



AGENDA / ORDRE DU JOUR
REGULAR COUNCIL MEETING / RÉUNION RÉGULIÈRE DU CONSEIL

Wednesday, March 21, 2018 at 6pm / mercredi le 21 mars 2018 à 18h
Council Chambers / Salle du conseil

1. **Call to Order and Roll Call / Ouverture de la réunion et présence**
2. **Adoption of Agenda / Adoption de l'ordre du jour (and Additions if applicable)**
3. **Disclosure of Pecuniary Interest / Déclarations d'intérêts pécuniaires**
4. **Delegations / Délégations (NIL)**
5. **Reports and Items for Consideration / Rapports et sujets pour considération**
 - 5.1 **General Government / Gouvernement général**
 - 5.1.1 Chief Administrative Officer's Verbal Report
 - 5.1.2 Resolution to direct staff to work with Pet Save to explore potential initiatives and programs for a humane animal control of cats in our area (*from March 7th meeting*)
 - 5.2 **Finance / Finances (NIL)**
 - 5.3 **Public Works & Environment Services / Travaux public et services de l'environnement**
 - 5.3.1 Resolution to approve the purchase of Wheel Loader p.3
 - 5.3.2 Resolution to approve the purchase of Backhoe p.4
 - 5.4 **Community Services / Services communautaires (NIL)**
 - 5.5 **Emergency Services and Public Safety / Services d'urgence et sécurité publique**
 - 5.5.1 Manitoulin-Sudbury District Services Board Report by Councillor Wenborne p.5
 - 5.6 **Development & Planning / Développement et planification (NIL)**
 - 5.7 **Correspondence / Correspondance**
 - 5.7.1 Resolution to support and partner with VAA Senior Friendly Trail Committee for grant applications for the development of the Senior Friendly Trail Project (*from March 7th meeting*)
6. **Consent Agenda / Ordre du jour regroupé**
 - 6.1 **Adoption of Minutes / Procès-verbaux adoptés**
 - 6.1.1 Combined Council Meeting held March 7, 2018 p.8
 - 6.2 **Receipt of Minutes / Procès-verbaux reçus**
 - 6.2.1 Sudbury East Planning Board held February 8, 2018 p.13

6.3 Items for Consideration or Information / Items pour consideration ou information

6.3.1 Monthly Disbursements Report / Rapport mensuel des déboursements (January 2018)

6.4 By-laws / Rèlements

6.4.1 2018-17 By-law to adopt a Municipal Election Recount Policy (*from Mar. 7th meeting*) p.21

6.4.2 2018-18 By-law to amend the Sign By-law (re: Election Signs) (*from Mar. 7th meeting*) p.28

6.4.3 2018-19 By-law to amend Procedure By-law (Bill 68 requirements) (*from Mar. 7th meeting*) p.31

7. Notices of Motion / Avis de motion

8. Announcement and Inquiries / Annonce et questions

9. Closed Session / Session à huis clos

- under section 239 (2) (c) "a proposed or pending acquisition or disposition of land by the municipality or local board" with respect to a proposed land acquisition

10. Adjournment / Ajournement

Resolution to adopt Confirmation By-law

Resolution to adjourn



Municipality of French River

Report to Council by the Public Works & Environmental Department

RE: Tender Results Wheel Loader

OBJECTIVE: To award the Tender for the purchase and delivery of a new Wheel Loader

BACKGROUND:

The 2005 Case Wheel Loader was deemed to be replaced and budgeted for in the 2018 budget.

ANALYSIS:

The Request for Tender #2018-002 for a new Wheel Loader was posted on February 23rd, 2018; the tenders were opened by staff on March 14th, 2018.

The following chart is an analysis of the total costs excluding HST for the recommended award of the Wheel Loader.

Name of Company	Price (excluding HST)	Trade-in of 2010	Total	Requirements Met	Recommended Company
G F Preston (Doosan)	212,744	40,000	172,744	No	
Tracks & Wheels (Case)	188,974	15,000	173,974	Yes	
Toromont (Cat)	199,100	38,000	161,100	Yes	
Nortrax (John Deere)	184,700	39,000	145,700	Yes	XXX
New Holland (Hyundai)	170,000	45,000	127,000	No	
Strongco (Volvo)	193,000	30,000	163,000	No	
Toromont used (Cat)	180,100	38,000	142,100	Yes	

BUDGET/LEGAL IMPLICATIONS:

This Purchase was included in the 2018 budget for a total of \$175,000.

INTERDEPARTMENTAL IMPACTS: n/a

CONCLUSION/RECOMMENDATIONS:

It is recommended that Council award the contract to Nortrax in the amount of \$145,700 plus applicable taxes.

ATTACHMENTS: n/a

Respectfully submitted:

Robert Martin
Acting Director Public Works And Environmental
Date: March 21, 2018

Approved:

Marc Gagnon
Chief Administrative Officer



Municipality of French River

Report to Council by the Public Works & Environmental Department

RE: Tender Results Backhoe

OBJECTIVE: To award the Tender for the purchase and delivery of a new Backhoe.

BACKGROUND:

The 2010 case Backhoe was deemed to be replaced and budgeted for in the 2018 budget.

ANALYSIS:

The Request for Tender #2018-002 for a new backhoe was posted on February 23rd, 2018; the tenders were opened by staff on March 14th, 2018.

The following chart is an analysis of the total costs excluding HST for the recommended award of the Backhoe.

Name of Company	Price (excluding HST)	Trade-in of 2010	Total	Requirements Met	Recommended Company
G F Preston (Case)	139,610	42,000	97,610	Yes	XXX
Tracks & Wheels (Case)	144,533	23,000	122,533	No	
Toromont (Cat)	157,500	40,000	117,500	Yes	
Nortrax (John Deere)	149,500	25,000	124,950	Yes	
New Holland	132,500	32,500	100,000	Yes	
Toromont used (Cat)	148,000	40,000	108,000	Yes	

BUDGET/LEGAL IMPLICATIONS:

This Purchase was included in the 2018 budget for a total of \$135,000.

INTERDEPARTMENTAL IMPACTS: n/a

CONCLUSION/RECOMMENDATIONS:

It is recommended that Council award the contract to G F Preston in the amount of \$97,610 plus applicable taxes.

ATTACHMENTS: n/a

Respectfully submitted:

Robert Martin
Acting Director Public Works And Environmental
Date: March 21, 2018

Approved:

Marc Gagnon
Chief Administrative Officer

MUNICIPALITY OF FRENCH RIVER

REPORT TO MAYOR AND COUNCIL

MSDSSB BOARD MEETING FEBURARY 22, 2018

A new year brought a review and subsequent changes to several of the Board's governance policies as recommended by the Program Planning Committee. Mostly housekeeping matters dealing with Board members travel expense allowances and evaluation of committee meetings.

A long report from the Chief of Paramedic Services outlined the difficulties and lack of success regarding the Service's use of the present Road Safety and Drivers Feedback System. The company presently providing this very technical service is unable to overcome the problems.

Therefore, the Chief is proposing a change to another firm whose equipment and service is in wide and successful use all over the Province. The upfront cost to change is a total of \$144,200.00 to be obtained from the DSB working funds reserve and the Wikwemikong Budget. The annual operating cost to the DSB will be about \$44,500.00.

The new Road Safety and Electronic Patient Call Reporting Service will be a welcome improvement and the Board approved the change by resolution.

The Board received another extensive report from the Paramedic Chief – Rob Smith- regarding the ongoing difficulty in providing ambulance coverage in Chapleau when the ambulance is on a long distance trip to Timmins or Sudbury for non-urgent patient transfer. This results in no ambulance service in Chapleau for up to 7 hours or more. This issue has been ongoing since 2012 or earlier without a resolution.

The Chief's report on this matter was long and detailed concerning all the effort that has been expended in trying to find a solution. And, in the meantime there have been and continue to be those long periods where Chapleau has no ambulance service. The Chief's preferred answer to the issue would be to permit the air

ambulance service to transport non-urgent patients to the hospitals from Chapleau. So far no luck with that!

We here in French River can consider ourselves fortunate with the service we have and the coverage available. And hopefully it will soon be 24/7.

Ongoing discussion with the NE LHIN has not produced any satisfaction on this issue therefore the Program Planning Committee is recommending that the Board Chair request a meeting with the Minister of Health to try and resolve the matter.

The Board received both the CAO'S 4th quarter activity report and the 4th quarter financial report. The CAO'S activity report is circulated to all the DSB'S municipalities for their information. The 4th quarter financial report (unaudited) suggests a surplus at yearend of \$173,641.00. If those numbers hold up the funds will be returned to the municipalities on the usual proportional basis.

The Board's financial officer and the CAO think that there should be in the next budget a provision for WSIB NEER costs that seem to continually increase due to the newest WSIB allowances for compensation.

The Board received a report that outlines new financial assistance for small employers. (under 100 employees) who hire after Jan. 1, 2018. The stated intent is to promote economic growth and lower costs to small businesses. The Provincial Government plans on (INVESTING) 124 million over the next three years. (My view – try and overcome increases to the minimum wage with tax dollars.)

The new incentive will be delivered through the existing Employment Ontario network. The new incentive funds will not be available to employers who are presently receiving financial assistance through current programs. Employers are being encouraged to approach the Employment Ontario offices to see if they can be approved.

The Board Finance Supervisor provided a detailed report on funding received for the Board's costs associated with the Wikwemikong ambulance service and the TWOMO services. These costs are substantial and do not give rise to DSSAB apportionment to member municipalities. The MOHLTC provides all the funds for both of the above.

The Board received a report concerning the new GREENON program that will provide funding to retro-fit social housing to improve energy efficiency. Our less than 100 unit social housing buildings will now qualify and a business case is being developed to try and obtain some of the funds. Applications have to be in very soon or no money. (And should the government change in June the source of the money which is the carbon tax will likely disappear.)

Next meeting is March 21, 2018

Councillor: Dean Wenborne



Municipality of French River

**MINUTES OF THE
COMBINED COUNCIL MEETING**

held in the Council Chambers
Wednesday, March 7, 2017 at 6pm

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Ronald Garbutt, Malcolm Lamothe, Dean Wenborne

Members Excused:

Councillor Gisèle Pageau, Denny Sharp

Officials Present:

Marc Gagnon, Chief Administrative Officer
Mélanie Bouffard, Clerk
Carlie Zwiers, Executive Assistant

Guests:

6 Members of public

1. Call to order and roll call

The Chair called the meeting to order at 6:00 p.m.

2. Adoption of Agenda (*and Additions if applicable*)

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 33

BE IT RESOLVED THAT the agenda be approved as distributed.

Carried

3. Disclosure of Pecuniary Interest

None declared.

4. Delegations (NIL)

5. Resolution to resolve into Committee

Moved By Mike Bigras and Seconded By Malcolm Lamothe

Resol. 2018- 34

BE IT RESOLVED THAT Council now go into Committee of the Whole to consider delegations, reports and correspondence for consideration.

Carried

COMMITTEE OF THE WHOLE

6. Reports and Items for Consideration

6.1 General Government

6.1.1 Report - Follow up from the Pet Save presentation relating to the reported stray and overpopulation of cats in our area

The CAO presented the report included in the agenda package. Following discussion, Council generally agreed to direct Staff to contact and work with Pet Save for further information and to identify the need and discussing potential initiatives/programs for a humane animal control of cats in our area. Any information and or recommendations will be brought to Council for consideration and future steps. A resolution will be presented at the March 21st Regular Council Meeting with a recommendation of a timeline.

6.1.2 Report - Municipal Election Recount Policy

The Clerk presented the report included in the agenda package. Following discussion, Council generally agreed to adopt the Municipal Election Recount Policy. A resolution will be presented at the March 21st Regular Council Meeting.

6.1.3 Report - Sign By-law Amendments

The Clerk presented the report included in the agenda package. Following discussion, Council generally agreed to adopt the amended Sign By-law. A resolution will be presented at the March 21st Regular Council Meeting.

6.1.4 Report - Procedure By-law Amendments

The Clerk presented the report included in the agenda package. Following discussion, Council generally agreed to adopt the amended Procedure By-law. A resolution will be presented at the March 21st Regular Council Meeting.

The Municipal Act now allows Procedure By-laws to provide for participating in meetings electronically, as time permits Staff will research mechanisms and options and further report to Council.

6.2 Finance (NIL)

6.3 Public Works & Environment Services (NIL)

6.4 Community Services (NIL)

6.5 Emergency Services and Public Safety (NIL)

6.6 Development & Planning (NIL)

6.7 Correspondence

6.7.1 VAA Senior Friendly Trail Committee

Request for support and partnership with a grant applications for the development of the Senior Friendly Trail Project

Following discussion, Council generally agreed to support and partner with the VAA Senior Friendly Trail Committee. A resolution will be presented at the March 21st Regular Council Meeting to apply for funding.

REGULAR MEETING

7. Verbal Motion to return into the Regular Meeting

Moved by: Ron Garbutt

Resol. 2018- 35

THAT the Committee rise and report.

8. Consideration of the adoption of recommendations from Committee of the Whole

Moved By Mike Bigras and Seconded By Dean Wenborne

Resol. 2018- 36

BE IT RESOLVED THAT the actions taken in Committee of the Whole in considering delegations, reports and correspondence be confirmed by this Council.

Carried

9. Consent Agenda

The following motion was presented to adopt the items contained in the Consent Agenda:

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 37

BE IT RESOLVED THAT Council approves the Items of the Consent Agenda under Sections 9.1, 9.3, 9.4 and receives the Items under Sections 9.2.

Carried

9.1 Adoption of Minutes

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 38

BE IT RESOLVED THAT Council adopts the following minutes as presented:

Regular Council Meeting held February 21, 2017

Carried

9.2 Minutes Received (NIL)

9.3 Items for Consideration or Information (NIL)

9.3.1 Monthly Disbursements Report

The total disbursements reported for the month of January 2018 was in the amount of \$711,568.84.

9.4 By-laws

9.4.1 2018 Budget By-law

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 39

BE IT RESOLVED THAT By-law 2018-14, being a by-law to adopt the 2018 Operating and Capital Budget be read a first, second and third time and finally passed.

Carried

9.4.2 Northern Ontario Internship Program Agreement

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 40

BE IT RESOLVED THAT By-law 2018-15, being a by-law to authorize the execution of the Northern Ontario Internship Program Agreement with the Northern Ontario Heritage Fund Corporation (NOHFC) for the position of Public Works Youth Intern be read a first, second and third time and finally passed.

Carried

10. Notices of Motion (NIL)

11. Announcement and Inquiries

The CAO reminded the Members of the Public Works & Environmental Committee meeting being held on March 14th at 5pm.

12. Closed Session (NIL)

13. Adjournment

Moved By Dean Wenborne and Seconded By Malcolm Lamothe Resol. 2018- 41

BE IT RESOLVED THAT By-law 2018-16, being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of French River at a meeting held on March 7, 2018 be read a first, second and third time and finally passed.

Carried

Moved By Mike Bigras and Seconded By Malcolm Lamothe Resol. 2018- 42

BE IT RESOLVED THAT the meeting be adjourned at 7:08 p.m.

Carried

MAYOR

CLERK

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, February 8, 2018 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Michel Bigras, Paul Schoppmann, Phil Belanger, Denny Sharp, Jim Rook, Greg Hunt, Carol Lemmon

MEMBERS ABSENT: Heidi Ralph, Ned Whynott, Ginny Rook

OFFICIALS PRESENT: Matthew Dumont, Director of Planning/Secretary-Treasurer
Nancy Roy, Administrative Assistant

PUBLIC PRESENT: Andrew Bryanton, Paul Sharp

1. MEETING CALLED TO ORDER

Chair Bigras called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 18-01

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of February 8, 2018 be adopted as distributed.

MOVED BY: Jim Rook

SECONDED BY: Phil Belanger
Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of December 7, 2017 be adopted as distributed.

Resolution: 18-02

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of December 7, 2017 be adopted as distributed.

MOVED BY: Phil Belanger

SECONDED BY: Denny Sharp
Carried

5. PRESENTATION/DELEGATION

a) Audit

Andrew Bryanton, KPMG, presented the draft 2017 Financial Statement to the Board. Mr. Bryanton discussed the Balance Sheet and Income Statements, explaining each of the accounts. Member Rook had questions pertaining to the surplus in income for 2017 pertaining to the development applications. Mr. Bryanton explained that the surplus was due to the applications received being greater than the previous year and the increase in application fees in 2017 contributed to the surplus also.

There were no further comments or questions from the Board.

Resolution: 18-03

BE IT RESOLVED THAT the 2017 Audited Financial Statements submitted by the accounting firm of KPMG be accepted.

MOVED BY: Paul Schoppmann

SECONDED BY: Jim Rook

Carried

6. ZONING CONFORMITY PERMITS

a) Fourth Quarter 2017

The Zoning Conformity Permits issued for the Fourth Quarter of 2017 were presented to the Board.

7. CONSENT APPLICATIONS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Consent Application. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Consent Application; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on December 18, 2017, being over fourteen (14) days prior to this evenings meeting (B/27/17/FR-Benoit Pitre), (B/01/18/SC- James Lee and Dorcas Ann Ropp)(B/02/18/MW-Jerry Vis and Ellen Simon)(B/03/18/MW-1582674 Ontario Incorporated) was sent on January 19, 2018. Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

a) B/27/17/FR- Benoit Pitre

No member of the public was present for questions or comments from the Board. The Director of Planning summarized the application. The lands are located on the east side of Boisvert Road. The area predominately consists of waterfront residential properties which have frontage on Boisvert. The application for consent proposes to sever one lot of 2.20 hectares in area and 319.0 metres of frontage from the southerly side of the property.

The associated application for Zoning By-law Amendment rezoned the proposed severed lands from the current Rural (RU) to Residential Rural (RR) to recognize the intended size and use of the lot. The public hearing was held at the Municipality of French River on January 17th, 2018 which received approval from Council.

With respect to Official Plan policies; Section 3.5 contains policies respecting Significant Habitat of Endangered and Threatened Species and Wetlands. The Proposed Amending By-law had a special provision under By-law 2014-23 of the Municipality of French River, to ensure development and site alteration, including the removal of vegetation is restricted 30.0 metres from the unevaluated Wetland (Retained Lot). Vegetation removal and disturbance outside of the development envelopes should be minimized.

With respect to zoning; the minimum lot area and the minimum lot frontage for new lot creation in the residential rural (RR) is 0.80 hectares and 60.0 metres respectively; the proposed severed and retained lot would comply with these regulations, the application was supported.

With respect to agency comments;

Municipality of French River: No concerns with the application.

The Ministry of Natural Resources and Forestry: The wetland is deemed Blanding's Turtle habitat, and the habitat extends 30m from the wetland's edge. A buffer may be considered in this case. Also, there is potential for Whip Poor Will (threatened species), Eastern Meadowlark (threatened), Bobolink (threatened) and Barn Swallow (threatened). Surveys would be required.

Bell Canada: Has no concerns or easement requirements.

The application meets the policies of the PPS and OP with respect to limited rural development on appropriate services.

There were no other comments or questions from the Board.

Resolution: 18-04

BE IT RESOLVED THAT Consent Application B/27/17/FR submitted by Benoit Pitre be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Denny Sharp

SECONDED BY: Phil Belanger

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

b) B/01/18/SC – James Lee and Dorcas Ann Ropp

The Director of Planning summarized the application. The subject property is located at 115 Turcot Road in the Municipality of St. Charles. The application proposes to separate two original parcels which have merged on title due to the pattern of ownership. The proposed severed parcel has an area of 28.6 hectares and a frontage of 201.0 metres and is presently vacant. The proposed retained lot will have an area of 34.7 hectares and a frontage of 402.0 metres and contains an existing dwelling and accessory structures.

With respect to Official Plan policies, separation of lots that have merged on title is permitted and the application was also reviewed with respect to the criteria for creation of a new vacant lots. No constraints or issues were identified.

Both lots will continue to meet the requirements of the Rural Zone.

No comments were received through agency circulation or through public consultation.

The application can be supported from a planning perspective,

There were no other comments or questions from the Board.

Resolution: 18-05

BE IT RESOLVED THAT Consent Application B/01/18/SC submitted by James Lee and Dorcas Ann Ropp be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Denny Sharp

SECONDED BY: Jim Rook

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

c) B/02/18/MW – Jerry Vis and Ellen Simon

No one was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located on the north side of Rabbit Trail Road, west of Highway 539 and east of Molly Road in the Municipality of Markstay-Warren. The application for consent is for a lot addition of 21.0 hectares which is intended to provide additional amenity and recreational use to the adjacent property, known municipally as 338 Rabbit Trail Road.

The lot addition does not affect any provincial interests under the PPS, generally lot boundary adjustments are permitted by the OP

With respect to the official plan, Section 4.5.1 outlines instances where consent is permitted, including lot boundary adjustment.

With respect to zoning, once the severance has been completed, the proposed retained will continue to meet these requirements, having a lot area of 137.0 hectares and a frontage of 508.0 metres. Once the severed lot is added to the adjacent parcel, the proposed enlarged lot will continue to meet these requirements as well, having a lot area of 28.0 hectares and a frontage of 258.0 metres.

With respect to agency circulation, no comments were received or from the public.

The application can be supported from a planning perspective provided that the attached conditions area fulfilled with respect to consolidation of the lot addition.

There were no other comments or questions from the Board.

Resolution: 18-06

BE IT RESOLVED THAT Consent Application B/02/18/MW submitted by Jerry Vis and Ellen Simon be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Greg Hunt

SECONDED BY: Phil Belanger

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

d) **B/03/18/MW – 1582687 Ontario Incorporated**

No one was present for questions or comments from the Board.

The Director of Planning summarized the application. The lands are located on the south side of Highway 17 East and north of the Nepewassi River. The application for consent is for a lot addition of 1.37 hectares and adds such lands to Kate's Kountry Kitchen. The proposed severed lot is presently vacant and is intended to accommodate the new location for the restaurant and to provide additional parking and landscaping.

Lot boundary adjustments, such as what is proposed is permitted by the policies of the Official Plan.

With respect to zoning – the proposed lot addition does not require re-zoning from rural to commercial highway because severed portion of the lands are zoned consistently with the lot to which it is to be added too. The entire enlarged parcel will be zoned Commercial highway (CH).

With respect to agency review, MTO has advised they have no objection in principle provided deeded right-of-way access over the shared entrance is to be registered on title to both lots; a copy of the draft reference plan of survey illustrating the right-of-way and a copy of the draft transfer/deeds showing the right -of-way in favour of both lots must be provided to MTO for review and approval prior to registration and one of the two existing entrances will be decommissioned – for that reason, I have included a condition to place the property under site plan control and to ensure that the new location of the restaurant, parking area and existing facilities address safety, attractiveness and compatibility with adjacent uses. Section 6.35 provides requirements for buffering of parking areas for more than 6 vehicles. The site plan process will be triggered through the building permit process.

Bell Canada had no concerns or easement requirements.

Union Gas Limited does have a main line within the area for which they do have easement rights. The purchaser of the property needs to be aware of these easement requirements

The Municipality of Markstay-Warren had no concerns or objections.

No other comments were received through agency circulation or from the public.

The application can be supported from a planning perspective, subject to the attached conditions.

Members Sharp, Hunt and Schopmann questioned whether or not the future plans of a new highway being constructed east of Sudbury would effect this application. Member Belanger responded that the construction is planned to stop in Hagar Ontario.

Member Sharp commented that there may be a possibility for a request from MTO to require a turning lane added to Highway 17. Director of Planning reassured him that MTO has submitted their conditions and that was not one of them.

There were no other comments or questions from the Board.

Resolution: 18-07

BE IT RESOLVED THAT Consent Application B/03/18/MW submitted by 1582687 Ontario Incorporated be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Phil Belanger

SECONDED BY: Greg Hunt

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Ontario Municipal Board Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

8. NEW BUSINESS

a) Budget – 2018

The Director of Planning discussed the Draft Budget provided to the Board members in the meeting files. There are slight increases for some of the Municipalities in Household Counts, this contributes to the surplus income compared to the previous year. There has been no increase in the apportionment fees billed to the Municipalities. There has been set in place a reserve portion due to commencing the Official Plan Update. A secondary reserve has also been put in place for New Equipment in the event that the current appliances would fail.

Member Schoppmann reviewed the application counts and questioned the Director Of Planner whether or not he was comfortable with those choices. The Director Of Planning reassured Member Schoppmann that he was very confident with the numbers inputted into the budget pertaining to applications. All Members present were appreciative of the effort included in the Budget process.

There were no further questions or comments from the Board.

Resolution: 18-08

BE IT RESOLVED THAT the draft budget recommended by the Director of Planning, dated February 8, 2018 be adopted as the Sudbury East Planning Board's official budget for the fiscal year 2018.

MOVED BY: Greg Hunt

SECONDED BY: Paul Schoppmann

Carried

9. BUSINESS ARISING FROM PREVIOUS MINUTES

No new business

10. NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING

No Notices of Motion were received

11. PAYMENT OF VOUCHERS

a) December 2017 and January 2018

Resolution 18-09

BE IT RESOLVED THAT the statement of disbursements for the month of December 2017 in the amount of \$23,940.89 and the month of January 2018 in the amount of \$23,178.53 to be distributed and is hereby approved for payment.

MOVED BY: Jim Rook

SECONDED BY: Greg Hunt

Carried

12. ADJOURNMENT

Resolution: 18-10

BE IT RESOLVED THAT the Meeting be adjourned at 6:17 P.M.

AND THAT the next regular meeting be held on March 8th, at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Carol Lemmon

SECONDED BY: Phil Belanger

Carried.



CHAIR



SECRETARY-TREASURER

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-17

BEING A BY-LAW TO ADOPT A MUNICIPAL ELECTION RECOUNT POLICY

WHEREAS Section 56(3) of the Municipal Elections Act, 1996, as amended, provides that the council of a municipality may pass a by-law authorizing a policy with respect to the circumstances in which municipalities requires the Clerk to hold a count of the votes cast in an election;

NOW THEREFORE the Council of the Corporation of the Municipality of French River hereby enacts as follows:

1. THAT the attached Municipal Election Recount Policy is hereby adopted.
2. THAT this by-law comes in effect on the day of its passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 21st DAY OF MARCH 2018.**

MAYOR

CLERK

Section: Administration & Governance	Policy number: A-12
Subject: Municipal Election Recount Policy	Effective Date: March 21, 2018
	Revision Date:
Page: 1 of 1	

Municipal Election Recount Policy

Purpose:

The purpose of the policy is to create a guideline that will determine the completion of an automatic recount for elected positions in accordance with the *Municipal Elections Act*.

Authority:

Municipal Elections Act, 1996, S.O. 1996 C.32

A recount under sections 56, 57, or 58 of the Act shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

1. there is a tie vote where both or all candidates cannot be declared elected (Automatic);
2. by resolution of Council (for Council offices);
3. by resolution of local board (for offices on a local board);
4. by order of the Minister (for questions submitted by the Minister); or
5. by order of the Superior Court of Justice.

Under section 56 (3), the *Act* now provides that a Municipality may, by by-law, adopt a policy with respect to the circumstances in which the municipality requires the Clerk to hold an automatic recount of the votes cast in an election other than those already set out in the Act.

Policy:

An automatic recount shall be conducted if the number of votes separating candidates from winning an office is a variance of one of the following:

1. ten (10) votes or less; or
2. 1% of voters who have casted their votes for the office, whichever is the lesser amount.

This Policy applies to the Offices of the Mayor and Councillors.

Recount Procedures:

The Clerk shall hold a recount of the votes for the candidate(s) / position(s) in question and shall establish procedure that outlines the process and timeframes to hold a recount required by this policy and shall ensure that the procedures comply with all requirements established by legislation.

Appendixes

Appendix 'A' - Municipal Elections Act, 1996, s. 56 to 64

Municipal Elections Act, 1996
S.O. 1996, CHAPTER 32

RECOUNTS

Recount, tied vote

56 (1) The clerk shall hold a recount,

- (a) of the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office;
- (b) of the votes on a by-law, if the votes for the affirmative and negative are equal;
- (c) of the votes for two or more answers to a question, if the votes are equal. 1996, c. 32, Sched., s. 56 (1).

Recount in accordance with policies

(1.1) The clerk shall hold a recount in accordance with any policy passed by the municipality or local board under subsection (3) or (4). 2016, c. 15, s. 40 (1).

Time for recount

(2) The recount shall be held within 15 days after the clerk's declaration of the results of the election. 1996, c. 32, Sched., s. 56 (2); 2002, c. 17, Sched. D, s. 20.

Municipality, policy

(3) A municipality may, by by-law, adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election. 2016, c. 15, s. 40 (2).

Local board, policy

(4) A local board may, by resolution, adopt a policy with respect to the circumstances in which the local board requires a recount of the votes cast in an election. 2016, c. 15, s. 40 (2).

Same

(5) A by-law or resolution adopted under subsection (3) or (4),

- (a) applies to a regular election if it is passed on or before May 1 in the year of the election; and
- (b) applies to a by-election if it is passed more than 60 days before voting day. 2016, c. 15, s. 40 (2).

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. D, s. 20 - 01/01/2003

2016, c. 15, s. 40 (1, 2) - 09/06/2016

Recount for municipality, local board or Minister

57 (1) Within 30 days after the clerk's declaration of the results,

- (a) the council of a municipality may pass a resolution requiring a recount of the votes cast,
 - (i) for all or specified candidates for an office on the council,
 - (ii) for all or specified answers to a question submitted by the council,
 - (iii) for and against a by-law submitted by the council;
- (b) a local board may pass a resolution requiring a recount of the votes cast,
 - (i) for all or specified candidates for an office on the local board, or
 - (ii) for all or specified answers to a question submitted by the local board;
- (c) the Minister may make an order requiring a recount of the votes cast for all or specified answers to a question submitted by him or her. 1996, c. 32, Sched., s. 57 (1).

Recount

(2) The clerk shall hold a recount in accordance with the resolution or order, within 15 days after it is passed or made. 1996, c. 32, Sched., s. 57 (2); 2002, c. 17, Sched. D, s. 21.

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. D, s. 21 - 01/01/2003

Application for order for recount

58 (1) A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the clerk hold a recount. 1996, c. 32, Sched., s. 58 (1); 2002, c. 17, Sched. D, s. 22 (1).

Time for application

(2) The application shall be commenced within 30 days after the clerk's declaration of the results of the election. 1996, c. 32, Sched., s. 58 (2).

Order, notice

(3) If satisfied that there are sufficient grounds for it, the court shall make an order requiring the clerk to hold a recount of the votes cast for all or specified candidates, on a by-law, or for all or specified answers to a question, and shall give the clerk a copy of the order as soon as possible. 1996, c. 32, Sched., s. 58 (3).

Time for recount

(4) The recount shall be held within 15 days after the day the clerk receives a copy of the order. 1996, c. 32, Sched., s. 58 (4); 2002, c. 17, Sched. D, s. 22 (2).

Procedures

(5) The Minister may by regulation establish procedures for applications under this section. 1996, c. 32, Sched., s. 58 (5).

Problems re voting and vote-counting equipment

(6) A request for a recount due to problems related to voting and vote-counting equipment may be made only under this section. 1996, c. 32, Sched., s. 58 (6).

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. D, s. 22 (1, 2) - 01/01/2003

Inclusion of related recount

59 The clerk may conduct, as part of a recount under section 56, 57 or 58 that relates to an office, a recount of the votes cast for another candidate for that office. 1996, c. 32, Sched., s. 59.

Manner of doing recount

60 (1) A recount under section 56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment. 2016, c. 15, s. 41 (1).

Prescribed rules

(2) A recount shall be conducted in accordance with the prescribed rules, subject to subsection (3). 1996, c. 32, Sched., s. 60 (2).

Order specifying different manner of doing recount

(3) Despite subsection (1), if the judge who orders a recount under section 58 is of the opinion that the manner in which the original count was conducted caused or contributed to the doubtful result, he or she may, in the order, provide that the recount shall be held in a different manner and specify the manner. 1996, c. 32, Sched., s. 60 (3); 2016, c. 15, s. 41 (2).

Exception for ranked ballot election

(4) Subsection (3) does not apply with respect to a ranked ballot election. 2016, c. 15, s. 41 (3).

Section Amendments with date in force (d/m/y)

2016, c. 15, s. 41 (1-3) - 09/06/2016

Who may be present at recount, election to office

61 (1) The following persons may be present at a recount under section 56, 57 or 58 that relates to an office:

1. The clerk and any other election official appointed for the recount.
2. Every certified candidate for the office.

3. The applicant, in the case of a recount ordered under section 58.
4. For each person referred to in paragraphs 2 and 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (1).

Same, by-law or question

- (2) The following persons may be present at a recount that relates to a by-law or question:
 1. The clerk and any other election official appointed for the recount.
 2. The scrutineers appointed by the municipality or local board or by the Minister, as the case may be.
 3. The applicant, in the case of a recount ordered under section 58.
 4. For the applicant referred to in paragraph 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (2).

Number of scrutineers re by-law

- (3) If the vote is on a by-law and scrutineers are to be appointed under subsection 16 (2),
 - (a) equal numbers of scrutineers shall be appointed to represent supporters and opponents of the by-law; and
 - (b) one scrutineer representing supporters and one representing opponents may be present for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (3).

Number of scrutineers re question

- (4) If the vote is on a question and scrutineers are to be appointed under subsections 16 (2) and (3),
 - (a) equal numbers of scrutineers shall be appointed for each possible answer to the question; and
 - (b) one scrutineer for each of the possible answers may be present for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (4).

Examination of ballot

- (5) A person referred to in paragraph 2, 3 or 4 of subsection (1) or (2) is entitled,
 - (a) to examine each ballot as the votes are being counted by the clerk (but not to touch the ballot); and
 - (b) to dispute the validity of a ballot or the counting of votes in a ballot. 1996, c. 32, Sched., s. 61 (5).

Determination of disputes

- (6) The clerk shall determine a dispute referred to in clause (5) (b). 1996, c. 32, Sched., s. 61 (6).

Other persons

- (7) Any other person may also be present at the recount with the clerk's permission. 1996, c. 32, Sched., s. 61 (7).

Duty of clerk

- 62** (1) When the recount is complete, the clerk shall,
 - (a) announce the result of the recount; and
 - (b) if there are disputed ballots,
 - (i) announce the number of them,
 - (ii) announce the result that would be obtained if the disputed ballots were excluded, and
 - (iii) write the number of the voting place on the back of and initial each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents, and seal the envelope. 1996, c. 32, Sched., s. 62 (1).

Who may be present

- (2) Any persons described in subsections 61 (1), (2) and (7) who are at the recount are entitled to be present while the clerk acts under subsection (1). 1996, c. 32, Sched., s. 62 (2).

Tied vote

(3) If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot. 1996, c. 32, Sched., s. 62 (3).

Declaration by clerk

(4) If no application has been made for a judicial recount under section 63 the clerk shall, on the 16th day after the recount is completed, declare the successful candidate or candidates elected or declare the result of the vote with respect to a by-law or question, as the case may be. 1996, c. 32, Sched., s. 62 (4).

Application for judicial recount

63 (1) A person described in subsection (2) who disputes the validity of a ballot or of the counting of votes in a ballot may, within 15 days after the clerk announces the result under section 62, apply to the Superior Court of Justice for a recount limited to the disputed ballots. 1996, c. 32, Sched., s. 63 (1); 2002, c. 17, Sched. D, s. 23 (1).

Who may apply

(2) Subsection (1) applies to a certified candidate, an applicant under section 58 or, in the case of a by-law or question, the municipality or local board or the Minister, as the case may be. 1996, c. 32, Sched., s. 63 (2).

Notice of application

(3) Notice of the application shall be served on the clerk and, if the application concerns an office, on each certified candidate. 1996, c. 32, Sched., s. 63 (3).

Summary procedure

(4) The application shall be dealt with in a summary manner, without application records or factums; the recount itself forms part of the hearing of the application. 1996, c. 32, Sched., s. 63 (4).

Clerk to attend and provide materials

- (5) The clerk shall attend the recount and provide the court with,
- (a) a certified copy of the result of the recount conducted by the clerk;
 - (b) a certified copy of the result of the recount conducted by the clerk excluding the disputed ballots;
 - (c) the sealed envelope containing the disputed ballots from the recount conducted by the clerk; and
 - (d) any other documents relating to the election that are relevant to the application. 1996, c. 32, Sched., s. 63 (5).

Duty of court

- (6) The court shall conduct the recount by,
- (a) determining the validity of the disputed ballots or of the counting of votes in any disputed ballots; and
 - (b) recalculating the result of the election using the determinations made under clause (a) and the certified results referred to in clause (5) (b). 1996, c. 32, Sched., s. 63 (6).

Who may be present

(7) Any persons who were present at the recount under section 56, 57 or 58 are entitled to be present at the hearing and recount under this section. 1996, c. 32, Sched., s. 63 (7).

Order

- (8) When the recount is complete the court shall,
- (a) make an order incorporating its decisions under subsection (6);
 - (b) announce to the persons present,
 - (i) the result of the recount, and
 - (ii) how the court dealt with the disputed ballots;
 - (c) place the disputed ballots in the original envelope and reseal it; and
 - (d) return to the clerk the material provided under subsection (5). 1996, c. 32, Sched., s. 63 (8).

Copy of order

(9) The court shall give a certified copy of the order to the clerk. 1996, c. 32, Sched., s. 63 (9).

Tied vote

(10) If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot. 1996, c. 32, Sched., s. 63 (10).

Declaration

(11) After receiving the order, the clerk shall declare the successful candidate or candidates to be elected or declare the result of the vote with respect to a by-law or question, as the case may be. 1996, c. 32, Sched., s. 63 (11).

No appeal

(12) Despite section 6 of the *Courts of Justice Act*, an order under this section cannot be appealed. 2002, c. 17, Sched. D, s. 23 (2).

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. D, s. 23 (1, 2) - 01/01/2003

Right to sit pending final disposition

64 (1) A candidate who has been declared elected under section 55 is entitled to sit and vote on the council or local board until the recount and all applications under this Act have been finally disposed of and a different candidate has been declared elected. 1996, c. 32, Sched., s. 64 (1).

Decisions unaffected

(2) Decisions of a council or local board in which a candidate described in subsection (1) has participated are unaffected even if another candidate is afterwards declared elected as the result of a recount. 1996, c. 32, Sched., s. 64 (2).

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-18

**BEING A BY-LAW TO AMEND BY-LAW 2015-20, A BY-LAW TO REGULATE
AND PROHIBIT THE PLACEMENT OF SIGNS AND OTHER ADVERTISING DEVICES IN
THE MUNICIPALITY OF FRENCH RIVER**

WHEREAS pursuant to Section 10 (2) 10. of the Municipal Act, R.S.O. 2001, S.O. 2001, c. 25, as amended, authorizes a municipal council to pass by-laws respecting structures, including fences and signs within the municipality;

AND WHEREAS Council passed the Signs By-law No. 2015-20 to regulate and prohibit the placement of signs and other advertising devices in the Municipality of French River;

AND WHEREAS Council deems it expedient to amend By-law 2015-20 in accordance with Bill 181 Municipal Elections Modernizing Act which amends the Municipal Elections Act;

NOW THEREFORE the Council of the Municipality of French River enacts as follows:

1. THAT Signs By-law No. 2015-20 be hereby amended as follows:

1.1 THAT the following Definitions in Section 2.1 be deleted and replaced with the following:

“Election” sign means:

- i. any sign advertising or promoting a candidate in a federal, provincial or municipal election including an election for a local board or commission;
- ii. any sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors in accordance with the Municipal Elections Act, 1996; or
- iii. a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning;

1.2 THAT the following Definitions in Section 2.1 be added:

“By-law Enforcement Officer” means a by-law enforcement officer appointed by the Council of the Corporation of the Municipality of French River;

“Candidate” means shall have the same meaning as in the Canada Elections Act, the Election Act Ontario or the Municipal Elections Act 1996, as amended, as applicable and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by law submitted in accordance with the Municipal Elections Act 1996, as amended;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square place, bridge, viaduct or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral lines thereof;

“Municipal Property” means land or buildings owned or leased by the Municipality of French River, or a local board as defined in the Municipal Act, 2001, as amended;

“Road allowance” means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property;

“Third Party Advertiser” means individuals, corporations or trade union that are not a political party, candidate or constituency association, and that engages in political advertising. Third parties include corporations, partnerships, unincorporated businesses and associations, and many other groups.

“Third Party Advertisement” is a message in any medium that has the purpose of promoting or supporting or opposing a candidate (s) or a ‘yes’ or ‘no’ to a question on the ballot. Third party advertising does not include issues-based advertising so groups that do public outreach can continue their issued-based advocacy work throughout the municipal election period. Advertising that does not cost money to post or broadcast, such as comments made on social media, will not be considered to be third party advertising.

“Voting Location” means the entire property where an election occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

1.3 THAT the following Section 3. Election Signs be hereby deleted and replaced with the following:

- 3.1 No person or third party advertiser shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed, repaired or altered an election sign on any lands or buildings or structures within the Municipality, except in accordance with the provisions of this by-law;
- 3.2 Notwithstanding any other provision of this by-law no person or third party advertiser shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
- a. on any official sign or official sign structure;
 - b. within a sight triangle;
 - c. on the land or buildings situated on or in or on a vehicle that is parked at any voting location or on the road allowance in front of the voting location or within fifty (50) metres of the voting location;
 - d. at any location where the election sign:
 - i. obstructs the view of any pedestrian or driver of a motor vehicle, or obstruct the visibility of any traffic sign or device, or where it could interfere with vehicular traffic so that it could endanger any person;
 - ii. obstructs openings required for light, ventilation, ingress, egress or firefighting;
 - iii. constitutes a danger or hazard to the general public;
 - iv. impedes or hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminates a public parking space required by law;
 - v. impedes or hinders a view of a public highway or a railway crossing;
 - vi. is located on any municipal, provincial, federal or school property;
 - vii. is attached to a tree, bush, stone or other natural object;
 - viii. is attached to any utility pole or any other municipal infrastructure.

- e. No person or third party advertiser shall deface, move, or willfully cause damage to a lawfully erected election sign.
- f. No person or third party advertiser shall use the Municipal logo, crest or seal on any advertisement.
- g. No person or third party advertiser shall leave an abandoned sign on a property.

3.2 No person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed until after the Clerk has certified the Nomination Papers on the Monday following Nomination Day. Candidates will be notified once the Clerk posts the List of Certified Candidates as per the Clerk's Procedures.

3.3 Election signs shall not exceed a maximum sign area of 1.5 square metres with the exception of those placed on billboard signs.

3.4 Election signs may only be erected with the consent of the owner or the tenant on the lot.

3.5 Election signs shall be removed no later than seven (7) days following Election Day.

3.6 Candidates to whom the election sign relates shall be responsible for compliance with this by-law, signage by-laws and regulations of the Province of Ontario (MTO) and Hydro One, as the case may be.

3.7 Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, the Officer may cause the sign to be removed immediately without notice and/or take any further action as provided in Section 8 of this By-Law.

2. That this By-Law comes into force and takes effect upon the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 21st DAY OF MARCH 2018.**

MAYOR

CLERK

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-19

**BEING A BY-LAW TO AMEND BY-LAW 2017-02, A BY-LAW TO GOVERN THE
CALLING, PLACE AND PROCEEDINGS OF MEETINGS
FOR THE MUNICIPALITY OF FRENCH RIVER**

WHEREAS every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings, pursuant to Section 238 (2) of the *Municipal Act*;

AND WHEREAS the procedure by-law shall provide for public notice of meetings, pursuant to Section 238 (2.1) of the *Municipal Act*;

WHEREAS Council passed Procedure By-law 2017-02, and deems it expedient to amend it in accordance with Bill 68 Modernizing Ontario's Municipal Legislation Act, which amends the Municipal Act and Municipal Conflict of Interest Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:**

1. **THAT** Procedure By-law No. 2017-02 be hereby amended as follows:

1.1. **THAT** the definition of "Meeting" provided in Section 1.2 Definitions be hereby deleted and replaced with the following:

"Meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

1.2. **THAT** Subsection a) under Section 3.9 Closed Meetings be hereby deleted and replaced with the following:

a) All meetings of the Council and its Committees shall be open to the public. Council may, by resolution, close a meeting or part of a meeting to the public in accordance with s. 239 (2), (3) and (3.1) of the Municipal Act, as amended and attached as Appendix "C".

1.3. **THAT** Subsection a) to e) under Section 4.4 Disclosures of Pecuniary Interest be hereby deleted and replaced with the following:

a) When a Member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the member shall act in accordance with the *Municipal Conflict of Interest Act*, as amended (attached as Appendix “D”) and declare a pecuniary interest.

b) If the Chair has disclosed a pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the Chair during the deliberations on that matter.

c) The Member disclosing a pecuniary interest, shall at a meeting or no later than 48 hours after declaring the pecuniary interest, file a written statement of the interest and its general nature with the Clerk on the Declaration of Interest Form.

d) The Declaration of Interest Form, as prepared by the Clerk, shall form part of the Registry. The Registry shall be made available for public inspection and kept up to date, no later than 72 hours following the declaration, at the Clerk’s Office during regular office hours and posted on the Municipal Website.

1.4. **THAT** the following be added to Part 10 Appendixes:

Appendix “C” - Municipal Act, Section 239 (1)(2)(3)(3.1)

Appendix “D” - Municipal Conflict of Interest Act and Declaration Form

2. That this By-law comes into force and takes effect upon the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 21st OF MARCH 2018**

MAYOR

CLERK