroscopic in nature, meaning, when it is applied to a gravel surface, it will absorb moisture from the air and keep the gravel in an artificially damp state. By keeping a gravel road in this damp state, it will retain the fine particles and be significantly more resilient to surface defects and require significantly less routine grading work throughout the year.

Staff recommends that Council approve the four (4) – one (1) optional renewal periods, with Morris Chemical (A Division of Da-Lee Dust Control Ltd.), based on the contract terms, annual budget approval, mutual agreement and successful completion of the

initial term and each term thereafter. An annual increase will be applied to the unit pricing based on the annual percentage change in the Consumer Price Index, Ontario – All Items, up to a maximum of three percent (3%).

Other Alternatives Considered:

No other alternatives are being considered at this time, as an open procurement process was conducted.

Alignment to Strategic Priorities

Good Government

1. Asset management
   The application of calcium chloride to the City's gravel roads provides several benefits including increased gravel road surface durability and dust suppression. The increased durability greatly reduces the amount of routine grading effort required throughout the year.

Financial/Operation Impacts:

Funds for the supply, delivery and application of calcium chloride is approved annually within the Public Works operating budget. The Department will monitor the budget to ensure that adequate funds are available for this work. They will also ensure that the required amounts be incorporated into subsequent annual Public Works – Roads operating budgets.

Consultations:

Senior Engineering Technician, Roads Operations

Department Head email: brobinson@kawarthalaes.ca

Department Head: Bryan Robinson, Director of Public Works

Department File: 2020-24-OQ

Council Report

Report Number:	**ED2021-003**
Meeting Date:	January 28, 2021
Title:	**Film Production and Processes**
Description:	The report is to use funds from the Economic Development Reserve to undertake a Film Production and Processes study
Author and Title:	Donna Goodwin, Economic Development Officer- Arts and Culture

Recommendations:

That Report 2021-003, **Film Production and Processes**, be received; and

That up to $40,000 be allocated from the Economic Development Reserve to undertake a Film Production and Processes study with the intent of establishing a municipal film office in Economic Development Division.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

This new issue is coming forward in response to discussion at the Economic Recovery Task Force (ERTF) to investigate new innovative programs that encourage post pandemic economic recovery.

This report addresses that direction.

Rationale:

Film production is an industry within the cultural economy. It has shown that it can be a significant economic driver and touches upon all five goals of the Kawartha Lakes Economic Development Strategy: Adopt a City-wide focus; Grow specific business sectors; Encourage a positive community business culture; Align and inspire City resources; and, Attract and retain a new generation of great entrepreneurs and workforce.

There is interest in film production in the municipality but current processes have not supported this activity in a meaningful nor strategic way. To create a **film friendly** process and realise the economic benefits of film production, a comprehensive study is required. The study will set the vision for the next five years of industry development and will identify the process needed to:

- start a municipal film office for processing and production and to market the City of Kawartha Lakes as a film friendly community;
- partner with local post-secondary institutions on a skills development program and;
- build cultural tourism products with community partners (i.e. Fenelon Falls – Films by the Falls event, the Kawartha Art Gallery's Toronto International Film Festival, and Fleming/Royal Ontario Museum partnership)

thus creating, over the next five years, the foundation of a solid creative economy ecosystem.

The proposed study scope of work includes:

- Benchmark existing film services with comparable strategically selected municipalities;
- Review current film industry and internal workflow processes, and provide a statement of future readiness to achieve Film Friendliness (appetite and capacity);
- Based on the above, provide recommendations regarding a film office structure and services (including recommended Film Manager/Commissioner job

description, online permitting, tax credit processes, fulsome website info and documentation);
- identify policy recommendations to deliver Film Friendliness (for all CKL departments to deliver film friendliness);
- Review any existing film related fees, and provide suggested structure, if possible, to assist in funding a Film/TV/Production Office and engaging stakeholders;
- Identify best practices for assessing economic impact of film activity.

Staff are bringing forth this concept as a response to ERTF's direction. Given this, the initiative was not included in the 2021 budget and requires funding through the Economic Development Reserve.

It is important to have the study completed now to be well positioned to implement its findings as the economy reopens for travel and investment.

Other Alternatives Considered:

Staff have investigated alternative funding sources i.e. provincial funding programs such as the Ontario East Development Fund, Rural Economic Development Fund, Ontario Trillium Foundation and have found this type of initiative to be ineligible.

As this is a new initiative, current budget allocations cannot fund this request.

Alignment to Strategic Priorities:

This aligns to the 2020-2023 City of Kawartha Lakes Strategic Plan

2. An Exceptional Quality of Life

5. Community Building through:
- Enhance community involvement
- Update and execute the Cultural Master Plan
- Support and promote arts, culture and heritage

The study also aligns with the 2020-2030 Cultural Master Plan

3.2 Priority Two: Address Local Factors Inhibiting Cultural Sector Growth

Local conditions, municipal zoning and other regulations, as well as regional factors significantly affect the health and success of cultural sector businesses and non-profit organizations in Kawartha Lakes.

Objective 3. There is effective inter-departmental consideration of the cultural dimensions of development and city operations.

> Establish a structure and process for inter-departmental communication with respect to the implementation of the CMP and to encourage a cultural lens for new development and municipal projects.

3.4 Priority Four: Expand Cultural Sector Funding Options

Objective 2. Cultural organizations build in a revenue stream in their business plans to improve financial sustainability

> Provide training/workshops to cultural organizations to identify and include new revenue streams in their business plans (i.e. museum space rentals for events, ticketing for special events, historic book publishing, filming on museum sites, behind the scenes VIP experiences)

And, it aligns with all five goals of the Kawartha Lakes Economic Development Strategy:

1. Adopt a City-wide focus
2. Grow specific business sectors
3. Encourage a positive community business culture
4. Align and inspire City resources
5. Attract and retain a new generation of great entrepreneurs and workforce

Financial/Operation Impacts:

Funding of up to $40,000 for the study is proposed to come from the Economic Development Reserve.

Consultations:

City of Kawartha Lakes Senior Management Team
Director of Corporate Services
Manager of Economic Development
Ontario Ministry of Agriculture, Food and Rural Affairs
Ministry of Infrastructure

Attachments: None

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director

Council Report

Report Number:	**ED2021-006**
Meeting Date:	January 28, 2021
Title:	Arts Culture and Heritage Recovery Funding Framework
Description:	Proposed recovery funding framework for the Kawartha Lakes Arts, Culture and Heritage Cluster in response to the pandemic
Author and Title:	Donna Goodwin, Economic Development Officer Arts and Culture

Recommendation(s):

That Report ED2021-006, **Arts, Culture and Heritage Recovery Funding Framework**, be received;

That funds of up to $100,000 be allocated to the Arts, Culture and Heritage Recovery Fund from the Pandemic Related portion of the contingency reserve;

That staff be delegated the responsibility to establish and manage the Arts, Culture and Heritage Recovery Fund as detailed in Appendix A and B; and

That a review committee of up to five (5) Staff from Development Services, Community Services and Corporate Services be established to review application eligibility and the Director of Corporate Services be authorized to approve applications.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of December 1, 2020, Council adopted the following resolution:

> CR2020-395
>
> **That** Report CORP2020-018, **Disposition of 2019 Surplus,** be received; and
>
> **That** the 2019 Surplus of $2,999,743 be maintained in the Contingency Reserve for the purpose of funding community, economic, and corporate pandemic recovery initiatives.

At the Council Meeting of November 17, 2020, Council adopted the following resolution:

> CW2020-164
>
> That Report ED2020-23, Economic Recovery Task Force Recommendations, be received;
>
> That permit fees for park use, patios and events in 2021 be waived, with forecasted reduced revenue identified in the 2021 budget;
>
> That the downtown Fenelon Falls reconstruction project be included as a decision unit in the 2021 capital budget;
>
> That an increase in garbage cans and frequency of waste pick up in our downtowns and major parks be costed and included as a decision unit in the 2021 budget;
>
> That portable washrooms and associated directional signage in our downtowns and parks be costed and included as a decision unit in the 2021 budget;
>
> That accelerated investment in our boat launches and trails for improved access and enjoyment be costed and included as a decision unit in the 2021 budget;
>
> That Council supports the work of EORN and EOWC for the Eastern Ontario "1 GIG" proposal for increased broadband capacity;
>
> That Council directs staff to develop a cultural sector recovery grant program for 2021, which could be applied to operating costs for our arts and culture community, and report back to council on the scope of the program by end of Q1 2021;

That Council approves a modified extension to the Kawartha Lakes Innovation Cluster Pilot program until December 31, 2021, through in-kind support to provide specific support for high growth businesses; and

That Council endorses the Economic Recovery Task Force Action Plan as provided in Appendix A to this report.

Carried

The Economic Recovery Task Force Action Plan Attachment also included an action to further implement the Kawartha Lakes Cultural Master Plan;

That Staff develop an ongoing cultural organization operating program for consideration in the 2022 budget.

The Cultural Master Plan priority four; expand cultural sector funding options, addresses long term operational and financial sustainability in the cultural sector through a structured performance based program. The program would enable cultural organization to improve their operational and professional capabilities so they are able to qualify for and obtain operational funding from other levels of government. A proposed framework will come forward to Council for consideration for the 2022 budget as per the Economic Recovery Task Force Action Plan timeline.

This report addresses the direction to develop a cultural sector recovery grant program for 2021, which could be applied to operating costs for our arts and culture community, and report back to council on the scope of the program by end of Q1 2021.

Rationale:

The Arts, Culture and Heritage Recovery Fund (Fund) is a one-time recovery support payment to help cover the burden of fixed operating costs. This Fund will not cover costs currently supported by other municipal funding arrangements.

The Fund framework is based on the Canada COVID-19 Emergency Support Fund for Heritage Organizations that was launched in 2020 to complement other federal economic support programs. This program provided structured financial support to not-for-profit heritage organizations that provide public access to their collections and 2019 expenses between $2,000 and $3,000,000. The program was well received by the heritage community.

In recognition of the breadth of the local cultural industry in need of emergency support, the Kawartha Lakes Arts, Culture and Heritage Recovery Fund is proposed to be available to volunteer based not-for-profit organizations in the City of Kawartha

Lakes that provide a cultural resource or service to the municipality and its residents. This includes organizations such as art galleries, museums, and live theatre.

The proposed Fund is outlined in the attached Management Directive (Appendix A) and draft application form (Appendix B). In keeping with the federal program, funding will be available on a sliding scale of assistance based on 2020 fixed operating costs;

Fixed costs between $2,000 and $4,999: fixed funding amount of $1,000;

between $5,000 and $9,999: fixed funding amount of $2,000;

between $10,000 and $50,000: fixed funding amount of $5,000;

between $50,001 and $100,000; fixed funding amount of $10,000;

from $100,001 and over; the amount equivalent to 10% of annual expenses up to a maximum of $20,000.

Applications will be reviewed by an internal Review Committee to determine eligibility against program criteria, and approved by the Director of Corporate Services. A list of successful applicants will be presented to Council.

In the event that there is more demand than available funds, recommendations for the use of funds will be made to Council for decision.

Other Alternatives Considered:

The proposed Arts, Culture and Heritage Recovery Fund framework provides a simple, streamlined and transparent process for supporting cultural organizations as requested by Council. Council could choose to make a different amount of funding available to the program or distribute the funds under alternative criteria.

Alignment to Strategic Priorities

The Arts, Culture and Heritage Recovery Fund directly supports the 2020-2023 Kawartha Lakes Strategic Plan goal; An Exceptional Quality of Life specific to supporting the immediate economic sustainability of the Kawartha arts, culture and heritage sector.

Financial/Operation Impacts:

Funds in this program are proposed to be allocated to eligible organizations based on a scale of assistance as identified in the Pandemic Management Directive (Appendix A). The maximum amount of funds an organization is eligible to receive is $20,000. The total amount of funds for this program is $100,000.

Consultations:

City Solicitor

Chief Administrative Officer

Director, Corporate Services

Manager of Economic Development

Attachments:

Appendix A – Management Directive for the Arts, Culture and Heritage Recovery Fund



MD_ArtsCultureHeri
tageFund.docx

Appendix B – Arts, Culture and Heritage Recovery Fund Application Outline –Form to be created online



ArtsCultureHeritage
Fund_Application.d

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Pandemic Management Directive

Management Directive No.:	**MD 2021-xxx**
Management Directive Name:	**Arts, Culture and Heritage Recovery Fund**
Date Approved by CAO or Designated Person:	
Date revision approved by CAO or Designated Person:	
Related SOP, Management Directive, Council Policy, Forms	

Directive Statement and Rationale:

This directive specifically relates to the Covid-19 pandemic.

The Corporation of the City of Kawartha Lakes acknowledges the efforts of cultural not-for-profit organizations located within the City in contributing to the creative economy.

The City has the opportunity to provide an avenue to support these volunteer organizations in the extenuating circumstances of COVID-19 ensuring their work can continue for the betterment of the City.

This support is line with the 2020-2023 City of Kawartha Lakes Strategic Plan's Strategic Priority Area –2.0 An Exceptional Quality of Life to help Community Building by enhancing community involvement; updating and executing the Cultural Master Plan; and supporting and promoting arts, culture and heritage.

The City wishes to provide recovery support yet not have such organizations become reliant on such supports thereby potentially eroding the strength and independence of such organizations.

The City wishes to provide financial assistance and support to these community organizations and associations in recognition of these groups as a valuable resource in helping the municipality provide a strong community focus.

The Municipal Act, Section 107 (1), General power to make grants, acknowledges Council's authority to provide financial assistance through the following statement,

Despite any provision of this or any other Act relating to the giving of grants or aid by a municipality, subject to section 106, a municipality may make grants, on such terms as to security and otherwise as the council considers appropriate, to any person, group or body, including a fund, within or outside the boundaries of the municipality for any purpose that council considers to be in the interests of the municipality.

The City therefore establishes this policy to guide the distribution of Recovery Funding for the purpose of providing financial support to various community-based, not-for-profit Arts, Culture and Heritage organizations dealing with fixed operating costs during this emergency.

Scope:

The Arts, Culture and Heritage COVID-19 Recovery Fund is administered by the Development Services Department at the direction of Council.

The Arts, Culture and Heritage Recovery Fund Program policy addresses the process for the request and distribution of public funds to be used to help cover the cost of fixed operating costs resulting from the shutdown due to COVID-19. The funds will be distributed to Arts, Culture and Heritage organizations operating within the City of Kawartha Lakes that provide a valuable resource and service to the municipality and its residents.

Definitions:

In reading and interpreting the Arts, Culture and Heritage Recovery Fund Program policy, the following definitions apply:

Arts, Culture and Heritage Organization means a local community group or association which operates as a not-for-profit organization, is volunteer based, and provides a valuable cultural resource or service to the municipality and its residents

City means the Corporation of the City of Kawartha Lakes.

Culture means a project or initiative which enhances the community through the area of artistic, historical and/or theatrical achievement.

Recovery Funding means a set amount of money available as a one-time support payment to help deal with unforeseen financial hardship related to fixed operating costs due to the COVID-19 shutdown.

Fixed Operating Costs means required payment for fixed assets that do not fluctuate in relation to profit or loss of organizational activities. Examples are items as rent, mortgage, utilities, telephone, property taxes, building insurance.

Scale of Assistance means that the funding is fixed for a specified allotment. For fixed costs between $2,000 and $4,999: fixed funding amount of $1,000; between $5,000 and $9,999: fixed funding amount of $2,000; between $10,000 and $50,000: fixed funding amount of $5,000; between $50,001 and $100,000; fixed funding amount of

$10,000; from $100,001 and over; the amount equivalent to 10% of annual expenses up to a maximum of $20,000.

Management Directive:

1.0 Arts, Culture and Heritage Recovery Fund

1.1 Total funding allotment for this fund is to be considered as City wide.

1.2 Cultural Organizations must apply in writing to the Economic Development Division prior to March 12, 2021 to access recovery funding

1.3 The applicant must provide a detailed 2020 financial statement.

1.4 The funds must be used to cover fixed costs not already supported through other municipal funding arrangements. Funding will not support the offset of staff wages or staff contracts.

1.5 Eligible organizations are limited to registered non-profits; such as Museums, Galleries, and Theatres, or an organization that can demonstrate it meets the definition of an Arts, Culture and Heritage organization as above and demonstration of associated fixed costs.

1.6 Organizations are limited to one funding request. A funding scale of assistance up to a maximum of $20,000 can be allotted to any one Cultural Organization in 2021.

1.7 Applications will be reviewed against the program criteria to determine eligibility.

1.8 An internal Review Committee comprised of three (3) to five (5) Staff from Development Services (lead), Corporate Services, and Community Services will review applications to determine eligibility.

1.9 Staff with a vested interest in any particular applicant or application are not eligible to sit on the review committee.

1.10 Applications will be reviewed and authorized by the Director of Corporate Services, or designate, and reported on to Council for information purposes.

1.11 In the event there is more demand for the program than funds, recommendations for the use of the funds will be made to Council.

1.12 Program applicants are encouraged to seek any and all alternate sources of funding but are advised that application to this program precludes application to any other source of emergency funding that may be provided by the City.

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.1	January 28, 2021,	Initial Release	

Application Form Template

Applying to a funding opportunity 1
1.1. City of Kawartha Lakes funding opportunity details 2
1.2. Before you start 2
1.3. Check if you are eligible 2
1.4. Application form 5
1.4.2. Organization name, address & contact info 6
1.4.4. Authorized representative (signing authority) 6
1.4.5. Contact for official correspondence 8
2. Funding request 7
3. Payment Information 7/8
4. Application checklist & Documents 8

1.1 City of Kawartha Lakes Funding Opportunity

On January 28, 2021, Kawartha Lakes City Council approved the development of an recovery funding program for area Arts, Culture and Heritage facilities dealing with the economic fall out of the COVID-19 shut down.

The municipality will provide a one-time recovery support payment to help cover the burden of fixed operating costs not addressed by other funding arrangements.

Annual expenses for fixed operating costs* in 2020 starting at $2,000 + will be assessed. Costs over $100,001 will be assessed at 10% up to $20,000 in recovery funding. *fixed operating costs include- rent/mortgage, phone, utilities, property taxes, internet, property insurance.

1.2 Before You Start

Please note that the application must be signed by a person that has legal authority to bind and to apply on behalf of the application organization. If you (the person completing the application) do not have legal authority, you must provide documentation indicating permission to submit on behalf of the applicant.

The following attachments must be uploaded and included before your application can be submitted

- Proof of non-profit registration
- Signing authority
- 2020 Profit and Loss statement or audited financial statement
- EFT form and Void cheque

Check if you are Eligible

Answer the following questions to determine if your organization is eligible for the Arts, Culture and Heritage Recovery Funding program;

Question 1

Is your organization a registered non-profit or charity within the City of Kawartha Lakes?

(Yes) (No)

If Yes - What is your organizations governance structure?
(text box with a max of 250 words)
If No – (if applicant answers No, they are not eligible for funding)

Question 2

Has your organization received funding from the City of Kawartha Lakes to cover Covid-19 expenses or financial shortfalls relating to 2020 fixed costs?
(Yes) (No)
(if applicant answers Yes – text box to list funding and amount)

Question 3

Does your organization manage a heritage collection/facility?

*for this purpose; a heritage collection is defined as a collection of historical works, artefacts, archival material or indigenous cultural heritage and belongings under the core of a heritage organization such as a history museum, art museum, archives, historic site or indigenous organization

(Yes) (No)

Question 3a

If your organization answered No to Question 3, does your organization participate/provide cultural activities that still require assistance with fixed costs? Please describe (i.e. dance, theatre, performance)
(text box – 200 words count)

Question 4

Does your organization provide public access through regular hours of operation (including full-time, seasonal or part-time) and is not solely membership based?
(Yes) (No)

Question 5

How many staff (f/t and p/t) does your organization employ?
(text box with a max of 200 words)

Question 6

Was your level of expenses related to fixed costs $2,000 or more?
(Yes)
(No) *organizations that have not incurred the minimum fixed cost threshold are not eligible for funding through this program. Costs over $200,000 will not be assessed for assistance due to the program cap of $20,000.
(if applicant answers Yes – text box to list municipal support to fixed operating costs)

1.2 Other Sources of Support

Has your organization accessed other sources of Covid-19 funding support? Programs may include: Canada Emergency Response Benefit (CERB), Emergency Funding through 2nd intake Museum Assistance Program (MAP), the Canada Emergency Wage Subsidy (CEWS), the Canada Emergency Business Account (CEBA) and the Canada Emergency Commercial Rent Assistance (CECRA) for small businesses.

(Yes) (No)

(if Yes – text box for listing)

2.0 Application Form

2.0.1 Organization Name

(Legal Name if incorporated- Text box)

(Organization Trade Name/Legal entity – text box)

2.0.2 Address

(Street Address line 1)

(Street Address Line 2)

(City/Town/Community within CKL)

(Province)

(Postal Code)

Enter the organization's mailing address if it is different from the primary address

2.0.3 Enter your organization's telephone type and number

(phone type)

(phone number including area code)

(extension if applicable)

Organization Email Address

(Email (yourname@domain.com))

Organizational Website

(Website (http://www.url.com))

2.1. Authorized Representative (signing authority)

2.1.1 Read the text attentively before indicating if you have the authorization to sign official documents on behalf of the organization for which you are applying. If the answer is Yes, the information will be taken directly from the previously filled fields, and all you need to enter is your title or position in the organization.

City of Kawartha Lakes requires an authorized representative who has the legal authority to bind and apply on behalf of the applicant organization or someone who has been given permission from an authorized representative to submit the application.

The authorized representative must be:

- An individual with the authority to enter into contracts on behalf of the application organization; and
- Identified as such in the organization's official operating policies (e.g. financial policies, by-laws), or in the official motion from the organization's board or governing body

If you do not have this authority, you must obtain permission from an authorized representative to submit this application on their behalf.

Are you a person that has the legal authority to bind and apply on behalf of the applicant's organization?

(Yes) (No)

If you answer No, enter the name, surname, and title of the authorized representative who gave you permission to submit this application on their behalf. **Do not put your own name here if you are not the authorized representative.** The authorized representative will receive an email notification once you submit the application. You will be asked in the attachments section to upload a document (email, letter, etc.) proving that you have their permission to apply on behalf of the organization.

If yes, please fill out the contact information in 2.2 using your own information.

2.2 Contact Information

Given Name

(text box)

Surname

(text box)

Title/Position

(text box)

2.0 Funding Request

2.1. Enter your organization's total expenses related to fixed operating costs in 2020 (less municipal financial support where applicable).

(text box)

Funding ranging from $1,000 to a maximum of $20,000 may be awarded to eligible applicants according to the funding formula based on the applicants total annual expenses related to fixed operating costs (less municipal financial support where applicable) in 2020.

3.0 Payment

3.1. If you have submitted a Direct Deposit Enrollment Request to the City of Kawartha Lakes in the past two years, you will be asked to indicate if your banking information has changed since the last time you have submitted a direct deposit enrollment request. If your answer is No, you will not have to submit any information for direct deposit

3.1.1 Have you submitted a Direct Deposit Form?

(Yes) (No)

3.1.2 If yes, has your banking information changed since your submission?

(yes) if Yes, you will need to submit a new Direct Deposit Enrollment request

(no) if No, indicate banking information is up to date and continue with submission

3.1.2.1 If no, please submit a Direct Deposit Enrollment Request along with your application.

4.0 Application Checklist & Documents

Please review the following checklist before submitting your application. This checklist identifies supporting documentation that needs to be subnitted in conjunction with your application. Where indicated, downloadable forms are available to fulfill supporting documentation requirements; these forms need to be signed and submitted with your application. Please note that errors or incomplete applications may result in delayed processing and /or rejection.

- Proof of legal status (letters patent/incorporation documents, constitution or bylaws)
- Most recent financial statements for 2020 (Profit & Loss statements are acceptable if audited are not available)
- Proof that authorized representative has signing authority according to the organization's office operating policies (e.g. Bylaws, constitution, board resolution or other document)
- Permission to submit on behalf of the Authorized Representative (e.g. attestation, email, letter etc.)
- Direct deposit information (void cheque or a completed Direct Deposit Enrollment Form stamped by your financial institution) if information has changed or is not already on file.

Council Report

Report Number:	**ED2021-007**
Meeting Date:	January 28, 2021
Title:	**Rural Economic Development Program Application Request**
Description:	Request to apply for the Ontario Rural Economic Development Program for a business and workforce attraction marketing project
Author and Title:	Rebecca Mustard, Manager of Economic Development

Recommendation(s):

That Report ED2021-007, **Rural Economic Development Program Application Request**, be received;

That the project Business and Workforce Attraction be approved for an application to the Ontario Rural Economic Development Program with a total project cost of up to $100,000 with the City's 50% contribution coming from the Economic Development operating 2021 and 2022 operating budgets; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Ontario Rural Economic Development program is a cost-share fund to support strong rural communities in Ontario. In Kawartha Lakes, the fund has been used to support a number of projects including downtown revitalization initiatives.

In December, 2020 the fund reopened for applications with a close date of February 1, 2021. An application to the program for a business and workforce marketing project is proposed with funding from the 2021 and 2022 Economic Development operating budget. If funded, the project will be delivered in 2021 and 2022.

Under the City's signing authority, grant applications that propose to commit operating dollars in future years requires the approval of Council.

2016-009 A By-Law to Provide Authority for the Execution of Certain Documents and Affix the Corporate Seal on Behalf of the City of Kawartha Lakes:

> 3.01 (d): Application forms for grant funding where any municipal funding is included in the current budget or is part of the normal operations of a department where a budget has not yet been approved or it is 100% funded from external sources.

This report provides an overview of the proposed Rural Economic Development program application for a business and workforce attraction marketing project.

Rationale:

The City's Economic Development program has a strong focus on supporting the growth and expansion of existing businesses in Kawartha Lakes. There are times, however, where efforts need to include the strategic attraction of new business and workforce, particularly those that support the economic growth of the existing economic structure.

In 2020, Council received the refreshed municipal brand. The refresh brought together the vision and goals of the Kawartha Lakes Strategic Plan and Kawartha Lakes Economic Development Strategy to better express the culture of our community and the future community we are working towards.

At the same time as the launch of the refreshed brand, the global pandemic has accelerated a growing trend of interest in rural communities as a place live and run a business. In December 2020, Kawartha Lakes was listed as one of the hottest real estate markets in Canada. Located 90 minutes north east of Toronto and bordering the Greater Toronto Area, businesses and people are moving to Kawartha Lakes. Our opportunity is to leverage this migration to support sustainable economic growth in Kawartha Lakes.

The proposed business and workforce attraction project will implement the Kawartha Lakes Strategic Plan and Economic Development strategy in two distinct ways (1) refining the branding story through the development of digital and other collateral using the refreshed brand, and (2) execution of a marketing, communications and media campaign for strategic business and workforce attraction.

The proposed project will

- Promote the Kawartha Lakes lifestyle as a preferred choice to live, work and raise a family.
- Focus on business decision makers and owners in the five (5) key clusters looking to build their business; (Agriculture and Food; Culture; Innovation; Manufacturing; and, Tourism)
- Reach investment specialists (site selector, real estate etc.),
- Attract young families/ young professionals to support local workforce needs or working from home; and
- Launch a business ambassador program to tell the story of Kawartha Lakes and welcome new residents and businesses to Jump In to the Kawartha Lakes community.

In addition, this project is about economic sustainability and vibrancy. To achieve this, businesses and individuals need to immerse themselves in Kawartha Lakes. This means they not just relocate to the community, but they also change their spending and volunteering resources to invest in Kawartha Lakes.

The local Chambers of Commerce, Business Improvement Area and Workforce Development Board will be key partners in delivering this project. It is hoped that as the project is further developed, other business and community based organizations will also participate.

Other Alternatives Considered:

Council could choose not to commit funds from the 2022 budget, however, this project will be more successful over a longer timeframe. The ability to cost share with provincial funds significantly improves the breadth and reach of this project well beyond what would be possible using only operating funds.

Alignment to Strategic Priorities

The project implements the 2020-2023 Kawartha Lakes Strategic Plan:

- A Vibrant and Growing Economy

Specifically, to attract new businesses and expand local employment: build a brand to attract both business and people, create an environment to attract business to Kawartha Lakes: support downtown revitalization, and leverage local business ambassadors.

The project also implements a number of action items in the Kawartha Lakes Economic Development Strategic Plan;

- Build awareness of Kawartha Lakes as a destination, develop a digital marketing plan
- Grow the five (5) specific clusters
- Encourage a positive community business culture and build an ambassador program
- Attract and retain a new generation of great entrepreneurs and workforce

Financial/Operation Impacts:
The Rural Economic Development program requires matching contributions. The City's contribution will be made within the approved Economic Development operating budget for 2021. The 2021 operating funds were already in the Economic Development budget for business attraction marketing projects. A successful application to the fund will expand the scope and impact of the work planned for 2021.

The request of this report is to commit up to $50,000 in municipal operating funds in the 2022 budget.

Consultations:

Coboconk Norland and Area Chamber of Commerce, Bobcaygeon and Area Chambers of Commerce, Fenelon Falls and Area Chamber of Commerce, Lindsay and District Chamber of Commerce, Lindsay Downtown Business Improvement Association

Manager, Communications, Advertising and Marketing

Attachments:

None

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Council Report

Report Number:	**HH2021-001**
Meeting Date:	January 28, 2021
Title:	**KLH Housing – Purchase of 11 West Street South, Fenelon Falls**
Description:	Affordable Rental Housing
Author and Title:	Hope Lee, Manager, Human Services (Housing)

Recommendation(s):

That Report HH2021-001, **KLH Housing – Purchase of 11 West Street South, Fenelon Falls**, be received; and

That the City approves the debenture financing of $1,450,000 for KLH Housing Corporation for up to a thirty-year term in order to purchase the property located at 11 West Street South, Fenelon Falls.

Department Head: _____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

KLH Housing was approached by Women's Resources late last year to gauge any interest they may have in acquiring their property in Fenelon Falls (11 West Street South – Amy's Second Stage Housing). Women's Resources have owned and operated the building as transitional housing for women and their children fleeing violence, for many years now. The units offered temporary next step housing to women and their children, many of whom would have used the shelter previously. Women's Resources is interested in selling the Fenelon Falls building and using the revenue from the sale to offer options in Lindsay, closer to their existing programs and services, to women and children fleeing violence.

KLH Housing has more recently developed plans for 30 units of housing on 106 Murray Street in Fenelon Falls. The 11 West St. S. property is adjacent to the Murray St. property (Figure 1).



The KLH Housing Board considered this purchase at their December meeting, giving the CEO direction to negotiate a purchase and if accepted to request financing assistance from the City of Kawartha Lakes.

KLH Housing and Women's Resources have entered into a conditional agreement of purchase and sale. The offer is conditional on financing being approved by February 11, 2021. The closing date is June 30th, 2021.

This report addresses the request for financing assistance.

Rationale:

The property is approximately a half acre and is zoned residential type 5, which permits apartment dwellings. The property could have future development opportunities for KLH although at this time the intent is to use its current form.

The building includes:

- 8 units
  - 1 bachelor
  - 2 – 1 bedroom
  - 3 – 2 bedroom
  - 2 – 3 bedroom
- Office space
- Common room and kitchen
- Laundry on each level

The building is a two storey, approximately 50-year-old structure. The building has been very well maintained. There are no outstanding life safety repairs or electrical issues. The roof was replaced in 2019. An assessment of capital needs determined approximately $200,000 would be needed over the next 5 years, with nothing critical at this time.

Occupancy Details:

The units are currently rented on a transitional basis with an expectation that a permanent housing option will be secured by the tenants within 18 months. At this time, only four units are occupied using this transitional model. The other four units are being used as isolation units for households to stay in prior to accessing the shelter in Lindsay. Women's Resources will work with the four households with the intention of finding them permanent housing elsewhere before the sale occurs.

KLH Housing's plan is to offer permanent affordable housing within the eight units. If any of the four households have not found permanent housing elsewhere, KLH would offer them the units on a permanent basis.

KLH would work toward an occupancy plan so that the units will be occupied soon after the closing date (June 30th, 2021).

Meeting Affordable Housing Targets

These units will become permanent affordable rentals adding eight units for approximately fifteen households.

Alignment to Strategic Priorities

This report aligns to the Exceptional Quality of Life strategic priority. It contributes directly to the goal of:

- Continuing to encourage mixed development, with a focus on affordable, attainable and purpose built housing.

Financial/Operation Impacts:

The conditional offer is $1,450,000. This price is considered reasonable based on the following assessments:

- cost to purchase land and rebuild a similar building
- current market value (provided by KLH Housing broker of record)

The revenue generated from the eight units will cover the expenses and the debt payments producing a modest surplus year over year. Rents will be established using local averages so that these units will contribute to the affordable targets.

Category	2021	2022	2023	2024	2025
	6 months	12 months	12 months	12 months	12 months
Project Revenue	61,326	120,794	122,570	124,373	126,202
Operating Expenses	21,900	43,523	43,958	44,398	44,842
Net Operating Income	39,426	77,271	78,612	79,975	81,360
Debt Loan	38,786	77,094	76,127	75,233	74,194
Total: Project Expenses	60,686	120,617	120,085	119,631	119,035
Annual Surplus (shortfall)	**640**	**177**	**2,485**	**4,742**	**7,167**

Tenants will bring portable housing benefits through the by name list in order to ensure they pay no more than 30% of those income on rent. These benefits come through provincial funding sources (Canada Ontario Housing Benefit or Community Homelessness Prevention Initiative).

KLH Housing is requesting support to secure long term financing from the City. This has been approved and completed for several KLH Housing new developments already. The request is for the City to take out financing in the amount of $1,450,000, in the form of a 30-year serial debenture, in its name. The City would then lend this money to KLH

who in turn would make both principal and interest payments from the revenue received from the tenants. If the City could not secure the debenture prior to the closing date (June 30th, 2021), it would cash flow the purchase with any related expense being reimbursed from KLH Housing.

The City of Kawartha Lakes (CKL) has an Annual Repayment Limit (ARL) prescribed by the Municipal Act. In the past Council has approved debt limits for City capital projects that are funded by Tax Levy and those funded by Water and Wastewater Rates. All other capital areas, including KLH Housing capital, do not have an approved debt limit at this time. The long term financial plan is currently being updated and an overall debt strategy, for all capital areas, will be developed. KLH Housing's debt limit falls within the scope of CKL's ARL in that the KLH Housing Corporation's sole shareholder is the City of Kawartha Lakes.

In the absence of a debt limit for KLH Housing Finance staff looked to debt levels at the beginning of 2001 which represents the time period around the amalgamation of the City and the downloading of responsibility of managing public housing to the municipal sector (devolution). At the time of devolution KLH housing had annual repayments of debt principle and interest of $880,614. The 2021 projection for total debt principle and interest is $1,028,367, including West Street debenture. This is an increase of $147,753. At the same time the total debt outstanding for KLH Housing at 2001 was approximately $11,246,954 and the projected 2021 debt outstanding, including West Street is $11,251,722.

It should be noted that the Annual Repayment Limit for the City of Kawartha Lakes is based on 25% of overall revenue earned, excluding grants and municipal contributions. Rental revenue collected in KLH Housing has increased from approx. $2.5M in 2001 to $4.2M in 2020 which represents an increase of $1.7M in revenue collected, including West Street. This is indicative of the redevelopment focus of KLH Housing in the past 5 years but also indicates a greater ability to finance debt principle and interest payments.

Treasury staff are recommending that Council approve the purchase of West Street and utilize $1,425,000 in debt to finance the project, given all the factors illustrated above. Rental revenue has almost doubled since 2001 and debt payments have only increased approximately $150,000. Total overall debt outstanding has stayed relatively the same as 2001 levels. This new debt issuance for West Street will still allow KLH Housing Corporation to approximate the debt at devolution. In addition, this old debt from devolution will be retired by 2026 and that will eliminate higher payments for debt as the interest rates were considerably higher in 2001 than the interest rates available today. (In 2001 the rates ranged from 4% to 7.8% and in 2020 a 30 Year serial debenture bears a 2.37% interest rate). The Long Term Financial Plan, due in Q2, 2021, will solidify a debt limit going forward for KLH Housing Corporation.

Consultations:

KLH Housing Board of Directors
Treasurer, City of Kawartha Lakes

Department Head email: rsutherland@kawarthalakes.ca

Department Head: Rod Sutherland, Director Human Services

Council Report

Report Number:	**HS2021-001**
Meeting Date:	January 28, 2021
Title:	**Community Pandemic Recovery Fund Framework**
Author and Title:	Rod Sutherland, Director of Human Services

Recommendation(s):

That Report HS2021-001, **Community Pandemic Recovery Fund Framework**, be received; and

That the Community Pandemic Recovery Fund Framework, attached as Appendix A to Report HS2021-01, be approved; and

That the Community Pandemic Recovery Fund Evaluation Committee Terms of Reference, attached as Appendix B to Report HS2021-01, be approved; and

That Marina Hodson, Heather Kirby, Lynda Nydam, Max Radiff and Councillor Tracy Richardson be appointed to the Community Pandemic Recovery Fund Evaluation Committee; and

That a total maximum of $500,000 be allocated to the Community Pandemic Recovery Fund for 2021, funded up to $120,000 from the Pandemic related portion of the City's Contingency Reserve and up to $380,000 from the 2021 Lindsay Legacy CHEST Fund.

Department Head: _____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Council established the Community Pandemic Recovery Task Force on May 26, 2020 to provide advice and recommendations to Council and Staff on resources and support required to ensure community recovery from the COVID-19 Pandemic. The twelve appointed members of the Task Force are:

- Councillor Ron Ashmore
- Councillor Pat Dunn
- Councillor Doug Elmslie
- Councillor Tracy Richardson
- Penny Barton Dyke, United Way of Kawartha Lakes
- Marina Hodson, Kawartha North Family Health Team
- Heather Kirby, Kawartha Lakes Food Source (Co-chair)
- Lynda Nydam, Children's Services Council of Kawartha Lakes / Haliburton
- Mark Pankhurst, City of Kawartha Lakes
- Pam Stuckless, Haliburton, Kawartha, Pine Ridge District Health Unit
- Rod Sutherland, City of Kawartha Lakes
- Amy Terrill, Boys and Girls Clubs of Kawartha Lakes (Co-chair)

At the Council Meeting of November 17, 2020, Council adopted the following resolution:

> CW2020-122
>
> **That** the Memorandum from the Lindsay Legacy C.H.E.S.T. Fund Grant Committee, regarding **2021 Lindsay Legacy CHEST Fund Grant Awards,** be received; and
>
> **That** the grant award and distribution process for the 2021 year for the Lindsay Legacy C.H.E.S.T. Fund be suspended so funds can be utilized to assist with relief efforts to charitable and non profit organizations within the Town of Lindsay.

At the Council Meeting of November 17, 2020, Council adopted the following resolution:

> CW2020-167
>
> **That** Report HS2020-005, **Community Pandemic Recovery Task Force Recommendations**, be received;
>
> **That** staff be directed to develop a framework for a Kawartha Lakes Community Recovery Fund to support pandemic recovery and relief efforts for non-profit and community service providers in the broader health and human services sector,

including the identification of the scope and criteria for the fund; funding levels and source for presentation to Council in the first quarter of 2021;

That the proposed Kawartha Lakes Community Recovery Fund incorporate the 2021 Lindsay Legacy CHEST Fund allocation for eligible proposals within Lindsay;

That staff be directed to proceed with modifying the 2021 and 2022 50/50 Community Project Capital Funding Program, Beautification Program and any other City Funding Program application process by waiving the requirement for a matching contribution from applicants; and

That staff be directed to identify internal resources and external supports that could be made available for workshops and information sessions to community organizations in support of pandemic response and recovery and develop a 2021 schedule for delivery.

At the Council Meeting of December 1, 2020, Council adopted the following resolution:

CR2020-395

That Report CORP2020-018, **Disposition of 2019 Surplus,** be received; and

That the 2019 Surplus of $2,999,743 be maintained in the Contingency Reserve for the purpose of funding community, economic, and corporate pandemic recovery initiatives.

This report addresses the direction to establish the Community Recovery Fund.

Rationale:

The Task Force has developed the proposed framework for the Community Pandemic Recovery Fund (Appendix A). The framework establishes the fund to support pandemic recovery and relief efforts for non-profit and community service providers in the broader health and human services sector. A formal application process is described in the framework to allow organizations to submit funding requests.

The framework includes the eligibility criteria and evaluation process for the fund. Funding may be considered from eligible applicants that support pandemic recovery and relief efforts in the community. A range of eligible expenses may be considered with the Evaluation Committee scoring applications on a ranked basis.

The total maximum available funding in the 2021 Community Pandemic Recovery Fund (CPRF) is $500,000. This is comprised of up to $120,000 from the Pandemic related portion of the City's Contingency Reserve identified by Council on December 1, 2020, and up to $380,000 from the 2021 Lindsay CHEST Fund. This is a onetime allocation for

2021 at this point. The Task Force may recommend additional future allocations to Council for consideration based on continuing recovery needs.

The terms of the Lindsay CHEST Fund specifically identify that funds must be allocated to eligible organizations and services primarily within the historical boundaries of the Town of Lindsay. The CPRF portion coming from the Lindsay CHEST Fund must still meet their geographical and service criteria. Mr. Max Radiff is specifically identified as a member of the Evaluation Committee to connect the CPRF process to the Lindsay CHEST Fund.

The Evaluation Committee will assess all applications and make funding decisions based on the framework. There is not a set maximum amount that can be requested through each application, although the committee may award funding at levels less than requested based on the number of applications received and the assessment of each request.

The proposed Evaluation Committee Terms of Reference, attached as Appendix B, describes the role of the committee in reviewing and evaluating CPRF applications. The members recommended for appointment to the committee are:

- Councillor Tracy Richardson (Council representative)
- Max Radiff (Lindsay CHEST Fund representative)
- Marina Hodson (Task Force member)
- Heather Kirby (Task Force member)
- Lynda Nydam (Task Force member)

The intake period for applications will begin as soon as possible following approval of the framework, and be open for approximately four weeks. The review and evaluation will occur in March with final decisions and funding letters being issued by the end of March 2021.

City staff will support the process and oversee the administration of the funds. A staff report will be presented to Council with the outcome of the process.

The CPRF is just one focus of the Task Force. As directed in the November 17, 2020 resolution, changes were made to the 50/50 Community Program for 2021 to remove the requirement for proponents to match City funding. At its December 1, 2020 meeting, Council also increased the overall budget of the 50/50 Community Program by $80,000 for 2021 to maintain the overall benefit of the program. This was funded from the Pandemic related portion of the Contingency Reserve.

Work is also continuing on identifying additional supports and resources for community organizations including workshops and other programs. Building on the existing capacity of the community will continue to be essential for overall community well-being through the pandemic response and recovery periods.

Alignment to Strategic Priorities

The Community Pandemic Recovery Task Force and the CPRF both relate directly to the Exceptional Quality of Life and Vibrant and Growing Economy priorities by supporting overall community well-being and health.

Financial/Operation Impacts:

The Lindsay CHEST Fund allocation of $380,000 is derived from the annual interest earned from the principal of that Legacy fund.

The allocation of $120,000 from the Contingency Reserve is consistent with Council's designation of a portion of that Reserve to support Pandemic recovery.

Consultations:

Community Pandemic Recovery Task Force
City Treasurer

Attachments:

Appendix A – Community Pandemic Recovery Fund Framework



CPRF Framework Final.pdf

Appendix B – Community Pandemic Recovery Fund Framework Evaluation Committee Terms of Reference



CPRF Grant Committee TOR Fina

Department Head email: rsutherland@kawarthalakes.ca

Department Head: Rod Sutherland, Director

Community Pandemic Recovery Fund Framework and Application Instructions

The City of Kawartha Lakes established the Community Pandemic Recovery Fund (CPRF) to support programs or services that address community pandemic recovery. Administered by the City, the CPRFs primary focus is to increase or maintain supports to residents in meeting their basic human service needs.

Completed forms must be <u>received</u> no later than 4:00 pm on TBD to:

City of Kawartha Lakes
68 Lindsay St. N.
Lindsay ON
K9V 0N7
Email: hrussett@kawarthalakes.ca
Fax: 705-328-2875
Telephone: 705-324-9870 ext. 3228

Background

The City of Kawartha Lakes established the Community Pandemic Recovery Fund (CPRF) to support pandemic recovery and relief efforts for non-profit and community service providers in the broader health and human services sector.

The CPRF will foster innovation and collaboration within non-profit and community service providers in the broader health and human services sector that will build strength to move forward in the midst of the global pandemic.

The bolstering of our local service providers so they can survive, thrive and continue to serve is essential for the long-term growth of our community.

The City is therefore conducting this application process to receive applications from eligible organizations that meet the criteria of the CPRF.

Definitions

For the purposes of this application, the following definitions shall be used.

1. 'City' refers to the Corporation of the City of Kawartha Lakes (the municipality)
2. 'Kawartha Lakes' refers to the geographic area of the municipality
3. 'Pandemic' refers to the COVID-19 global pandemic
4. 'Lindsay CHEST Fund' refers to the Legacy Community Hydro Electric Systems Transfers (C.H.E.S.T.) Fund as defined and described in City Council Policy CP2016-011.
5. 'Human services' are those services that meet the economic, health, and social services needs of people, together constituting the "social infrastructure" of a community.

Purpose

The overall purpose of CPRF is to support pandemic recovery and relief efforts for non-profit and community service providers in the broader health and human services sector.

The goals of the CPRF are to:

- Encourage the necessary collaboration and sharing of resources;
- Foster the essential innovation of operations and practices;
- Build capacity to foster long term stability; and
- Establish intentional progressive planning.

Applications for the CPRF will focus on one of the two priority aspects:

1. **Survive** – addressing the immediate needs of vulnerable residents by keeping the organization operational by supporting operating costs, including, but not limited to rent/mortgage, insurance, property taxes, hydro, heat.

2. **Thrive** – creating the opportunity to establish innovative programming, operations and related expenditures in an effort to move towards sustainability

Consideration of the following will assist in the evaluation of requests under the 'Survive' priority:

- Scale of vulnerability of the organization; and
- Distinctiveness of the organization's mandate

Consideration of the following will assist in the evaluation of requests under the 'Thrive' priority:

- Level of impact of the organization and/or program within the community; and
- The organizations demonstrated knowledge of residents' current needs

Applicants must have a willingness to participate in capacity-building opportunities as referred or arranged by the Community Pandemic Recovery Task Force. Collaboration between organizations with similar requirements that are mutually beneficial is strongly recommended.

Eligible Applicants

The application process is open to non-profit and community service providers in the broader health and human services sector. Applicants must be an incorporated non-profit organization or registered as a charity for the purposes of the Income Tax Act (Canada).

To be eligible for funding, applicants must:

- Be based in Kawartha Lakes, and serving residents of Kawartha Lakes (for funds specifically identified as being allocated from the Lindsay CHEST Fund, the applicant must be based in, and benefit the residents of, Lindsay consistent with the criteria of the Lindsay CHEST Fund);
- ensure the funds are expensed within, and benefit the citizens of, the City (for funds specifically identified as being allocated from the Lindsay CHEST Fund, the funds must benefit the residents of Lindsay);
- quantify the impact of the pandemic on their organization and their services;
- clearly identify of the need for the program/service;
- provide a detailed description of the activities to achieve anticipated results;
- demonstrate and define the measureable benefits to the community consistent with the purpose of the fund;
- demonstrate their organizational strengths and capacity to achieve the identified results;

- demonstrate that they have sound financial management practices; and
- submit a completed application form and other reports as requested.

Eligible Expenditures

The application for CPRF requires the specific identification of the expenses. The funds requested through the application must relate directly to impacts of the pandemic, or be specific to core operating expenses that are unable to be paid due to the impact of the pandemic.

Eligible expenditures that may be supported through CPRF include:

- Expenses associated with the organization's standard operating costs (eg: occupancy costs, insurance etc)
- Purchase of Personal Protective Equipment (PPE) specific to the applicant's needs for safe operation.
- Minor capital expenses to install or retro-fit space to allow for appropriate physical distancing and or barriers, such as temporary or permanent shields or barriers in place, retro-fitting spaces to protect volunteers and employees
- Outsourcing professional cleaning
- IT training for staff and/or volunteers and outsourcing IT requirements if/when necessary
- Purchase of hardware and/or software that supports operations
- Staff time/training on innovations specific to adapting operations to COVID
- Compensate volunteer to put in extra, required work to make necessary adaptations
- Hire a qualified candidate for short term project (6-month max) that will increase organizational capacity or viability
- Professional development
- Memberships for one year, including but not limited to: Foundation Registry, Techsoup, other
- Consultants that can demonstrate increased organizational capacity or viability
  - Planning: Fundraising/Business/Strategic/Operations/Communications
  - Professional fundraiser
  - Website/social media
  - Event planner

Proposals, unless otherwise exempted, will **not** be considered for the following:

1. Purchase of property;
2. Organizations where the service component is conditional upon participation in the religious activities of the organization;
3. Organizations which have direct political affiliations;
4. Programs or services where the federal and/or provincial government have the primary program delivery or funding responsibility, including, but not limited to, health-care programs, medical research, education;

5. Projects normally administered at the national or provincial level unless a locally based branch exists and a direct local benefit can be demonstrated;
6. Agencies or organizations acting in the capacity of a funding body, fundraising drives or events;
7. Agencies or organizations that duplicate service in the same geographical area; and
8. Proposals made exclusively by government.

Evaluation Criteria

1. Demonstrated need for the program/service;
2. The measurable outcomes, either demonstrated or anticipated, of the program/service;
3. Qualifications and experience and of the agency/provider to deliver the program/service;
4. The proposal aligns with the Applicant's mission and core values;
5. Capacity and mandate of the Applicant to deliver the program or service;
6. Scale of vulnerability of the organization;
7. Level of impact of the organization and/or program within the community;
8. Distinctiveness of the organization's mandate;
9. Demonstrated knowledge of the community's current needs;
10. The demonstrated ability of the Applicant to establish and maintain effective outcome monitoring and reporting processes;
11. Willingness to participate in capacity-building opportunities as arranged by the Community Pandemic Recovery Task Force; and
12. Collaboration between organizations with similar requirements that are mutually beneficial is strongly recommended.

Consideration may also be given to other pandemic relief funding the organization has received.

Funding Terms

Individual funding allocations will be determined and approved by the Evaluation Committee and will vary depending on the total amount of funding requested and the number of approved requests. Final funding decisions will be made on a ranked basis, up to the total available allocation in the CPRF. Notwithstanding individual submissions, the Evaluation Committee may award less funding than requested by an applicant.

There is no set maximum for the amount that may be awarded to a single successful applicant; however, in awarding funding, the Evaluation Committee will give

consideration to the maximum potential benefit that may be accomplished for the funding.

Following the Evaluation Committee's approval of grants, successful applicants will receive a funding letter from the City that will identify the terms and conditions.

Funding allocations will be onetime only, for a period of up to no more than 12 months.

Successful applicants will ensure that any and all communication activities, publications, advertising and press releases referring to services provided pursuant to this program include an appropriate acknowledgement, in terms satisfactory to the City, of the City's contribution.

If the grant request is successful, the Applicant agrees to the following:

- If the grant request is not used for the program or service described in the funding letter, or if there are any misrepresentations in the application, the full amount of the grant (including any interest earned, if applicable) will be returned by the Applicant, made payable to The City of Kawartha Lakes.
- No changes are to be made with respect to the funding of the program or service from that described in the application without the approval of the City.
- The Applicant will keep proper books of accounts of all receipts (proof of payment in the form of invoices/receipts and bank statements) and expenditures relating to the program or service for which the grant was given and will retain these documents for a period of at least seven (7) years.
- The Applicant will allow the City Treasurer, or a delegate, to examine any records of the Applicant to ascertain that the funds granted by the City to the Applicant have been properly expended for the purposes herein described.
- If the program or service described on the Applicant's application are not commenced or are not completed and there are grant funds on hand, or are completed without requiring the full use of the grant, such funds (including any interest earned, if applicable) will be returned by the Applicant, made payable to The City of Kawartha Lakes.
- Should the Applicant receive grant funding and subsequently disband, the Applicant must immediately advise the City of Kawartha Lakes to ensure grant funds are returned as outlined above.
- The Applicant commits to completing a post-project financial report upon the completion of the program or service to identify the complete expenditures of and the measured results of the project. The deadline for reports to be received are as follows:
    - within sixty (60) days of completion of the program or service funding; or
    - by February 28, 2022; whichever comes first.

Selection Process

The selection process will consist of three steps:

1. Screening: Each application will be initially screened for completeness and compliance with mandatory requirements. If an application does not include one or more of the mandatory requirements as outlined in the application process, the application may be disqualified from further evaluation. The City is the sole evaluator and arbiter of whether or not an application meets these requirements.

2. Review, Analysis and Recommendations: Applications will be reviewed by an Evaluation Committee appointed by City Council, analyzed and rated in accordance with evaluation criteria set out in the application to determine which Applicants best meet the CPRF requirements.

3. Decision: The Evaluation Committee will make the final funding decision and report the outcome to City Council, via a staff report.

No assumptions should be made in the application process that the City or the Evaluation Committee has any knowledge of any Applicant or its members, its experience, expertise and performance on other projects other than those submitted by the Applicant.

Criteria listed are not necessarily in the order of importance.

Criteria	**Weight**
Applicant's qualifications and capacity to effectively deliver service/program	10
Meeting objectives of the fund	35
Program outcomes	40
Program/Service efficiency	15
Total	**100**

Applicant's qualifications and capacity: This includes the experience, qualifications and capacity of the Applicant to develop and/or deliver the program/service in the most effective manner.

Meeting objectives and program requirements: this includes the extent to which the program or service addresses needs of the community that may not otherwise be met.

Program outcomes: this is the impact of the program or service on the community. It includes the number of individuals to be served and the range of services to be provided in relation to the requested funding level.

Program/service efficiency: this includes the amount, comprehensiveness and credibility of the proposed operating budget for the proposed service to meet the identified outcomes.

Terms of Reference

Name:

Community Pandemic Recovery Fund (CPRF) Evaluation Committee

Mission:

To evaluate applications for CPRF grants and make grant allocation decisions.

Objectives:

To evaluate applications for CPRF grants and make grant allocation decisions.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Roles and Responsibilities:

The following are the roles and responsibilities of the Committee*:*

- Support the City in the CPRF application process;
- Review and assess grant applications;
- Made decisions regarding grant allocations consistent with the Council's CPRF Framework.

Activities:

The following are the activities and responsibilities of the Committee:

a) To meet as required to review and evaluate applications for the CPRF.
b) To make funding decisions based on the approved CPRF Framework and within the Council approved budget.
c) To make recommendations to City Council on various issues which may arise concerning the CPRF.
d) To review projects funded with the CPRF, where a request for change has been made by the applicant.
e) To review and make recommendations to Council concerning changes to the CPRF Framework.

Composition:

The Committee shall be comprised of a maximum of five (5) members consisting of one (1) Council representative, one (1) representative from the Lindsay CHEST Fund Committee, and three (3) members of the Community Pandemic Recovery Task Force.
Committee members will be appointed by Council in accordance with established policy. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include at a minimum a Chair and Vice-Chair.

It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services.

Term of Appointment:

Unless exempted by legislation, members shall hold office for a term concurrent with the term of Council and shall continue to hold office until their successors are appointed. Members/Successors are eligible for re-appointment/ appointment to the Committee to a maximum of two (2) consecutive four (4) year terms. Council members shall sit for the term of office.

Resources:

The City Council, CAO, Clerk, and staff of the Human Services and Finance Departments will be available to assist the Committee and attend meetings of the Committee upon request. Other Departments or other resources (i.e. auditors, Community Services) may be requested to review particular projects. Notwithstanding the general involvement of City resources as needed, it is understood that arrangements may be made by the Committee with any City Department for ongoing project administration and co-ordination.

Staff Assigned:

Staff from the Human Services Department will be available to assist the Committee, to attend meetings, prepare agenda's, minutes, reports and correspondence. Staff will also be responsible for the project administration and co-ordination.

Timing of Meetings:

It is anticipated the Committee will meet as required to address matters concerning the CPRF Fund. Meetings will be held on a set day and time as may be determined by the Committee or at the call of the Chair.

Administration:

Council may change the Terms of Reference for this Committee at any time. Any changes to these Terms of Reference recommended to Council by the Committee shall be via staff of the Human Services Department through a report to Council.

Appointment of Officers:

The CPRF Evaluation Committee shall, at its first meeting every second year, elect from its membership a Chairperson and a Vice-Chairperson. In the event

that there is a staff liaison appointed pursuant to Staff Appointment, that person shall serve as the Secretary.

Meetings:

The Committee shall determine the number and frequency of meetings required to fulfill its objective. Staff from the Human Services Department shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee. A copy of the Agenda shall be provided to the Clerk's office. Agenda and Minutes of these meetings will also be circulated to Council for information/communication purposes.

Procedures:

Procedures for the meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Closed Meetings:

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies.

Agendas And Minutes:

A copy of the Agenda shall be provided to the Clerk's office at the same time it is provided to Committee Members.

Minutes of all meetings of the Committee shall be forwarded to the Clerk's Office not later than two weeks after the meeting.

Action items requested of staff and/or Council will be brought to the attention of the Human Services Department at that time. The Clerk's Office will electronically circulate the minutes to all members of Council for their information. The Clerk's Office will maintain a set of printed minutes on file for public review.

Reports:

All recommendations of the CPRF Evaluation Committee outside their delegated authority are to be forwarded to Council in a formal written report on the City report template. It will be the responsibility of the Committee to identify those recommendations to the Human Services Department for final preparation of the report.

Conflicts Of Interest:

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter. CPRF Evaluation Committee members, or an organization by which they are employed or represent, are not eligible to apply for the CPRF.

Errors/Omissions:

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

Meeting Attendance:

Any member of the Committee who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member in accordance with adopted policy.

Location Of Meetings:

The location of the meetings will be set by the Committee.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Budget:

Committees will not be responsible for a budget unless Council approves their budget and delegation of responsibility to the Committee through the Committee's Terms of Reference.

Volunteer Positions:

Unless approved by Council, as part of the Terms of Reference or establishing by-law, all Committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.

Insurance:

This Committee does not require insurance.

Dissolution:

At the discretion of Council, or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council.

Expulsion of Member:

The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Committee or other legal issues. The process for expulsion of a member is outlined with Policy Number 028 CAO 002.

The Corporation of the City of Kawartha Lakes

By-Law 2021-___

A By-Law To Authorize the Use of Alternative Voting Methods and Advance Vote for the City of Kawartha Lakes 2022 Municipal Elections and to Repeal and Replace By-law 2017-013

Recitals

1. Section 42 of the Municipal Elections Act, 1996, S.O. c.32, as amended, provides that the council of a municipality may, by by-law, authorize the use of voting and vote-counting equipment for municipal elections.
2. Section 42 of the Municipal Elections Act, 1996, S.O. c.32, as amended, provides the authority for the council of a local municipality to pass by-laws authorizing electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote.
3. Section 43 of the Municipal Elections Act, 1996, c.32 as amended regarding advance voting shall apply in respect of the 2022 municipal election
4. This by-law puts into effect the decision of Council made by Resolution CC2021-___

Accordingly, the Council of the Corporation of the City of Kawartha Lakes enacts this By-law 2021-___.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

“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;

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: Alternative Voting Method

2.01 **Voting Method:** That the City of Kawartha Lakes use voting and vote counting equipment for the 2022 municipal election.

2.02 **Internet/Telephone**: That the City of Kawartha Lakes use the alternative voting method of internet/telephone voting combination for the 2022 municipal election.

Section 3.00: Advance and Proxy Vote

3.01 All Advance voting shall use the same alternative voting method of internet/telephone voting combination for the 2022 municipal election.

3.02 Proxy voting provisions shall not be permitted for the 2022 municipal election.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 5.00: Repeals

5.01 **Repeal:** By-law 2017-013 is hereby repealed.

By-law read a first, second and third time, and finally passed, this 28th day of January, 2021.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Designate 28 Boyd Street, Bobcaygeon in the City of Kawartha Lakes

A By-law to designate 28 Boyd Street (Edgewood Dry Stone Wall), Bobcaygeon in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.

2. A Notice of Intention to Designate 28 Boyd Street, Bobcaygeon described further in Schedules A and B, has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Council has consulted with its Municipal Heritage Committee.

5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and “alteration” and “altering” have corresponding meanings;

“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;

“Director of Development Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council,

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“Property” means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) 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: Designation of Property

2.01 28 Boyd Street, Bobcaygeon is designated as being of cultural heritage value, as described further in Schedules A and B. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedules A and B shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **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 ____, 2021.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule A to By-law 2020-XXX

Being a By-law to designate 28 Boyd Street, Bobcaygeon in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

28 Boyd Street, Bobcaygeon

Section 2: Location of Property

Located at the intersection of Boyd Street and County Road 36 in the Village of Bobcaygeon, City of Kawartha Lakes

Section 3: Legal Description and PIN

LT 2 N/S SOUTH ST AKA BOYD ST PL 70; LT 3 N/S SOUTH ST AKA BOYD ST PL 70; LT 4 N/S SOUTH ST AKA BOYD ST PL 70; LT 5 N/S SOUTH ST AKA BOYD ST PL 70; PT LT 1 N/S SOUTH ST AKA BOYD ST PL 70; PT LT 6 N/S SOUTH ST AKA BOYD ST PL 70 AS IN R426933; CITY OF KAWARTHA LAKES

PIN: 63129-0226

Section 4: Statement of Reasons for Designation

28 Boyd Street has cultural heritage value as an excellent and unique example of a late nineteenth century dry stone wall. From an architectural and design standpoint, dry stone wall construction, which has been identified by UNESCO as intangible cultural heritage of global value, was used in some areas of Kawartha Lakes to construct farm and retaining walls in the late nineteenth century and the wall at 28 Boyd Street is an excellent, well-known example that still survives in a significant form. It demonstrates a high degree of technical merit through its successful use of this construction method. Historically, the wall, which was constructed around 1890 for W.T.C. Boyd, the son of lumber baron Mossom Boyd, as part of the landscaping of his Edgewood estate which once stood on this location, yields information about the Boyds and their influence on the key economic sectors in the village. It has direct historical associations with the Boyd family, specifically W.T.C. Boyd, who was a significant figure in late nineteenth and early twentieth century Bobcaygeon for his role in the Boyd family’s various commercial ventures. It also yields information regarding the evolution of landscape design, particularly with regard to estates for wealthy business people, in Canada during this period which often emphasized local landscape elements and the picturesque. Contextually, it is a landmark in Bobcaygeon and is recognized throughout the community as an important historic structure.

Section 5: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Features

The architectural features of this property all demonstrate the high degree of technical achievement in the construction of the drystone wall on this property and its role as a unique and important construction type as recognized by UNESCO.

- Nineteenth-century dry stone wall
- Dry stone construction
- Double wall construction
- Limestone exterior walls
- Cope stones
- Interior hearting

Historical and Associative Features

The historical features of this property yield information on its relationship to the Boyd family and wider trends in landscape design.

- Relationship of the wall to the Edgewood/Case Manor property

Contextual Features

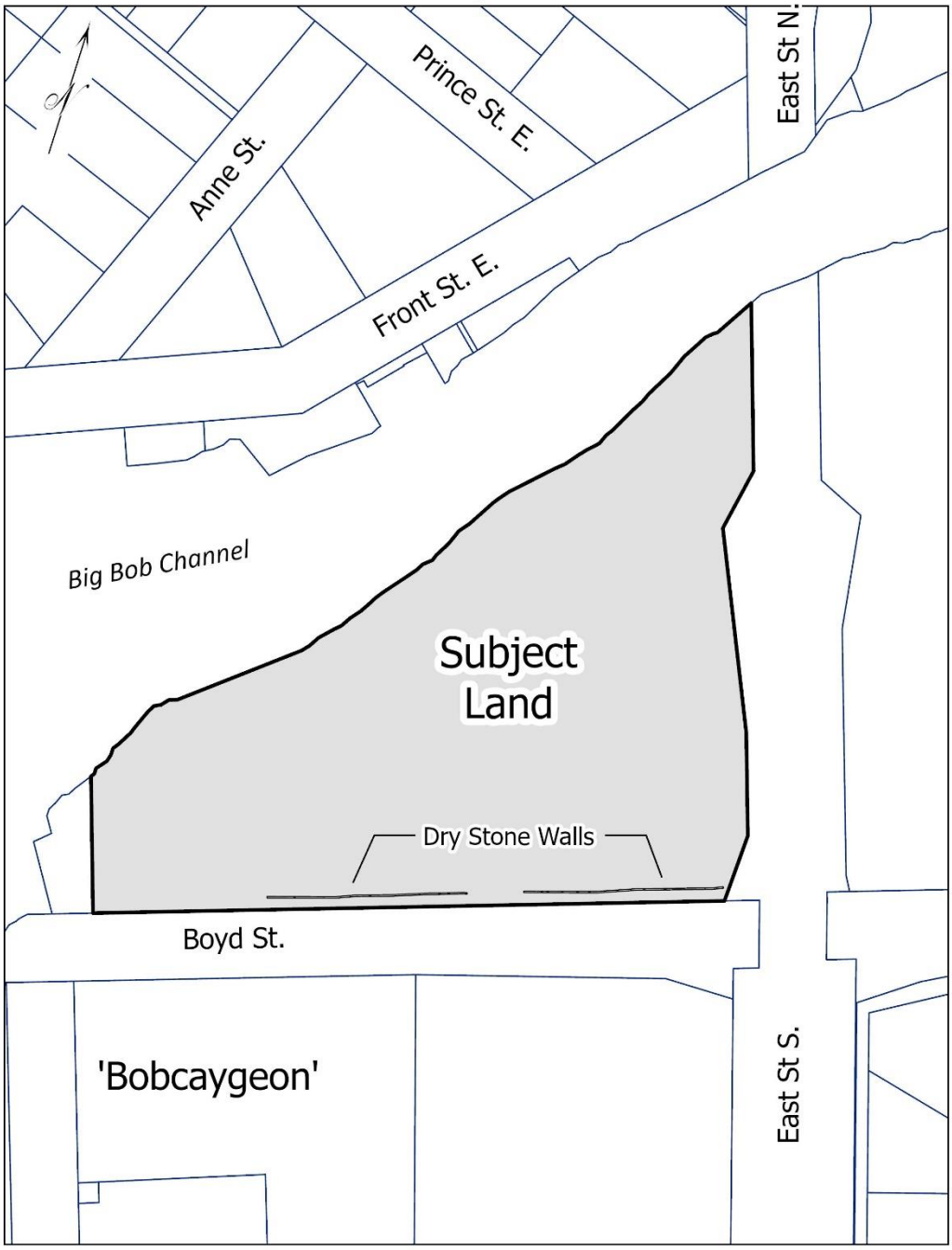
The contextual features of this property identify the property as a local landmark.

- Views to and from the wall along Boyd Street and from County Road 36

The modern long term care facility on this property and its associated features are not included as part of the heritage attributes of the property.

Schedule B to By-law 2021-XXX

28 Boyd St.



The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Authorize the Execution of a Letter of Agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario and the City of Kawartha Lakes related to Funding Provided by the Province of Ontario to the Municipality under the Municipal Transit Enhanced Cleaning (MTEC) Program

Recitals

1. An Agreement between the Minister of Transportation and the City must be entered into for the municipality to be eligible to receive funding.

2. The purpose of the Agreement is to address health related issues in respect of the COVID-19 pandemic and aimed at acquiring goods and services for the MTEC of the transit system.

3. This By-law authorizes the Agreement to be executed by the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law;

"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 within the administration of the City which fulfils the function of the City Clerk as required by the Municipal Act, 2001, c.25.

"Council" means the municipal council for the City.

"Treasurer" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Mayor" means the Chief Executive Officer of the City.

1.02 **Interpretation Rules**:

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

(c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which 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 will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Section 2.00: Approval

2.01 Approvals: The Agreement appended to this By-law as Schedule “A” is approved.

2.02 Authorization: The Mayor and City Clerk are authorized to sign the Agreement appended to this By-law as Schedule “A”, and to affix the City’s corporate seal to them.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Treasurer shall be responsible for the administration of this by-law.

3.02 **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 28th day of January, 2021.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk



Schedule A.pdf

TRANSFER PAYMENT AGREEMENT
FOR MUNICIPAL TRANSIT ENHANCED CLEANING

THIS TRANSFER PAYMENT AGREEMENT for Municipal Transit Enhanced Cleaning (the "Agreement") is effective as of the Effective Date (both "Agreement" and "Effective Date" as further defined in section A1.2 (Definitions)).

B E T W E E N:

Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario

(the **"Province")**

- and -

The Corporation of the City of Kawartha Lakes

(the **"Recipient")**

BACKGROUND:

In response to the COVID-19 pandemic and subject to the terms and conditions set out in the Agreement, the Province has agreed to provide funding to the Recipient for the Municipal Transit Enhanced Cleaning ("MTEC" as further defined in section A1.2 (Definitions)).

CONSIDERATION:

In consideration of the mutual covenants and agreements contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 ENTIRE AGREEMENT

1.1 **Schedules and Sub-schedule to the Agreement.** The following schedules and sub-schedule form part of the Agreement:

Schedule "A" - General Terms and Conditions
Schedule "B" - Contact Information and Authorized Representatives
Schedule "C" - Eligible Expenditures and Ineligible Expenditures
Schedule "D" - Claim and Attestation Submission, Supporting Documentation and Payment Procedures
Sub-schedule "D.1" - Claim and Attestation Form

1.2 **Entire Agreement.** The Agreement constitutes the entire agreement between the Parties (as defined in section A1.2 (Definitions)) with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

2.0 CONFLICT OR INCONSISTENCY

2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between any of the requirements of:

(a) Schedule "A" (General Terms and Conditions) and any of the requirements of another schedule or a sub-schedule, Schedule "A" (General Terms and Conditions) will prevail to the extent of the inconsistency; or

(b) a schedule and any of the requirements of a sub-schedule, the schedule will prevail to the extent of the inconsistency.

3.0 COUNTERPARTS

3.1 **Counterparts.** The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

3.2 **Electronic Execution and Delivery of Agreement.**

(a) The Agreement may:

(i) be executed and delivered by scanning the manually signed Agreement as a PDF and delivering it by email to the other Party; or

(ii) subject to the Province's prior written consent, be executed and delivered electronically to the other Party.

(b) The respective electronic signature of the Parties is the legal equivalent of a manual signature.

4.0 AMENDING THE AGREEMENT

4.1 **Amendments.** The Agreement may only be amended by a written agreement.

4.2 **Execution of Amending Agreements.** An amending agreement under section 4.1 (Amendments) may be executed by the respective representatives of the

Parties listed in Schedule “B” (Contact Information and Authorized Representatives).

5.0 ACKNOWLEDGEMENT

5.1 **Acknowledgement.** The Recipient acknowledges that:

(a) the Funds are to assist the Recipient to carry out the MTEC and not to provide goods or services to the Province;

(b) the Province is not responsible for carrying out the MTEC; and

(c) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the MTEC or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

5.2 **Acknowledgement from Province.** The Province acknowledges that the Recipient is bound by the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and any information provided to the Recipient in connection with the MTEC or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, represented by the Minister of Transportation for the Province of Ontario

_____ _____

Date

Name: Caroline Mulroney
Title: Minister

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

_____ _____

Date

Name: Andy Letham
Title: Mayor

I have authority to bind the Recipient.

_____ _____

Date

Name: Cathie Richie
Title: City Clerk

I have authority to bind the Recipient.

SCHEDULE "A"
GENERAL TERMS AND CONDITIONS

A1.0 INTERPRETATION AND DEFINITIONS

A1.1 **Interpretation.** For the purposes of interpretation:

(a) words in the singular include the plural and vice-versa;

(b) words in one gender include all genders;

(c) the background and the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;

(d) any reference to dollars or currency will be in Canadian dollars and currency; and

(e) all accounting terms not otherwise defined in the Agreement have their ordinary meanings.

A1.2 **Definitions.** In the Agreement, the following terms will have the following meanings:

"Agreement" means this agreement, entered into between the Province and the Recipient, all of the schedules and the sub-schedule listed in section 1.1 (Schedules and Sub-schedule to the Agreement), and any amending agreement entered into pursuant to section 4.1 (Amendments).

"Authorities" means any government authority, agency, body or department, whether federal, provincial or municipal, having or claiming jurisdiction over the Agreement or the MTEC, or both.

"Business Day" means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

"Effective Date" means the date of signature by the last signing Party to the Agreement.

"Eligible Expenditures" means the costs of the MTEC that are eligible for funding by the Province under the Agreement, and that are further described in section C2.1 (Scope of Eligible Expenditures).

“Event of Default” has the meaning ascribed to it in section A12.1 (Events of Default).

“Expiry Date” means June 30, 2021.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, and includes Her ministers, agents, appointees, and employees.

“Ineligible Expenditures” means the costs of the MTEC that are ineligible for funding by the Province under the Agreement, and that are further described in section C3.1 (Scope of Ineligible Expenditures).

“Loss” means any cause of action, liability, loss, cost, damage, or expense (including legal, expert and consultant fees) that anyone incurs or sustains as a result of or in connection with the MTEC or any other part of the Agreement.

“Maximum Funds” means $29,097.

“MTEC” means the municipal transit enhanced cleaning as described in section C1.1 (Description of the MTEC).

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default, pursuant to paragraph A12.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A12.4 (Recipient not Remedying).

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Proceeding” means any action, claim, demand, lawsuit, or other proceeding that anyone makes, brings or prosecutes as a result of or in connection with the MTEC or with any other part of the Agreement.

“Records Review” means any assessment the Province conducts pursuant to section A7.4 (Records Review).

“Reports” means the reports described in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures).

"Requirements of Law" means all applicable requirements, laws, statutes, codes, acts, ordinances, approvals, orders, decrees, injunctions, by-laws, rules, regulations, official plans, permits, licences, authorizations, directions, and agreements with all Authorities.

A2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS

A2.1 **General.** The Recipient represents, warrants and covenants that:

(a) it has, and will continue to have, the experience and expertise necessary to carry out the MTEC;

(b) it is in compliance with, and will continue to comply with, all Requirements of Law related to any aspect of the MTEC, the Funds, or both;

(c) if Funds are used for acquired goods or services, or both, these were acquired in compliance with the Recipient's policies and procedures and, to the extent possible under the COVID-19 unprecedented times, through a process that promotes the best value for the money;

(d) it is in compliance with the insurance requirements set out in section A10.1 (Recipient's Insurance); and

(e) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds including, without limitation, information relating to any eligibility requirements, the MTEC and related timelines was true and complete at the time the Recipient provided it and will continue to be true and complete.

A2.2 **Execution of Agreement.** The Recipient represents and warrants that it has:

(a) the full power and authority to enter into the Agreement; and

(b) taken all necessary actions to authorize the execution of the Agreement, including passing a municipal by-law authorizing the Recipient to enter into the Agreement.

A2.3 **Governance.** The Recipient represents, warrants and covenants that it has, will maintain, in writing, and will follow:

(a) procedures to enable the Recipient to manage the Funds prudently and effectively;

(b) procedures to enable the Recipient to complete the MTEC successfully;

(c) procedures to address any identified risks to the MTEC initiatives, all in a timely manner;

(d) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0 (Reporting, Accounting and Review); and

(e) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to carry out its obligations under the Agreement.

A2.4 **Supporting Proof.** Upon request of the Province and within the timelines set out in the request, the Recipient will provide the Province with proof of the matters referred to in this Article A2.0 (Representations, Warranties and Covenants).

A3.0 TERM OF THE AGREEMENT

A3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0 (Termination on Notice) or Article A12.0 (Event of Default, Corrective Action and Termination for Event of Default).

A4.0 FUNDS AND CARRYING OUT THE MTEC

A4.1 **Funds Provided.** The Province will:

(a) provide the Recipient up to the Maximum Funds towards the Eligible Expenditures the Recipient incurred and paid for the purpose of carrying out the MTEC;

(b) provide the Funds to the Recipient in accordance with the payment procedures provided for in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures); and

(c) deposit the Funds into an account designated by the Recipient provided that the account:

(i) resides at a Canadian financial institution; and

(ii) is in the name of the Recipient.

A4.2 **Limitation on Payment of Funds.** Despite section A4.1 (Funds Provided):

(a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides evidence satisfactory to the Province that the Recipient’s council has authorized the execution of the Agreement by the

Recipient by municipal by-law; and

(b) the Province may adjust the amount of Funds it provides to the Recipient based upon the Province's assessment of the information the Recipient provides to the Province pursuant to section A7.2 (Preparation and Submission).

A4.3 **Use of Funds and Carry Out the MTEC.** The Recipient will do all of the following:

(a) spend the Funds only for Eligible Expenditures; and

(b) not use the Funds to cover any Eligible Expenditure that has or will be funded or reimbursed by one or more of any third party, including any level of government, or ministry, agency, or organization of the Government of Ontario, other than the Province pursuant to the Agreement.

A4.4 **Rebates, Credits and Refunds.** The Province will calculate Funds based on the actual Eligible Expenditures to the Recipient to carry out the MTEC, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit or refund.

A5.0 RECIPIENT'S DISPOSAL OF ASSETS

A5.1 **Disposal.** The Recipient agrees not to sell, lease or otherwise dispose of any assets acquired with the Funds without the Province's prior written consent.

A6.0 CONFLICT OF INTEREST

A6.1 **No Conflict of Interest.** The Recipient represents and warrants that there is and there will continue to be no conflict of interest in respect to how the MTEC has been and will continue to be carried out and that the Recipient will use the Funds without an actual, potential, or perceived conflict of interest.

A6.2 **Conflict of Interest Includes.** For the purposes of this Article A6.0 (Conflict of Interest), a conflict of interest includes any circumstances where:

(a) the Recipient; or

(b) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the MTEC, the use of the Funds, or both.

A6.3 **Disclosure to Province.** The Recipient will:

(a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and

(b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

A7.0 REPORTING, ACCOUNTING AND REVIEW

A7.1 **Province Includes.** For the purposes of sections A7.4, A7.5 and A7.6, **"Province"** includes any auditor or representative the Province may identify.

A7.2 **Preparation and Submission.** The Recipient will:

(a) submit to the Province at the address referred to in section A15.1 (Notice in Writing and Addressed):

(i) all Reports in accordance with the timelines and content requirements as provided for in Schedule "D" (Claim and Attestation Submission, Supporting Documentation and Payment Procedure); and

(ii) any other reports in accordance with any timelines and content requirements the Province may specify from time to time; and

(b) ensure that all Reports and other reports are:

(i) completed to the satisfaction of the Province; and

(ii) signed by an authorized signing officer of the Recipient.

A7.3 **Record Maintenance.** The Recipient will keep and maintain for a period of seven years from their creation:

(a) proper and accurate financial accounts and records, kept in a manner consistent with generally accepted accounting principles in effect in Canada or with the public sector accounting standards approved or recommended by the Public Sector Accounting Board including, without limitation, its contracts, invoices, statements, receipts, and vouchers and any other evidence of payment relating to the Funds or otherwise to the MTEC; and

(b) all non-financial records and documents relating to the Funds or otherwise to the MTEC.

A7.4 **Records Review.** The Province may, at its own expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to conduct an audit or investigation of the Recipient regarding the Recipient's compliance with the Agreement, including assessing any of the following:

(a) the truth of any of the Recipient's representations and warranties; and

(b) the Recipient's allocation and expenditure of the Funds.

A7.5 **Inspection and Removal.** For the purposes of any Records Review, the Province may take one or more of the following actions:

(a) inspect and copy any records and documents referred to in section A7.3 (Record Maintenance); and

(b) remove any copies the Province makes pursuant to section A7.5(a).

A7.6 **Cooperation.** To assist the Province in respect of its rights provided for in section A7.5 (Inspection and Removal), the Recipient will cooperate with the Province by:

(a) ensuring that the Province has access to the records and documents including, without limitation, paid invoices and original receipts, wherever they are located;

(b) assisting the Province in copying records and documents;

(c) providing to the Province, in the form the Province specifies, any information the Province identifies; and

(d) carrying out any other activities the Province requests.

A7.7 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.8 **Auditor General.** The Province's rights under Article A7.0 (Reporting, Accounting and Review) are in addition to any rights provided to the Auditor General pursuant to section 9.2 of the *Auditor General Act* (Ontario).

A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 **Acknowledge Support.** Unless the Province directs the Recipient to do otherwise, the Recipient will in each of its MTEC-related publications whether written, oral or visual:

(a) acknowledge the support of the Province for the MTEC;

(b) ensure that any acknowledgement is in a form and manner as the Province directs; and

(c) indicate that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A9.0 INDEMNITY

A9.1 **Indemnification.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any Loss and any Proceeding, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

A10.0 INSURANCE

A10.1 **Recipient's Insurance.** The Recipient is responsible for its own insurance and has been carrying, at its own costs and expense, and requiring the same from its subcontractors, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Indemnified Parties and support the Recipient's indemnification set out in section A9.1 (Indemnification). For greater certainty, the Recipient is not covered by the Province of Ontario's insurance program and no protection will be afforded to the Recipient by the Government of Ontario for any Loss or Proceeding that may arise out of the MTEC or the Agreement.

A11.0 TERMINATION ON NOTICE

A11.1 **Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

A11.2 **Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to section A11.1 (Termination on Notice), the Province may take one or more of the following actions:

(a) cancel all further instalments of Funds; and

(b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient.

A12.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT

A12.1 **Events of Default.** It will constitute an Event of Default if, in the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement including, without limitation, failing to do any of the following in accordance with the terms and conditions of the Agreement:

(a) use or spend any of the Funds or related interest for a purpose other than that contemplated under the Agreement without the prior written consent of the Province; or

(b) provide, in accordance with section A7.2 (Preparation and Submission), Reports or such other reports as may have been requested pursuant to paragraph A7.2(b).

A12.2 **Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

(a) provide the Recipient with an opportunity to remedy the Event of Default;

(b) suspend the payment of Funds for such period as the Province determines appropriate;

(c) reduce the amount of the Funds;

(d) cancel all further instalments of Funds;

(e) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;

(f) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;

(g) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient;

(h) demand from the Recipient the payment of an amount equal to the costs the Province incurred or incurs to enforce its rights under the Agreement, including the costs of any Record Review and the costs it incurs to collect any amounts the Recipient owes to the Province; and

(i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A12.3 **Opportunity to Remedy.** If, in accordance with paragraph A12.2(a), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

(a) the particulars of the Event of Default; and

(b) the Notice Period.

A12.4 **Recipient not Remedying.** If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to paragraph A12.2(a), and:

(a) the Recipient does not remedy the Event of Default within the Notice Period;

(b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or

(c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i).

A12.5 **When Termination Effective.** Termination under this Article A12.0 (Event of Default, Corrective Action, and Termination for Default) will take effect as provided for in the Notice.

A13.0 FUNDS UPON EXPIRY

A13.1 **Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds and interest remaining in its possession or under its control.

A14.0 DEBT DUE AND PAYMENT

A14.1 **Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

(a) deduct an amount equal to the excess Funds from any further instalments of Funds; or

(b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A14.2 **Debt Due.** If, pursuant to the Agreement:

(a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or

(b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such amounts will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amounts to the Province immediately, unless the Province directs otherwise.

A14.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A14.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province as provided for in Schedule "B" (Contact Information and Authorized Representatives).

A14.5 **Fails to Pay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

A15.0 NOTICE

A15.1 **Notice in Writing and Addressed.** Notice will be:

(a) in writing;

(b) delivered by email, postage-prepaid mail, personal delivery or courier; and

(c) addressed to the Province and the Recipient as set out in Schedule "B" (Contact Information and Authorized Representatives), or as either Party later designates to the other by Notice.

A15.2 **Notice Given.** Notice will be deemed to have been given:

(a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; and

(b) in the case of email, personal delivery or courier on the date on which the Notice is delivered.

A15.3 **Postal Disruption.** Despite paragraph A15.2(a), in the event of a postal disruption:

(a) Notice by postage-prepaid mail will not be deemed to be given; and

(b) the Party giving Notice will provide Notice by email, personal delivery or courier.

A16.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A16.1 **Consent.** When the Province provides its consent pursuant to the Agreement:

(a) it will do so by Notice;

(b) it may attach any terms and conditions to the consent; and

(c) the Recipient may rely on the consent only if the Recipient complies with any terms and conditions the Province may have attached to the consent.

A17.0 SEVERABILITY OF PROVISIONS

A17.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement.

A18.0 WAIVER

A18.1 **Waiver Request.** Either Party may, by Notice, ask the other Party to waive an obligation under the Agreement.

A18.2 **Waiver Applies.** If in response to a request made pursuant to section A18.1 (Waiver Request) a Party consents to a waiver, the waiver will:

(a) be valid only if the Party that consents to the waiver provides the consent by Notice; and

(b) apply only to the specific obligation referred to in the waiver.

A19.0 INDEPENDENT PARTIES

A19.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any

actions that could establish or imply such a relationship.

A20.0 ASSIGNMENT OF AGREEMENT OR FUNDS

A20.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A20.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on:

(a) the Recipient's successors, and permitted assigns; and

(b) the successors to Her Majesty the Queen in right of Ontario.

A21.0 GOVERNING LAW

A21.1 **Governing Law.** The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

A22.0 FURTHER ASSURANCES

A22.1 **Agreement into Effect.** The Recipient will:

(a) provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains; and

(b) do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

A23.0 JOINT AND SEVERAL LIABILITY

A23.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

A24.0 RIGHTS AND REMEDIES CUMULATIVE

A24.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in

substitution for, any of its rights and remedies provided by law or in equity.

A25.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

A25.1 **Other Agreements.** If the Recipient:

(a) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "**Failure**");

(b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;

(c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and

(d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

A26.0 SURVIVAL

A26.1 **Survival.** The following Articles, sections and paragraphs, and all applicable cross-referenced Articles, sections, paragraphs, schedules and sub-schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Articles 1.0 (Entire Agreement), 2.0 (Conflict or Inconsistency), 5.0 (Acknowledgment), and A1.0 (Interpretation and Definitions) and any other applicable definitions, paragraph A2.1(a), sections A4.4 (Rebates, Credits and Refunds), A5.1 (Disposal), A7.1 (Province Includes), A7.2 (Preparation and Submission) to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province, A7.3 (Record Maintenance), A7.4 (Records Review), A7.5 (Inspection and Removal), A7.6 (Cooperation), A7.7 (No Control of Records), A7.8 (Auditor General), Articles A8.0 (Communications Requirements) and A9.0 (Indemnity), sections A11.2 (Consequences of Termination on Notice by the Province) and A12.1 (Events of Default), paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i), Articles A13.0 (Funds Upon Expiry), A14.0 (Debt Due and Payment), A15.0 (Notice) and A17.0 (Severability of Provisions), section A20.2 (Agreement Binding), Articles A21.0 (Governing Law), A23.0 (Joint and Several Liability), and A24.0 (Rights and Remedies Cumulative), and this Article A26.0 (Survival).

- END OF GENERAL TERMS AND CONDITIONS -

SCHEDULE "B"
CONTACT INFORMATION AND AUTHORIZED REPRESENTATIVES

Contact information for the purposes of Notice to the Province	**Address:** **Attention:** **Phone:** **Email:**	Strategic Investments Office Ministry of Transportation 777 Bay, 30th Floor Toronto, ON M7A 2J8 Kevin Dowling, Manager, Strategic Investments Office (416) 585-6312 kevin.dowling@ontario.ca
Contact information for the purposes of Notice to the Recipient	**Position:** **Address:** **Attention:** **Phone:** **Email:**	Manager, Fleet and Transit Services PO Box 9000 26 Francis Street Lindsay ON K9V 5R8 Todd Bryant (705) 324-3401 x2381 tbryant@kawarthalakes.ca
Contact information for the senior financial official in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province in respect of the Agreement	**Position:** **Address:** **Attention:** **Phone:** **Email:**	Treasurer PO Box 9000 26 Francis Street Lindsay ON K9V 5R8 Carolyn Daynes (705) 324-9411 x1252 cdaynes@kawarthalakes.ca
Authorized representative of the Province for the purpose of Section 4.2 (Execution of Amending Agreements - Exceptions)	**Position:**	Director, Municipal Programs Branch, Ministry of Transportation
Authorized representative of the Recipient for the purpose of Section 4.2 (Execution of Amending Agreements - Exceptions)	**Position:**	City Clerk

SCHEDULE "C"
ELIGIBLE EXPENDITURES AND INELIGIBLE EXPENDITURES

C1.0 MTEC

C1.1 **Description of the MTEC.** To address health related issues in respect of the COVID-19 pandemic, the Recipient has been acquiring goods and services for the MTEC of its transit system. Subject to Article C2.1 (Scope of Eligible Expenditures) and for greater clarity, the costs of the MTEC that are eligible for funding by the Province under the Agreement are only those that are supplemental to the Recipient's regular transit system cleaning.

C2.0 ELIGIBLE EXPENDITURES

C2.1 **Scope of Eligible Expenditures.** Subject to Article C3.0 (Ineligible Expenditures), Eligible Expenditures include the direct costs incurred by the Recipient on or after April 1, 2020 and on or before December 31, 2020 and that, in the opinion of the Province, are considered to have been properly and reasonably incurred and are necessary for the MTEC of transit vehicles and any other public and non-public facing transit assets, that provide or support transit services. In addition to having been incurred, these costs will have to have been paid by the Recipient prior to being submitted to the Province for payment and may include:

(a) costs of cleaning materials for the MTEC;

(b) costs of hand sanitizer for passenger and staff use;

(c) costs of safety wear for the MTEC, such as gloves or goggles;

(d) costs of equipment purchased for the MTEC;

(e) costs of contracted services for the MTEC;

(f) costs of salaries, including redeployment of staff, for the MTEC; and

(g) any other costs that, in the opinion of the Province, are considered necessary for the MTEC.

C3.0 INELIGIBLE EXPENDITURES

C3.1 **Scope of Ineligible Expenditures.** Without limitation, the following costs will be considered Ineligible Expenditures:

(a) costs incurred before April 1, 2020 and after December 31, 2020;

(b) costs not paid prior to having been submitted to the Province for payment;

(c) marketing costs including advertising, promotion and communications;

(d) core administrative and overhead costs (e.g., rent, telephone and communication lines/services, insurance, and computers);

(e) Recipient's staff, including permanent and seasonal, salaries and travel costs unless otherwise indicated in C2.1 (Scope of Eligible Expenditures);

(f) legal, audit, or interest fees;

(g) budget deficits;

(h) personal protective equipment, unless otherwise indicated in C2.1 (Scope of Eligible Expenditures);

(i) refundable Harmonized Sales Tax or other refundable expenses (e.g., security deposits, etc.); and

(j) any other costs that, in the opinion of the Province, are considered ineligible for payment under the Agreement.

SCHEDULE "D"
CLAIM AND ATTESTATION SUBMISSION, SUPPORTING DOCUMENTATION AND PAYMENT PROCEDURES

D1.0 CLAIM AND ATTESTATION

D1.1 **Claim and Attestation from the Recipient's Senior Financial Official.** The Recipient will use the form in Sub-schedule "D.1" (Claim and Attestation Form) for the submission of its claim for payment.

D2.0 SUPPORTING DOCUMENTATION

D2.1 **Report on Expenditures and Additional Report and Information.** The Recipient will, together with the claim form described in section D1.1 (Claim and Attestation from the Recipient's Senior Financial Official), submit the following supporting documentation with its claim for payment:

(a) a report on expenditures using the form in Appendix A (Form of Report on Expenditures) to Sub-schedule "D.1" (Claim and Attestation Form); and

(b) any additional reports or information, or both, the Province may request at its sole discretion and in a form provided by the Province.

D3.0 PAYMENT PROCEDURES

D3.1 **Submission of Claim for Payment and Required Documentation.** The Recipient will submit its claim for payment, together with the supporting documentation set out in section D1.1 (Claim and Attestation from the Recipient's Senior Financial Official) and section D2.1 (Report on Expenditures and Additional Report and Information) on or before January 31, 2021.

D3.2 **Claim Payments.** Subject to the terms and conditions set out in the Agreement and if due and owing under the Agreement, the Province will use its reasonable efforts to make the payment to the Recipient for the claim submitted pursuant to section D3.1 (Submission of Claim for Payment and Required Documentation) in a timely manner.

D3.3 **No Interest.** The Province will under no circumstances be liable for interest for failure to make a payment within the time limit provided for in section D3.2 (Claim Payments).

D3.4 **No Obligation to Pay.** For greater clarity and without limitation to any other right of the Province, the Province will have no obligation to pay a claim if it does not meet the terms and conditions of the Agreement including, without limitation, if the claim is missing any of the required supporting documentation or is submitted after January 31, 2021, or both.

SUB-SCHEDULE "D.1"
CLAIM AND ATTESTATION FORM

Ministry of Transportation File No.: _____

TO: Ministry of Transportation
Transportation Programs Office
10th Floor
151 Bloor Street West
Toronto, ON M5S 1S4

Attention: Manager, Transportation Programs Office
Email: MTO-Transit Cleaning Funding @Ontario.ca

FROM: **[Insert address of the senior official]**

Attention: **[insert name and title of Recipient senior official]**
Telephone No.: **[insert telephone number of Recipient senior official]**

RE: **Transfer Payment Agreement for Municipal Transit Enhanced Cleaning**

In the matter of the Transfer Payment Agreement for Municipal Transit Enhanced Cleaning entered into between Her Majesty the Queen in right of Ontario, represented by the Minister of Transportation for the Province of Ontario, and the **[insert the name of the Recipient]** (the "Recipient"), on **[insert the month day, and year]** _____ (the "Agreement").

I, _____ **[insert the name and title of the senior official]**, an authorized representative of the Recipient, having made such inquiries as I have deemed necessary for this attestation, hereby certify that to the best of my knowledge, information and belief.

1. On and as of the date set out below:

   a. all representations and warranties contained in Article A2.0 (Representations, Warranties and Covenants) and section A6.1 (No Conflict of Interest) of the Agreement are true and accurate;

   b. Funds have been solely used on Eligible Expenditures as claimed in this Claim and Attestation Form and the Form of Report on Expenditures attached as Appendix A (Form of Report on Expenditures) to this Claim and Attestation Form;

c. the Recipient is in compliance with all the terms and conditions of the Agreement, and no Event of Default, as described in the Agreement, has occurred and is continuing; and

d. all records (including, without limitation, contracts, invoices, statements, receipts, vouchers) are being retained in accordance with the requirements of the Agreement.

2. The Eligible Expenditures have been incurred by the Recipient on or after April 1, 2020 and on or before December 31, 2020, and paid on or before January 31, 2021.

By signing below, I hereby claim a payment in the amount of $ _____, on behalf of the Recipient, on account of the Province's contribution towards the Eligible Expenditures of the MTEC costs.

Declared at _____ (city), in the Province of Ontario, this _____ day of _____, 20_____.

(Signatures)

_____	_____
Name:	Witness Name:
Title:	Title:

I have authority to bind the Recipient.

APPENDIX A
FORM OF REPORT ON EXPENDITURES
TO
SUB-SCHEDULE "D.1" (CLAIM AND ATTESTATION FORM)

MTEC Expenditure Report - April 1, 2020 to December 31, 2020	
Date:	
Recipient's Name:	
Total Funds Allocated:	
Total Funds Claimed:	
Remaining Allocation:	

	Period of Work Performed					Amount Paid ($)				
Date of Invoice (if Applicable) (DD/MM/YY)	From (DD/MM/YY)	To (DD/MM/YY)	Vendor Name	Description of Expense	Eligibility per Schedule "C"	Subtotal w/o HST ($) (a)	Total HST ($) (b)	Recoverable HST ($) (c)	Net Total ($) (a) + (b) - (c)	Amount Claimed ($)
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
									$0.00	$0.00
					Total	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**

Results Achieved with Provincial Funding:
Additional Comments:
Conclusion:

Recommended for payment:

_____ _____

Date: **[insert/print the name and title of the Recipient's authorized representative]**

Recommended for payment:

_____ _____

Date: **[insert/print the name of the Director]**
Director, Ministry of Transportation

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-law to Authorize the Execution of a Letter of Agreement between Her Majesty in Right of the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario and the City of Kawartha Lakes related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program

Recitals

1. An Agreement between the Minister of Transportation and the City must be entered into for the municipality to be eligible to receive funding.

2. The purpose of the Agreement was directed at capital projects to increase public transportation ridership to support the development of strong communities.

3. This By-law authorizes the Agreement to be executed by the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law;

"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 within the administration of the City which fulfils the function of the City Clerk as required by the Municipal Act, 2001, c.25.

"Council" means the municipal council for the City.

"Treasurer" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Mayor" means the Chief Executive Officer of the City.

1.02 **Interpretation Rules**:

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

(c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which 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 will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Section 2.00: Approval

2.01 Approvals: The Agreement appended to this By-law as Schedule “A” is approved.

2.02 Authorization: The Mayor and City Clerk are authorized to sign the Agreement appended to this By-law as Schedule “A”, and to affix the City’s corporate seal to them.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Treasurer shall be responsible for the administration of this by-law.

3.02 **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 28th day of January, 2021.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk



Schedule A.pdf

Ministry of Transportation

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

Ministère des Transports

Bureau de la ministre

777, rue Bay, 5e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports

Ontario

January 14, 2021

Mayor Andy Letham
City of Kawartha Lakes
PO Box 9000, 26 Francis Street
Lindsay ON K9V 5R8

Dear Mayor Letham:

RE: Dedicated Gas Tax Funds for Public Transportation Program

---

This Letter of Agreement between the **City of Kawartha Lakes** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2020-21 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **$640,774** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.

2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **$480,581**; and any remaining payment(s) will be provided thereafter.

…/3

3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.

4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.

5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.

6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.

7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2020-21 Program year.

8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.

9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.

10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.

11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

…/3

12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.

13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.

14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account: MTO-PGT@ontario.ca

Sincerely,

Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

_____	_____
Date	Name (print): Title (head of council or authorized delegate): I have authority to bind the Municipality.
_____	_____
Date:	Name (print): Title (clerk or authorized delegate): I have authority to bind the Municipality.

The Corporation of the City of Kawartha Lakes

By-law 2021-

A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Thursday, January 28, 2020

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.

2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.

3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.

Section 1.00: Confirmation

1.01 The actions of the Council at the following meeting:

Thursday, January 28, 2021, Open Session, Regular Council Meeting

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

2.01 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 28th day of January 2021.

_____ _____

Andy Letham, Mayor Cathie Ritchie, City Clerk