



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, February 21, 2017
6:00 P.M.
City Hall Council Chambers – 325 Farr Drive

Agenda

1. **Call to Order**
2. **Roll Call**
3. **Review of Revisions or Deletions to Agenda**

4. **Approval of Agenda**

Draft Motion

Be it resolved that City Council approves the agenda as printed/amended.

5. **Disclosure of Pecuniary Interest and General Nature**

6. **Review and adoption of Council Minutes**

Draft Motion

Be it resolved that City Council approves the following minutes as printed:

- a) Regular Meeting of Council – February 7, 2017

7. **Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

7.1. *Application for Zoning Amendment – ZBA-2017-01(D)*

Owner: André Lapierre and Ginette Léveillé

Subject Land: 743145 Dawson Point Road

Purpose: The applicant (owner) proposes to rezone the subject land from Agriculture (A1) to Rural Residential (RR) to permit the construction of a single detached dwelling.

7.2. *Application for Zoning Amendment – ZBA-2017-01(NL)*

Owner: FPT Holdings Ltd.

Subject Land: Part of Broken Lot 10, Concession 2 (Paddon Crescent)

Purpose: The applicant (owner) is proposing to sever three (3) lots from the southwest portion of the subject property to be used for residential purposes. Rezone the property from Development (DE) to Medium Density Residential Exception (R3-E).

8. **Question and Answer Period**

9. **Presentations / Delegations**

- a) Cathy Zheng, Conservation Account Manager – CLEAResult & Charles Coimbra, Manager-Business Programs – Hdyro One Networks Inc.

Re: saveONenergy – Cheque Presentation

- b) Chantal Charbonneau, Consultant – Enterprise Temiskaming

Re: Enterprise Temiskaming Statistics

10. Communications

- a) Monique Chartrand, Executive Director – Victim Services of Temiskaming & District

Re: Request for Proclamation - 2017 Victims and Survivors of Crime Awareness Week

Reference: Received for Information

- b) Giles Gherson, Deputy Minister – Ministry of Economic Development and Growth

Re: Dymond Industrial Park – Hawn Drive **West** – Confirmation of Site Certification

Reference: Referred to the Economic Development Officer

- c) Giles Gherson, Deputy Minister – Ministry of Economic Development and Growth

Re: Dymond Industrial Park – Hawn Drive **East** – Confirmation of Site Certification

Reference: Referred to the Economic Development Officer

- d) Judy Dotten, Manager – Twin Lakes resident

Re: Enhanced application to produce and sell dried marihuana to include production and sale of fresh marihuana, seeds, live plants and cannabis oil

Reference: Referred to the Planner

- e) Marie-France Lalonde, Minister – Ministry of Community Safety and Correctional Services

Re: Policing Effectiveness and Modernization (PEM) Grant – application deadline extended to March 31, 2017.

Reference: Referred to the Police Services Board

Draft Motion

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. e) according to the Agenda references.

11. Committees of Council – Community and Regional

Draft Motion

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Temiskaming Shores and Area Physician Recruitment Committee meeting held on November 22, 2016;
- b) Minutes of the Temiskaming Shores and Area Physician Recruitment Committee meeting held on January 24, 2017; and
- c) Minutes of the Temiskaming Shores Police Services Board meeting held on February 13, 2017.

12. Committees of Council – Internal Departments

None

13. Reports by Members of Council

14. Notice of Motions

15. New Business

a) **Proclamation – April 3 to 7, 2017 as Northern College 50th Anniversary Week**

Draft Motion

Whereas in 1967, then Education Minister William Davis created the Ontario College system and in the ensuing 50 years, Ontario's community colleges have produced more than 2 million graduates, with Northern College alone contributing 30,000 to that number; and

Whereas to commemorate the 50th Anniversary of Ontario's Community Colleges, the Province of Ontario has proclaimed April 3rd as College Week; and

Whereas throughout the next 10 months the Haileybury Campus of Northern College has many special events and activities planned to commemorate their 50th anniversary, many of these events will be planned to allow community participation.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby proclaims "**April 3 to 7, 2017 as Northern College's 50th Anniversary Week**" in the City of Temiskaming Shores.

b) **Proclamation – Spread the Word to End the Word – Utilizer le bon mot: RESPECT**

Draft Motion

Whereas "Spread the Word to End the Word" is an ongoing international effort by Special Olympics, Best Buddies and various supporters to inspire respect and acceptance through raising the consciousness of society about the "R-word".

Now therefore be it resolved that Council of the City of Temiskaming Shores does hereby proclaim Wednesday, March 1, 2017 as "**Spread the Word to End the Word Day – Utiliser le bon mot: RESPECT**" (Use the good word: RESPECT) in the City of Temiskaming Shores.

c) **Support – Rewrite the Pupil Accommodation Review Guideline (PARG)**

Draft Motion

Whereas the current Accommodation Review Process is not reflective of the reality of rural school and community life; and

Whereas school closures impact single-school small rural communities in all educational, social and economic aspects to a far greater degree than those impacts in multi-school urban communities; and

Whereas the Board of Education has initiated an unachievable timeline for the proposed transition plan and will have a negative impact on the health and safety of the students; and

Whereas the Counties of Prince Edward, Bruce and Grey are urging the Minister of Education to rewrite the Pupil Accommodation Review Guideline (PARG), to take into consideration community and economic value considerations of rural communities and provide a more democratic process; and

Whereas the District of Timiskaming contains a number of single-school small rural communities that are susceptible to these impacts.

Now therefore the Council of the City of Temiskaming Shores hereby supports petitioning the Provincial Government to place a moratorium on any more rural school closures until such time as the Pupil Accommodation Review Guidelines are rewritten; and

Furthermore that a copy of this resolution be forwarded to the Honourable Kathleen Wynne, Premier and the Honourable Mitzie Hunter, Minister of Education.

d) Administrative Report No. RS-001-2017 – Funding Agreement with Ontario Tire Stewardship (OTS) for Upgrades to the Dymond Fireman's Park

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-001-2017; and

That Council directs staff to prepare the necessary by-law to enter into a Funding Agreement with Ontario Tire Stewardship (OTS) under the Community Renewal Fund Grant in the amount of \$12,013.16 for upgrades to the Dymond Firefighter's Park for consideration at the February 21, 2017 Regular Council meeting.

e) Memo No. 007-2017-CS – Amendment to By-law No. 2014-109 – FedNor Funding - Waterfront Revitalization Project

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 007-2017-CS; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2014-109 being a by-law to enter into a Funding Agreement with Industry Canada (FedNor) for the Waterfront Revitalization Project in New Liskeard and Haileybury (Project No. 851-806190) for consideration at the February 21, 2017 Regular Council meeting.

f) Administrative Report No. CS-012-2017 – Great Northern Family Health Team – Lease Agreement (New Liskeard Medical Centre)

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-012-2017;

That Council directs staff to increase the rental rates by 1.2% (CPI) retroactive to February 1, 2017 with the Great Northern Family Health Team, Dr. Corneil, Dr. Logan, and Dr. Corbin for the use of office space at the New Liskeard Medical Centre; and

That Council directs staff to continue with month-to-month agreements until such time the tenants vacate the space at the New Liskeard Medical Centre or the new owner takes possession.

g) Administrative Report No. CS-013-2017 – Municipal Election Modernization – Significant Amendments

Presentation by the Clerk

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-013-2017;

That Council agrees to maintain the existing election model “first-past-the-post” for the 2018 municipal election; and

That Council directs staff to monitor the initial implementation of ranked ballot voting, if any, in other jurisdictions.

h) Administrative Report No. CS-014-2017 – Municipal Business Licencing Policy

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-014-2017;

That Council directs staff to prepare the necessary by-law for the adoption of a Business Licensing Policy for the City of Temiskaming Shores for consideration of First and Second Reading (Provisional approval) at the February 21, 2017 Regular Council meeting; and

That Council directs staff to undertake a public consultation process and submission of the Provisional by-law to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording and set fines prior to Third and Final Reading.

16. By-laws

Draft Motion

Be it resolved that:

By-law No. 2017-023 Being a by-law to amend By-law No. 2014-109 (Funding Agreement with FedNor for the Waterfront Revitalization Project No. 851-806190)

By-law No. 2017-024 Being a by-law to authorize an Agreement with Ontario Tire Stewardship for grant funding under the Community Renewal Fund for upgrades to the Dymond Firefighters Park

By-law No. 2017-025 Being a by-law to adopt a Business Licensing Policy

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that:

By-law No. 2017-015 Being a by-law to adopt a Procurement Policy for the City of Temiskaming Shores

By-law No. 2017-023; and

By-law No. 2017-024;

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

17. Schedule of Council Meetings

- a) Regular – Tuesday, March 7, 2017 at 6:00 p.m.
- b) Regular – Tuesday, March 21, 2017 at 6:00 p.m.

18. Question and Answer Period

19. Closed Session

Draft Motion

Be it resolved that Council agrees to convene in Closed Session at _____ p.m. to discuss the following matters:

- a) **Adoption of the February 7, 2017 – Closed Session Minutes**

b) Under Section 239 (2) (a) of the Municipal Act, 2001 – Security of the Property of the Municipality – Confidential Administrative Report CS-015-2017 – Information Technology

Draft Motion

Be it resolved that Council agrees to rise with report from Closed Session at _____ p.m.

20. Confirming By-law

Draft Motion

Be it resolved that By-law No. 2017-026 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **February 21, 2017** be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2017-026 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

21. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.

Mayor – Carman Kidd

Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, February 7, 2017
6:00 P.M.
City Hall Council Chambers – 325 Farr Drive**

Minutes

1. Call to Order

The meeting was called to order by Mayor Carman Kidd at 6:02 p.m.

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Patricia Hewitt, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Tammie Caldwell, Director of Recreation
Kelly Conlin, Director of Corporate Services (A)
Tim Uttley, Fire Chief

Regrets:

Media: Diane Johnston, Temiskaming Speaker
Bill Buchberger, CJTT 104.5 FM

Members of the Public: 11

3. Review of Revisions or Deletions to Agenda

Additions:

Under Item 15 – New Business add:

- m) Memo No. 006-2017-CS – Repeal of By-law No. 2017-012 being a Tax Arrears Certificate (TAC) Extension for 155 Farr Drive

Under Item 16 – By-laws add:

By-law No. 2017-021 Being a by-law to Repeal By-law No. 2017-012 being a by-law to authorize the execution of a Tax Arrears Extension Agreement Pursuant to Section 378 of the Municipal Act, 2001 - (Crown Capital Corporation) TGTS16-05, Roll No. 54-18-030-006-097.00)

4. Approval of Agenda

Resolution No. 2017-025

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that City Council approves the agenda as amended.

Carried

5. Disclosure of Pecuniary Interest and General Nature

Councillor Foley declared a conflict of interest with Item 19 e) Under Section 239 (2) (d) of the Municipal Act, 2001 – Labour Relations – Confidential Administrative Report CS-011-2017 – Corporate Services Department

6. Review and adoption of Council Minutes

Resolution No. 2017-026

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that City Council approves the following minutes as printed:

- a) Regular Meeting of Council – January 17, 2017

Carried

7. **Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

7.1. *Peters Road Municipal Drain*

Subject Land: Peters Road between Drive-In Theatre and Highway 65 E

Petitioner(s): Roads Authority (City of Temiskaming Shores)

Purpose: Construction of Drainage Works to alleviate damage to Peters Road

Mayor Kidd outlined that the public meeting scheduled tonight is for the Peters Road Municipal Drain which is being held in accordance with Section 42 of the Drainage Act, 1990 and that the public meeting is required before Council decides whether to adopt a provisional by-law (1st and 2nd reading) of the final engineer's report for the proposed drainage works and thus allowing the project to proceed to the next phase.

Mayor Kidd indicated that the public meeting is designed to permit the consultant to present a summary of the report; to permit owners that benefit from the drain an opportunity to add or delete their name as a Petitioner and to permit property owners affected by the drain an opportunity to influence council's decision.

Mayor Kidd declared the meeting to be open and to be a public meeting pursuant to Section 42 of the Drainage Act and requested that the Consultant, K. Smart represented by Neal Morris, provide an overview of the project and the final report and any comments received subsequent to the public notice being sent.

Neal Morris outlined that the drain will consist with about 1.2 km on drain and of that approximately 700-800 m of open ditch and incorporated works upstream on the adjacent property (existing tile that is there). Approximately \$26,000 of the overall costs are assessed to the municipality (Temiskaming Shores) and approximately \$10,000 assessed to the property owners within the watershed of which \$1,000 is attributed to residents within Harris Township. Mr. Morris outlined that he is available for any questions.

Mayor Kidd thanked Mr. Morris and that since the drainage works was initiated through the Roads Authority (Public Works Department) he inquired with the Director of Public Works, Doug Walsh that his recommendation is to still proceed with the drainage works. Mr. Walsh confirmed that the department still wishes to proceed with the drainage works.

Mayor Kidd inquired if any landowners that would benefit from the drain wishing to add their names as a Petitioner to the Drain. With no one wishing to add their name, Mayor Kidd inquired if there were landowners within the drainage works that would like to speak to the project?

Dallas Rostad – 117404 Sales Barn Road

Mr. Rostad is of the opinion that he will have no benefit from this drainage ditch and since he has no tile drain on his property and therefore has no influence on the natural off that is there. He is not in favour of this drainage work.

Mr. Morris, utilizing a map depicting the drainage works, illustrated that Mr. Rostad's property is within the water shed. Mr. Morris did agree that Mr. Rostad does not benefit from the works; however under the Drainage Act a portion of the costs is assessed to upstream landowners to deal with an aspect of British Common Law which does not give landowners the right to drain onto a downstream owner's property. In essence the upstream owners are buying the right to drain their lands and as required, under the Act, Mr. Morris has assessed all upstream owners within the watershed and does not have the ability to not assess someone. It was noted that the Ontario Ministry of Agriculture, Food and Rural Affairs will be picking up 2/3 of the costs for the agricultural lands within the watershed.

Ron Sutton – Township of Harris/J Wilson Farms

Mr. Sutton indicated that has been a problem for years and the problem is that some farmers are plowing right to the road line and not leaving any stretch of land to allow water to soak into their lands with little to no enforcement. Finds it unusually for a municipality to get involved in initiating solution to a problem like this and using taxpayers money to help out some that should be looking after their own drainage.

Mayor Kidd indicated that the municipality, through the Roads Authority, initiated the drainage works and the City is having a lot of issues with road maintenance in this area.

With no further comments, Mayor Kidd declared this portion of the public meeting to be closed and advised that Council will be considering the adoption of a provisional by-law (1st and 2nd reading) of the engineer's report later this evening.

8. Question and Answer Period

None

9. Presentations / Delegations

None

10. Communications

- a) Alison Stanley, Information and Communications Officer – Federation of Northern Ontario Municipalities (FONOM)

Re: FONOM Travels to North Bay for Board of Directors' Meeting

Reference: Received for Information

- b) Alison Stanley, Information and Communications Officer – Federation of Northern Ontario Municipalities (FONOM)

Re: Media Release – Energy Costs Continue to be a Concern across the North

Reference: Received for Information

- c) Nina Chamillard, Director – Cobalt Northern Ontario Firefighters Museum

Re: Museum remains open – to be renamed **Northern Ontario Fire & Rescue Heritage Centre.**

Reference: Received for Information

- d) Lois Weston-Bernstein, Business Manager – Temiskaming Shores and Area Chamber of Commerce and the Temiskaming Shores and Area Tourism Information Centre

Re: Request by ONTC for Chamber Office to be ONTC Agent (Bus/Parcel Terminal)

Reference: Motion to be presented under New Business

- e) Anthony Rota, MP Nipissing-Timiskamaing

Re: Connect to Innovate Funding Program

Reference: Referred to the Economic Development Officer

- f) Fred Gibbons, President & CEO - Northern College

Re: Request for Proclamation – *April 3rd to 7th, 2017 as Northern College 50th Anniversary Week*

Reference: Received for Information

- g) Kayla Marwick, Co-Chair – Spread the Word to end the Word

Re: Request for Proclamation – March 1, 2017 *Spread the Word to End the Word – Utiliser le bon mot: RESPECT (use the good word: RESPECT)*

Reference: Received for Information

- h) Lois Weston-Bernstein, Manager – Temiskaming Shores & Area Chamber of Commerce (TSACC)

Re: Media Release – AGM meeting (2017 Board of Directors)

Reference: Received for Information

- i) Kim White, Clerk – The Corporation of the County of Prince Edward

Re: Request for Support – Pupil Accommodation Review Guideline (PARG) – School closures

Reference: Received for Information

- j) Richard McKinnell, Assistant Deputy Minister – Ministry of Tourism, Culture and Sport

Re: Ontario 150 Community Celebration Program Funding Application - Canada 150 events jointly sponsored by City, ARTEM and BIA denied

Reference: Circulate to Directors, ARTEM and N.L. BIA

- k) Rhonda Latendresse, Executive Director – Seizure & Brain Injury Centre

Re: Request for Proclamation – Epilepsy Month – March & March 26th
Purple Day for Epilepsy

Reference: Received for Information

l) Trevor Guindon, Area Forestry Technician – Hydro One

Re: Forestry Maintenance Program within Temiskaming Shores in 2017

Reference: Received for Information

m) Honorable Jeff Leal, Minister – Ministry of Agriculture, Food and Rural Affairs

Re: Launch of renewed Rural Economic Development (RED) program –
Application deadline is March 31, 2017

Reference: Referred to the Economic Development Officer

n) Alison Stanley, Information and Communications Officer – Federation of
Northern Ontario Municipalities (FONOM)

Re: Media Release – FONOM Attends Rural Ontario Municipal Association
(ROMA) Conference

Reference: Received for Information

o) Jessica Gencarelli, Student – Northern Ontario School of Medicine (NOSM)

Re: Thank You Card – Recipient of the City of Temiskaming Shores
Bursary

Reference: Received for Information

p) Honorable Steven Del Duca, Minister – Ministry of Transportation

Re: Notice that Community Transportation Pilot Grant Program extended
from April 1, 2017 to March 31, 2018.

Reference: Referred to Senior Staff

Resolution No. 2017-027

Moved by: Councillor Foley

Seconded by: Councillor Laferriere

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. p) according to the Agenda references.

Carried

11. Committees of Council – Community and Regional

Resolution No. 2017-028

Moved by: Councillor McArthur

Seconded by: Councillor Laferriere

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Provincial Offences Advisory Committee meeting held on January 5, 2017;
- b) Minutes of the Temiskaming Shores Public Library Board meeting held on November 16, 2016;
- c) Minutes of the Temiskaming Shores Public Library Board meeting held on December 21, 2016;
- d) Minutes of the Earlton-Timiskaming Regional Airport Joint Municipal Services Board meeting held on December 15, 2016;
- e) December 2016 Earlton-Timiskaming Regional Airport Activity Report;
- f) Minutes of the Timiskaming Health Unit - Board of Health meeting held on December 7, 2016;
- g) 2016 Fourth Quarter Report to the Board of Health from the Timiskaming Health Unit;
- h) Minutes of the OCWA consultation meeting held on January 25, 2017;
- i) Minutes of the Temiskaming Transit Committee meeting held on December 14, 2016; and

- j) Minutes of the Temiskaming Municipal Association meeting held on November 24, 2016.

Carried

12. Committees of Council – Internal Departments

Resolution No. 2017-029

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Building Maintenance Committee meeting held on December 15, 2016;

Carried

13. Reports by Members of Council

None

14. Notice of Motions

None

15. New Business

- a) **Administrative Report No. PW-002-2017 – Retention of Engineering Firm – Design of Albert Street Reconstruction**

Resolution No. 2017-030

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PW-002-2017;

That as outlined in Section 3.5 of the City's Purchasing Policy, Council approves the award of the contract to Exp Services Inc. to proceed with the detailed engineering design for the proposed reconstruction of Albert Street

as detailed in Request for Proposal PW-RFP-001-2017 for a total upset limit of \$34,575 plus applicable taxes; and

That Council directs staff to prepare the necessary by-law and agreement for consideration at the February 7, 2017 Regular Council meeting.

Carried

b) Administrative Report No. CGP-002-2017 – Enabling Accessibility Funding – Dymond Hall Accessibility

Resolution No. 2017-031

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-002-2017; and

That Council agrees to partner with Human Resources and Skills Development Canada under the Enabling Accessibility Fund to undertake accessibility upgrades to the Dymond Community Hall.

Carried

c) Treasurer's 2016 - Statement of Remuneration

Resolution No. 2017-032

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

Whereas Section 284 (1) of the Municipal Act, 2001 states that the Treasurer of a municipality shall in each year, on or before March 31, provide to the Council of the municipality an itemized statement of remuneration and expenses paid in the previous year to each member of Council and to each person, other than a member of Council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Now therefore be it resolved that Council acknowledges receipt of the 2016 Statement of Remuneration and Expenses as submitted by the Treasurer.

Carried

d) Memo No. 003-2017-CS – Ontario Wildlife Damage Compensation – Leonard Peddie

Resolution No. 2017-033

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 003-2017-CS;

That Council approves payment of \$500 to Leonard Peddie for the loss of two (2) Texel Dorsil sheep in accordance with the Ontario Wildlife Compensation Program; and

That Council directs the Clerk to prepare and submit a Municipal Application to the Ontario Ministry of Agriculture, Food and Rural Affairs for reimbursement of these costs.

Carried

e) Memo No. 004-2017-CS – Public Transit Infrastructure Fund

Resolution No. 2017-034

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 004-2017-CS; and

That Council directs staff to prepare the necessary by-law to enter into a funding agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation, under the Public Transit Infrastructure Fund in the amount of \$257,955 for consideration at the February 21, 2017 Regular Council meeting.

Carried

f) Memo No. 005-2017-CS – Ontario Northland Transportation Commission (ONTC) – Chamber of Commerce Office

Resolution No. 2017-035

Moved by: Councillor Foley

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 005-2017-CS; and

That Council hereby endorses the proposal by the Temiskaming Shores Chamber of Commerce office to utilize their facility as a terminal for passengers and parcels for the Ontario Northland Transportation Commissions Bus Service.

Carried

g) Administrative Report No. CS-004-2017 – Earlton-Timiskaming Airport Authority

Resolution No. 2017-036

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-004-2017; and

That Council directs staff to prepare the necessary by-law to enter into an agreement to establish the Earlton-Timiskaming Regional Airport Authority with thirteen area municipalities to provide for the joint ownership, management and funding of the Earlton-Timiskaming Airport for consideration at the February 7, 2017 Regular Council meeting.

Carried

h) Administrative Report No. CS-005-2017 – Peters Road Municipal Drain – Provisional Adoption of Engineers Report

Resolution No. 2017-037

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-005-2017;

That Council agrees to consider First and Second Reading of a Provisional By-law to approve the Peters Road Municipal Drain for consideration at the February 7, 2017 Regular Council meeting; and

That Council hereby appoints **Mayor Kidd** and **Councillor Jelly** to the Court of Revision and directs staff to correspond with the Township of Harris for the purposes of having their Council appoint a member to the Court of Revision.

Carried

i) Administrative Report No. CS-006-2017 – Land Acquisition – 635 View Street

Resolution No. 2017-038

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-006-2017;

That Council directs staff to prepare the necessary by-law to enter into an agreement with KBR Wabi Limited for the purchase of property situated at 635 View Street in the amount of \$640,000 plus applicable taxes;

That Council approves retaining the services of BZ Environmental Consulting to undertake a Phase 1 Environmental Review of 635 View Street at a cost of \$1,850 plus applicable taxes; and

That Council directs the Treasurer to proceed with an application to the Ontario Infrastructure & Lands Corporation (OILC) to borrow \$651,264.

Carried

j) Administrative Report No. CS-007-2017 – Cultivation of Municipal Land – Agreements with Miller Farms and Chieftain Dairy Farms

Resolution No. 2017-039

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-007-2017;

That Council directs staff to prepare the necessary by-law to enter into a lease agreement with Chieftain Dairy Farms for cultivation purposes of Parts 1, 3, 5, 7, 9 & 11 on Plan 54R-4826 (4.62 Ac.) for consideration at the February 7, 2017 Regular Council meeting; and

That Council directs staff to prepare the necessary by-law to enter into a lease agreement with Miller Farms Inc. for cultivation purposes of Part 2 on Plan 54R-5247 (8.70 Ac.) for consideration at the February 7, 2017 Regular Council meeting.

Carried

k) Administrative Report No. PPP-001-2017 – Appointment of Volunteer Firefighter – Kevin Plant

Resolution No. 2017-040

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PPP-001-2017; and

That Council hereby appoints Kevin Plant as a Volunteer Firefighter to the Temiskaming Shores Fire Department in accordance with the *Recruitment and Retention Program*.

Carried

l) Support – Temiskaming Municipal Association – Northeastern Ontario Bear Management Association

Resolution No. 2017-041

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Whereas the Ministry of Natural Resources and Forestry (MNRF) extended the spring bear hunt pilot for 2017; and

Whereas there is inequity in the allocation of non-resident bear licence validation forms; and

Whereas the science used in the calculation of black bear population density is inaccurate and outdated; and

Whereas the Northeastern Ontario Bear Management Association (NOBMA) has asked to assist the MNRF with gathering new scientific data; and

Whereas the Temiskaming Municipal Association (TMA) has petitioned

the MNRF to recognize and begin discussion with NOBMA for the fair and equitable distribution of non-resident bear licence validation forms for 2017 and beyond;

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the TMA's position and petitions the Ministry of Natural Resources and Forestry to recognize and begin discussion with the Northeastern Ontario Bear Management Association for the fair and equitable distribution of non-resident bear licence validation forms for 2017 and beyond; and

Furthermore that this resolution be circulated to the Honourable Kathleen Wynne Premier of Ontario, the Honorable Kathryn McGarry Minister of Natural Resources and Forestry and the Temiskaming Municipal Association (TMA).

Carried

m) Memo No. 006-2017-CS – Repeal of By-law No. 2017-012 being a Tax Arrears Certificate (TAC) Extension for 155 Farr Drive

Resolution No. 2017-042

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 006-2017-CS; and

That Council directs staff to prepare the necessary by-law to repeal By-law No. 2017-012 being a by-law to authorize the execution of a Tax Arrears Extension Agreement pursuant to Section 378 of the Municipal Act for 155 Farr Drive – Roll No. 54-18-030-006-097 for consideration at the February 7, 2017 Regular Council meeting.

Carried

16. By-laws

Resolution No. 2017-043

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that:

By-law No. 2017-015 Being a by-law to adopt a Procurement Policy for the City of Temiskaming Shores

By-law No. 2017-016 Being a by-law to provide for a drainage works in the City of Temiskaming Shores in the District of Timiskaming known locally as the Peters Road Municipal Drain

By-law No. 2017-017 Being a by-law to enter into an agreement with Exp. Services Inc. for the detailed Engineering Design for the proposed reconstruction of Albert Street from Rorke Avenue to Bruce Street

By-law No. 2017-018 Being a by-law to authorize a Lease Agreement with Chieftain Dairy Farms to permit the Cultivation of Municipal Land (Roll No. 54-18-020-002-066.20)

By-law No. 2017-019 Being a by-law to authorize a Lease Agreement with Miller Farms Inc. to permit the Cultivation of Municipal Land (Roll No. 54-18-020-002-069.06)

By-law No. 2017-020 Being a by-law to enter into an Agreement between the Corporation of the City of Temiskaming Shores, the Corporations of the Townships of Armstrong, Casey, Chamberlain, Charlton & Dack, Coleman, Evanturel, Harley, Hilliard, Hudson, James, the Town of Englehart and the Village of Thornloe to establish the Earlton-Timiskaming Airport Authority

By-law No. 2017-021 Being a by-law to Repeal By-law No. 2017-012 being a by-law to authorize the execution of a Tax Arrears Extension Agreement Pursuant to Section 378 of the Municipal Act, 2001 - (Crown Capital Corporation) TGTS16-05, Roll No. 54-18-030-006-097.00)

be hereby introduced and given first and second reading.

Carried

Resolution No. 2017-044

Moved by: Councillor Laferriere
Seconded by: Councillor Jelly

Be it resolved that:

By-law No. 2017-017;

By-law No. 2017-018;

By-law No. 2017-019;

By-law No. 2017-020; and

By-law No. 2017-021;

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

17. Schedule of Council Meetings

- a) Regular – Tuesday, February 21, 2017 at 6:00 p.m.
- b) Regular – Tuesday, March 7, 2017 at 6:00 p.m.

18. Question and Answer Period

None

19. Closed Session

Resolution No. 2017-045

Moved by: Councillor Laferriere
Seconded by: Councillor Jelly

Be it resolved that Council agrees to convene in Closed Session at 7:30 p.m. to discuss the following matters:

- a) **Adoption of the December 20, 2016 – Closed Session Minutes**
- b) **Under Section 239 (2) (c) of the Municipal Act, 2001 – Pending Disposition of Land – 285 Whitewood Ave. (New Liskeard Medical Centre) – Confidential Administrative Report No. CS-009-2017**

- c) **Under Section 239 (2) (c) of the Municipal Act, 2001 – Potential Acquisition of Land – Armstrong Street (ARIO) – Verbal Update**
- d) **Under Section 239 (2) (c) of the Municipal Act, 2001 – Potential Disposition of Land – Grant Drive (Vacant property) – Confidential Administrative Report No. CS-010-2017**
- e) **Under Section 239 (2) (d) of the Municipal Act, 2001 – Labour Relations – Confidential Administrative Report CS-011-2017 – Corporate Services Department**
- f) **Under Section 239 (2) (e) of the Municipal Act, 2001 – Potential Litigation – Confidential Administrative Report No. CS-008-2017**

Carried

Resolution No. 2017-046

Moved by: Councillor Whalen
Seconded by: Councillor Hewitt

Be it resolved that Council agrees to rise with report from Closed Session at 8:22 p.m.

Carried

Matters from Closed Session

- a) **Adoption of the December 20, 2016 – Closed Session Minutes**

Resolution No. 2017-047

Moved by: Councillor Jelly
Seconded by: Councillor Foley

Be it resolved that Council approves the December 20, 2016 Closed Session Minutes as printed.

Carried

- b) **Under Section 239 (2) (c) of the Municipal Act, 2001 – Pending Disposition of Land – 285 Whitewood Ave. (New Liskeard Medical Centre) – Confidential Administrative Report No. CS-009-2017**

Resolution No. 2017-048

Moved by: Councillor Hewitt

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Confidential Administrative Report No. CS-009-2017; and

That Council agrees to extend the Closing Date and Condition Date for the sale of the New Liskeard Medical Centre (285 Whitewood Avenue) from March 31, 2017 to June 30, 2017.

Carried

c) Under Section 239 (2) (c) of the Municipal Act, 2001 – Potential Acquisition of Land – Armstrong Street (ARIO) – Verbal Update

A verbal update was provided to Council in Closed Session.

d) Under Section 239 (2) (c) of the Municipal Act, 2001 – Potential Disposition of Land – Grant Drive (Vacant property) – Confidential Administrative Report No. CS-010-2017

Resolution No. 2017-049

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Confidential Administrative Report No. CS-010-2017; and

That Council agrees to retain the services of Steele & Associates to undertake an appraisal of Part 2 on Reference Plan 54R-5247 (approximately 8.68 acres of municipal land fronting the East side of Grant Drive) at a cost of \$1,500 plus applicable taxes.

Carried

e) Under Section 239 (2) (d) of the Municipal Act, 2001 – Labour Relations – Confidential Administrative Report CS-011-2017 – Corporate Services Department

Council provided staff with direction in Closed Session on this matter.

f) Under Section 239 (2) (e) of the Municipal Act, 2001 – Potential Litigation – Confidential Administrative Report No. CS-008-2017

Council provided staff with direction in Closed Session on this matter.

20. Confirming By-law

Resolution No. 2017-050

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that By-law No. 2017-022 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **February 7, 2017** be hereby introduced and given first and second reading.

Carried

Resolution No. 2017-051

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that By-law No. 2017-022 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

21. Adjournment

Resolution No. 2017-052

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that City Council adjourns at 8:25 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen

The City of Temiskaming Shores has received the following application to amend the Township of Dymond Zoning By-law 984:

File #: ZBA-2017-01(D)
Owner: André Lapierre and Ginette Léveillé
Property: 743145 Dawson Point Road

A public hearing will be held to consider the Zoning By-law Amendment application:

Date: Tuesday, February 21, 2017
Time: 6:00 p.m.
Place: Council Chambers at City Hall, 325 Farr Drive, Haileybury

The application proposes to rezone the subject land from Agriculture (A1) to Rural Residential (RR) to permit the construction of a single detached dwelling.

The property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan and is Zoned Agriculture (A1) in the Township of Dymond Zoning By-law 984.



Any person may attend the public meeting and/or make written or verbal presentation to express support of, or opposition to, this application. If you are aware of any person who may be affected by this application, who has not received a copy of this notice, it would be appreciated if you would inform them of the application.

Written comments on this application may be forwarded to the City prior to the hearing.

If you are receiving this notice as the owner of a multi-unit residential building, please post this notice in a location that is visible to all of the residents.

If you wish to be notified of the decision of the City of Temiskaming Shores on the proposed Zoning By-law Amendment, you must make a written request to the City of Temiskaming Shores at the address below.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of City of Temiskaming Shores to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Additional information pertaining to the application is available for review between 8:30 a.m. and 4:30 p.m. at City Hall, or by contacting the undersigned.

Dated this 1st day of February, 2017.

Jennifer Pye
Planner
City of Temiskaming Shores
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0
Tel: 705-672-3363 ext. 4105
Fax: 705-672-2911
jpye@temiskamingshores.ca



Application for Zoning By-law Amendment

Notice of Complete Application And Notice of Statutory Public Hearing

Under Section 34 of the Planning Act, R.S.O. 1990 c.P.13

The City of Temiskaming Shores has received the following application to amend the Town of New Liskeard Zoning By-law 2233:

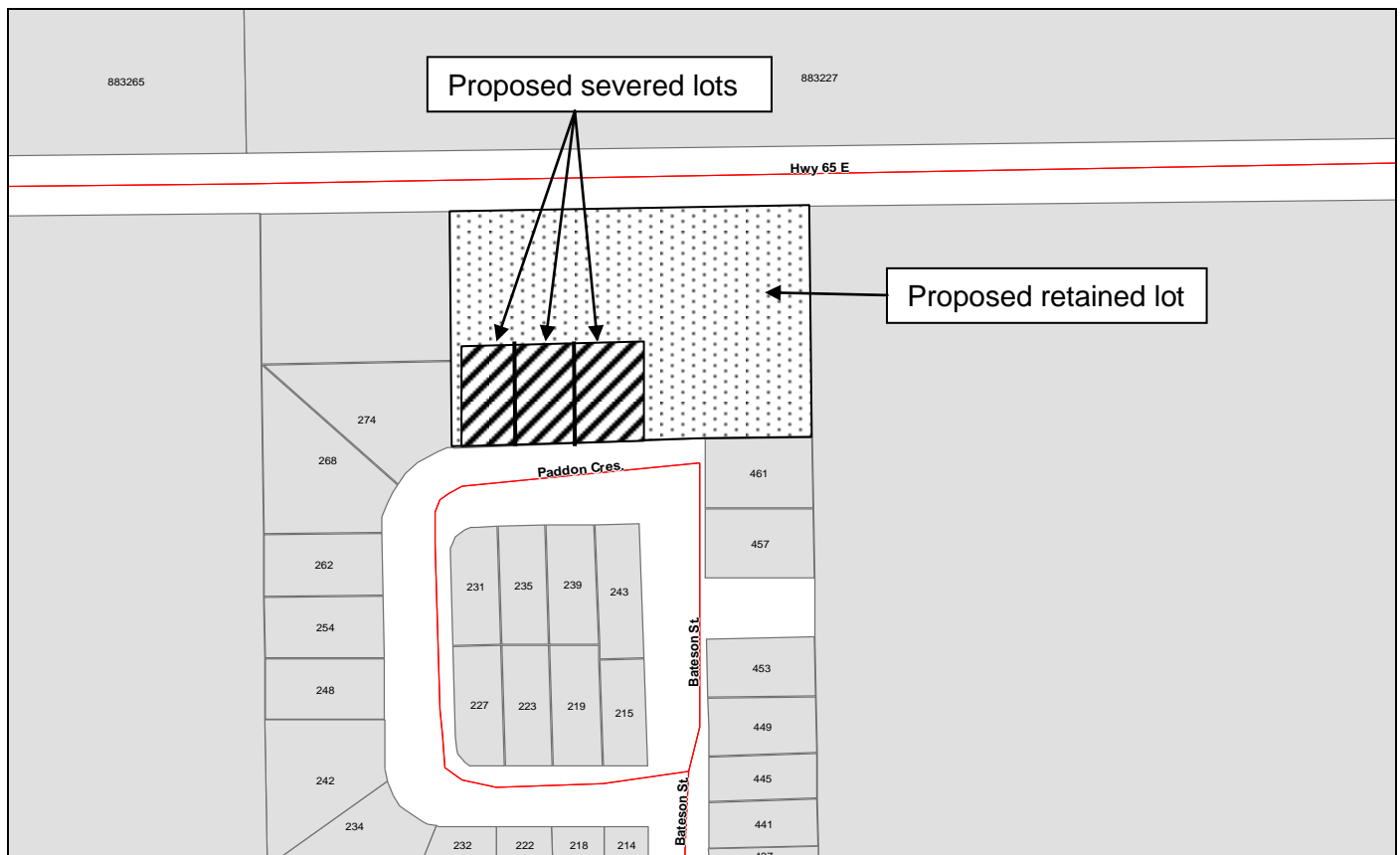
File #: ZBA-2017-02(NL)
Owner: FPT Holdings Ltd.
Property: Part of Broken Lot 10, Concession 2; Paddon Crescent

A public hearing will be held to consider the Zoning By-law Amendment application:

Date: Tuesday, February 21, 2017
Time: 6:00 p.m.
Place: Council Chambers at City Hall, 325 Farr Drive, Haileybury

The application proposes to rezone the subject land from **Development (DE)** to **Medium Density Residential Exception (R3-E)** to permit the development of single detached or semi-detached dwellings on each of three new building lots proposed through the concurrent consent to sever application. The purpose of the exception is to reduce specific requirements of the Zoning By-law, including minimum lot frontage, minimum lot area, and minimum side building setback to accommodate semi-detached dwellings.

The property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan and is Zoned Development (DE) in the Town of New Liskeard Zoning By-law 2233. The property is also the subject of consent to sever application B-2017-01(NL).



Any person may attend the public meeting and/or make written or verbal presentation to express support of, or opposition to, this application. If you are aware of any person who may be affected by this application, who has not received a copy of this notice, it would be appreciated if you would inform them of the application.

Written comments on this application may be forwarded to the City prior to the hearing.

If you are receiving this notice as the owner of a multi-unit residential building, please post this notice in a location that is visible to all of the residents.

If you wish to be notified of the decision of the City of Temiskaming Shores on the proposed Zoning By-law Amendment, you must make a written request to the City of Temiskaming Shores at the address below.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of City of Temiskaming Shores to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Additional information pertaining to the application is available for review between 8:30 a.m. and 4:30 p.m. at City Hall, or by contacting the undersigned.

Dated this 1st day of February, 2017.

Jennifer Pye
Planner
City of Temiskaming Shores
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0
Tel: 705-672-3363 ext. 4105
Fax: 705-672-2911
jpye@temiskamingshores.ca



VICTIM SERVICES of Temiskaming & District

February 8, 2017

Sent by email to dtreen@temiskamingshores.ca

David B. Treen, CET
Municipal Clerk
City of Temiskaming Shores – Mayor and Council Members
PO Box 2050, 325 Farr Drive
Haileybury, ON P0J 1K0

Re: 2017 Victims and Survivors of Crime Awareness Week

“EMPOWERING RESILIENCE” That is the theme of the 2017 Victims and Survivors of Crime Awareness Week which will take place from May 28th to June 4, 2017.

Victim Services of Temiskaming & District would like to make a request to council that they proclaim the week of May 28th to June 4, 2017 as “Victims and Survivors of Crime Awareness Week” in the City of Temiskaming Shores.

“We can all help shape a future in which victims and survivors of crime are treated with the compassion, courtesy, and respect they deserve. Victims Week is about raising awareness about issues facing victims of crime and the services, programs, and laws in place to help them and their families.”

Thank you for your consideration.

Sincerely,

Monique Chartrand, Executive Director
Victim Services of Temiskaming & District
Email: temvcars@ntl.sympatico.ca

Temiskaming Shores Main Office
P.O. Box 1312, 300 Armstrong St. N.
New Liskeard, Ontario P0J 1P0
(705) 647-0096 Fax: (705) 647-5646
Email: temvcars@ntl.sympatico.ca

Kirkland Lake Satellite Office
145 Government Road E.
Kirkland Lake, Ontario P2N 3P4
(705) 568-2154 Fax: (705) 568-2153
Website: www.temiskamingvcars.com

Ministry of Economic
Development and Growth

Ministry of Research,
Innovation and Science

Office of the Deputy Minister

Hearst Block, 8th Floor
900 Bay Street
Toronto, Ontario M7A 2E1
Telephone: 416-325-6927
Fax : 416-325-6999
Email : giles.gherson@ontario.ca

Ministère du Développement
économique et de la Croissance

Ministère de la Recherche,
de l'Innovation et des Sciences

Bureau du sous-ministre

Édifice Hearst, 8^e étage
900, rue Bay
Toronto (Ontario) M7A 2E1
Téléphone : 416 325-6927
Télécopieur : 416 325-6999
Courriel : giles.gherson@ontario.ca



RECEIVED
FEB 07 2017

January 10, 2017

Mr. David B. Treen
Municipal Clerk
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
P0J 1K0

Mr. James Franks
Economic Development Officer
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
P0J 1K0

Dear Mr. Treen and Mr. Franks;

I am pleased to advise you that the Southerly Half of Lot 6, Concession 1, Parts 1 through 9 on Reference Plan 54R-5639 geographically located on Hawn Drive West in the Corporation of the City of Temiskaming Shores as identified as has been successfully designated an Investment Ready: Certified Site. This designation is valid as of **November 7, 2016 to November 7, 2018** unless terminated early as subject to the terms and conditions of the signed agreement that was executed on June 20, 2014.

Together, we're breaking new ground with the Investment Ready Program and elevating Ontario's competitiveness for new and expanded investment opportunities. As a Certified Site, your property will be actively promoted to global investors using the Province's comprehensive international marketing strategies and networks to generate qualified leads. The collection of certification requirements and property details associated with your Certified Site offers investors up-front information that helps facilitate site selection decisions in Ontario. I encourage you compile this information accordingly to make it available for investors that may approach you directly as well.

The Ministry looks forward to working with you in the months and years ahead to build our relationship further. The Investment Ready team is available to help you boost your own promotional efforts by offering to review and provide feedback on your marketing strategies. As an added bonus, you and your community now have access to incorporate the Investment Ready: Certified Site seal on your own marketing materials as outlined in the signed agreement. To help keep us informed about your investment and marketing activities with the Certified Site, the signed agreement also outlines the responsibilities for maintaining regular status updates.



THE PROPERTY LOCATED AT

Hawn Drive East, Temiskaming Shores (Ontario)

has been designated according to program requirements as an

INVESTMENT READY: CERTIFIED SITE

by the Ontario Ministry of Economic Development and Growth

Designation valid until November 7, 2018.

Giles Gherson
Deputy Minister
Ministry of Economic Development and Growth



Ministry of Economic
Development and Growth

Ministry of Research,
Innovation and Science

Office of the Deputy Minister

Hearst Block, 8th Floor
900 Bay Street
Toronto, Ontario M7A 2E1
Telephone: 416-325-6927
Fax : 416-325-6999
Email : giles.gherson@ontario.ca

Ministère du Développement
économique et de la Croissance

Ministère de la Recherche,
de l'Innovation et des Sciences

Bureau du sous-ministre

Édifice Hearst, 8^e étage
900, rue Bay
Toronto (Ontario) M7A 2E1
Téléphone : 416 325-6927
Télécopieur : 416 325-6999
Courriel : giles.gherson@ontario.ca



RECEIVED
FEB 07 2017

January 10, 2017

Mr. David B. Treen
Municipal Clerk
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
P0J 1K0

Mr. James Franks
Economic Development Officer
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
P0J 1K0

Dear Mr. Treen and Mr. Franks;

I am pleased to advise you that the property legally described as the Southerly Half of Lot 6, Concession 1, Parts 10 through 34 on Reference Plan 54R-5639, geographically located on Hawn Drive East in the Corporation of the City of Temiskaming Shores has been successfully designated an Investment Ready: Certified Site. This designation is valid as of **November 7, 2016 to November 7, 2018** unless terminated early as subject to the terms and conditions of the signed agreement that was executed on June 20, 2014.

Together, we're breaking new ground with the Investment Ready Program and elevating Ontario's competitiveness for new and expanded investment opportunities. As a Certified Site, your property will be actively promoted to global investors using the Province's comprehensive international marketing strategies and networks to generate qualified leads. The collection of certification requirements and property details associated with your Certified Site offers investors up-front information that helps facilitate site selection decisions in Ontario. I encourage you compile this information accordingly to make it available for investors that may approach you directly as well.

The Ministry looks forward to working with you in the months and years ahead to build our relationship further. The Investment Ready team is available to help you boost your own promotional efforts by offering to review and provide feedback on your marketing strategies. As an added bonus, you and your community now have access to incorporate the Investment Ready: Certified Site seal on your own marketing materials as outlined in the signed agreement. To help keep us informed about your investment and marketing activities with the Certified Site, the signed agreement also outlines the responsibilities for maintaining regular status updates.



THE PROPERTY LOCATED AT

Hawn Drive West, Temiskaming Shores (Ontario)

has been designated according to program requirements as an

INVESTMENT READY: CERTIFIED SITE

by the Ontario Ministry of Economic Development and Growth

Designation valid until November 7, 2018.

Giles Gherson
Deputy Minister
Ministry of Economic Development and Growth



10 d)

RECEIVED

FEB 02 2017

Judy Dotten
4129 Twin Lakes
New Liskeard, Ont
POJ 1P0

January 23rd, 2017

Carmann Kidd, Mayor
City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, Ontario
POJ 1K0

Dear Mr. Kidd,

The *Access to Cannabis for Medical Purposes Regulations (ACMPR)* came into force on August 24, 2016. These regulations replace the *Marihuana for Medical Purposes Regulations (MMPR)* as the regulations governing Canada's medical cannabis program.

The new regulations will allow licensed producers, with the necessary approvals, to produce and sell, fresh and dried marijuana, seeds, live plants and cannabis oil to registered clients.

As a follow-up to my letter dated October 15th, 2015, I wish to inform you that we will be amending our application to produce and sell dried marihuana for Medical Purposes to also include the production and sale of fresh marihuana, seeds, live plants and cannabis oil.

If you have any questions regarding the changes to the application, please do not hesitate to contact me at (416)-844-4879.

Yours Very Truly,



Judy Dotten

Feb 21/17

**Ministry of Community Safety
and Correctional Services**

Office of the Minister

25 Grosvenor Street
18th Floor
Toronto ON M7A 1Y6
Tel: 416-325-0408
Fax: 416-325-6067

**Ministère de la Sécurité communautaire
et des Services correctionnels**

Bureau de la ministre

25, rue Grosvenor
18^e étage
Toronto ON M7A 1Y6
Tél. : 416-325-0408
Télééc. : 416-325-6067



10 e)

MC-2017-361

February 6, 2017

Mr. Doug Jelly
Chair, Temiskaming Shores Police Services Board
325 Farr Drive
P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Jelly:

As the new Minister of Community Safety and Correctional Services, I am committed to working with you, our valued partners, on the Strategy for a Safer Ontario (the Strategy) and other initiatives that will enhance the safety and well-being of our communities.

As we develop the Strategy, the Ministry has been undertaking a review of its grant programs. Our aim is to ensure that grant funding supports modern, effective and efficient policing and helps communities develop solutions for local safety and well-being priorities.

The Ministry recently notified current recipients under the Toronto Anti-Violence Intervention Strategy, Provincial Anti-Violence Intervention Strategy, Community Policing Partnerships and Safer Communities - 1,000 Officers Partnership programs that their funding will be repurposed to create a new, transitional Policing Effectiveness and Modernization (PEM) Grant.

In response to feedback from our municipal and policing stakeholders, the Ministry is now delaying the full transition to the PEM Grant for one year from 2017/18 to 2018/19. This time will allow the Ministry to consult further with policing stakeholders, the Association of Municipalities of Ontario (AMO) and communities, which will inform changes to the grant program in 2018/19. However, in recognition of those who are interested in the PEM Grant, current recipients will have the option to apply for funding under the PEM Grant in 2017/18. Police services may choose to apply for PEM or decide to continue with the traditional grants, and budgets will not be impacted under either option in 2017/18.

The Ministry will be further extending the deadline for PEM Grant applications from March 1, 2017, to March 31, 2017. For police services/boards that continue under the traditional policing grants in 2017/18, TAVIS/PAVIS proposals will also be due to the Ministry on March 31, 2017.

Additionally, the Ministry will continue its consultations on the Strategy and grants transformation and will consider changes based on the outcome of these consultations.

.../2

FEB 21/17

Mr. Doug Jelly
Page 2

A Memorandum will be sent to All Chiefs of Police and Police Services Boards shortly with more information on the above noted changes.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Lalonde".

Marie-France Lalonde
Minister

c: His Worship Carman Kidd, Mayor
City of Temiskaming Shores

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, November 22, 2016

Temiskaming Hospital Boardroom – 12:00 PM

CHAIR: CARMAN KIDD

1. CALL TO ORDER

Meeting called to order at 12:04 pm

2. IN ATTENDANCE:

- Carman Kidd, Mayor, Temiskaming Shores
- Christopher W. Oslund, City Manager, Temiskaming Shores
- Margaret Beatty, President and CEO, Temiskaming Hospital
- Dr. Femi Olokodana, Chief of Staff, Temiskaming Hospital (or designate)
- Dr. Stacy Desilets, Physician, Haileybury Family Health Team (or designate)
- Ellen Ibey, Executive Director, Temagami Family Health Team (or designate)
- Darcey Griffith, Community Representative, Chamber of Commerce
- Bonny Koistinen, Recruitment, Temiskaming Hospital
- Kelly Conlin, Director of Corporate Services (A), Recording Secretary

OTHER:

- Richard Beauchamp, HR, Temiskaming Hospital

REGRETS:

Jocelyne Maxwell, CEO, Centre de santé communautaire du Témiskaming
 Dr. Ryan Sayer, Physician, Great Northern Family Health Team (or designate)
 Jeff Laferriere, Community Representative, Temiskaming Foundation
 Deborah Kersley, Executive Director, Haileybury Family Health Team
 Shirley Watchorn, Executive Director, Great Northern Family Health Team
 Johanne Labonte, Health Force Ontario Representative

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- Dr. Desilets noted a topic of discussion regarding Physician Service Agreements and Confidentiality following a recent segment on the local radio station.

4. APPROVAL OF AGENDA

MOTION NO.:	11	DATE:	November 22, 2016
MOVED BY:	Darcey Griffith	SECONDED BY:	Dr. Femi Olokodana
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee agenda for the November 22, 2016 meeting be approved as amended.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, November 22, 2016
Temiskaming Hospital Boardroom – 12:00 PM
CHAIR: CARMAN KIDD

5. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None noted

6. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION NO.:	12	DATE:	November 22, 2016
MOVED BY:	Dr. Femi Olokodana	SECONDED BY:	Margaret Beatty
Motion:	That the minutes of the Temiskaming Shores and Area Physician Recruitment and Retention Committee meeting of September 12, 2016 be approved as printed.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

7. UNFINISHED BUSINESS

7.1 Financial Update

Discussion:

Christopher Oslund provided the committee with the YTD balance of the Physician Recruitment and Retention Account. With the current balance, depending on the incentive payout structure, the Committee could have enough funding for approximately 3 more physicians.

7.2 Physician Recruitment – Current Needs

Discussion:

Bonny Koistinen, provided the Committee with an update from April 1, 2016 – date, in regards to new physicians who have signed or are visiting specialists in clinic, as well as, the locum tenens that provide services in emergency, surgery or obstetrics coverage at the Temiskaming Hospital.

The Committee discussed other potential recruits, as well as, other physicians who have recently visited, but have unfortunately decided not to relocate to the area.

The hospital brought forward that it was experiencing difficulty obtaining a physician for the Amish / Mennonite community who do not have an OHIP card due to religious reasons. Dr. Stacy Desilets reported that she will come back to the committee with some physician options.

7.3 Physician Consultant - Development of funding model

Discussion:

Carman Kidd began the discussion as to what the Committee is looking for in regards to our local needs and our requirement for physicians in the next 5-10 years. The Committee would like to develop targets and a financing strategy to possibly present to other surrounding municipalities when requesting financial support, as well as, provide the direction for the Committee. Carman suggested that the current physicians may be more receptive to an

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, November 22, 2016

Temiskaming Hospital Boardroom – 12:00 PM

CHAIR: CARMAN KIDD

independent study or consultant to conduct the survey. The cost of the study/survey would be split evening between the Temiskaming Hospital and the Committee funds.

Margaret Beatty commented that she had contacted a company called MedFall and there is an opportunity to utilize their services, however, when this topic was recently discussed at the Temiskaming Hospital Professional Staff Association meeting (Hospital Physicians, Dentistry and Midwifery), the project was declined.

The Physician Succession Plan project would provide a multi-year plan developed with the assistance of a Family Practice physician facilitator (cost is approximately \$12,000 divided between the Hospital and City). Dr. Olokodana and Dr. Desilets suggested an alternative option - they could develop a plan with the assistance of the Professional Staff Association that meets the same objectives. Dr. Olokodana and Dr. Desilets will bring this outline forward at the next Professional Staff Association meeting and then the Committee.

7.4 Distribution of incentive funds for Physician Service Agreements

Discussion:

The Committee discussed distributing the \$40,000 incentive fund to future recruited physicians. Up until now, the Committee has offered the entire amount upon signing or agreed to distribute the funds at the request of the Physician (example: \$20,000/year). The Committee will honour this commitment to any physicians who have been recruited under this model once they have signed with a family health team or have started a family practice.

MOTION NO.:	13	DATE:	November 22, 2016
MOVED BY:	Dr. Stacey Desilets	SECONDED BY:	Margaret Beatty
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee honour its commitment of the \$40,000 lump sum incentive payment to the two physicians who have already been recruited upon signing of their Physician Service Agreements.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

MOTION NO.:	14	DATE:	November 22, 2016
MOVED BY:	Dr. Stacey Desilets	SECONDED BY:	Darcey Griffith
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee proceed with offering newly recruited physicians \$10,000/year for 4 (four) years upon setting up a local practice or are credentialed at the Temiskaming Hospital.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, November 22, 2016
Temiskaming Hospital Boardroom – 12:00 PM
CHAIR: CARMAN KIDD

7.5 **Follow Up Letters to Physicians**

Discussion:

Item was moved into closed session

8. **NEW BUSINESS**

- None noted

9. **CLOSED SESSION**

MOTION NO.:	15	DATE:	November 22, 2016
MOVED BY:	Chris Oslund	SECONDED BY:	Darcey Griffith
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention agree to convene in Closed Session at 1:00 PM to discuss the following matters: <ul style="list-style-type: none"> - Identifiable individual(s) and specific Physician Service Agreements - Confidentiality and Physician Service Agreements 		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

MOTION NO.:	16	DATE:	November 22, 2016
MOVED BY:	Darcey Griffith	SECONDED BY:	Dr. Stacy Desilets
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention agree to rise from Closed Session at 1:25 PM without report.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

10. **SCHEDULE OF MEETINGS**

The next meeting of the Physician Recruitment and Retention Committee will be held on January 2017 at the Temiskaming Hospital Boardroom. Committee Secretary will forward potential dates

11. **ADJOURNMENT**

MOTION NO.:	17	DATE:	November 22, 2016
MOVED BY:	Darcey Griffith	SECONDED BY:	Chris Oslund
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee hereby adjourns at 1:27 PM		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

COMMITTEE CHAIR

RECORDING SECRETARY

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES
Tuesday, January 24, 2017
Temiskaming Hospital Boardroom – 12:00 PM
CHAIR: CARMAN KIDD

1. CALL TO ORDER

Meeting called to order at 12:06 PM.

2. IN ATTENDANCE:

- Carman Kidd, Mayor, Temiskaming Shores
- Margaret Beatty, President and CEO, Temiskaming Hospital
- Dr. Femi Olokodana, Chief of Staff, Temiskaming Hospital
- Dr. Nichole Currie, Physician, Haileybury Family Health Team
- Ellen Ibey, Executive Director, Temagami Family Health Team (via teleconference)
- Darcey Griffith, Community Representative, Chamber of Commerce
- Shirley Watchorn, Executive Director, Great Northern Family Health Team
- Johanne Labonte, Health Force Ontario Representative (via teleconference)
- Bonny Koistinen, Recruitment, Temiskaming Hospital
- Kelly Conlin, Director of Corporate Services (A), Recording Secretary

OTHERS:

Allyson Campsall, Patients Relations and Privacy Coordinator
Temiskaming Hospital – presentation on current state of Emergency Room

REGRETS:

Christopher W. Oslund, City Manager, Temiskaming Shores; Jocelyne Maxwell, CEO, Centre de santé communautaire du Témiskaming; Dr. Ryan Sayer, Physician, Great Northern Family Health Team; Jeff Laferriere, Community Representative, Temiskaming Foundation; Deborah Kersley, Executive Director, Haileybury Family Health Team;

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- None noted

4. APPROVAL OF AGENDA

MOTION NO.:	01	DATE:	January 24, 2017
MOVED BY:	Darcey Griffith	SECONDED BY:	Dr. Femi Olokodana
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee agenda for the January 24, 2017 meeting be approved as presented.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, January 24, 2017

Temiskaming Hospital Boardroom – 12:00 PM

CHAIR: CARMAN KIDD

5. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None noted

6. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION NO.:	02	DATE:	January 24, 2017
MOVED BY:	Margaret Beatty	SECONDED BY:	Dr. Femi Olokodana
Motion:	That the minutes of the Temiskaming Shores and Area Physician Recruitment and Retention Committee meeting of November 22, 2016 be approved as printed.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

7. CORRESPONDENCE

- Notice from Dr. Stacy Desilets – Resignation from Committee

8. UNFINISHED BUSINESS

8.1 Financial Update

Discussion:

Kelly Conlin provided the Committee with the current balance of the Physician Recruit and Retention reserve – As of January 24, 2017, the balance is \$125,363.96

8.2 Physician Recruitment – Current Needs & Report on Emergency Room (Allyson Campsall)

Discussion:

Bonny Koistinen provided the Committee with a handout containing up to date recruitment efforts and the current vacancies for the Great Northern Family Health Team, the Haileybury Family Health Team and the Temiskaming Hospital.

Allyson Campsall presented the Committee with an update in regards to Emergency Department Physician Coverage. From April 1, 2016 – January 16, 2017, the Temiskaming Hospital has paid \$28,160 for locum coverage.

Allyson also provided the Committee with a testimonial from one of the locums who stated that they thoroughly enjoyed their shift at the Temiskaming Hospital and they look forward to returning in the future.

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, January 24, 2017

Temiskaming Hospital Boardroom – 12:00 PM

CHAIR: CARMAN KIDD

8.3 Follow up: Development of Funding Model

Discussion:

Item to be discussed at the Temiskaming Hospital's professional staff meeting on January 25, 2017. Item will be brought back to the Physician Recruitment and Retention Committee for further discussion.

8.4 Follow up: Physician from Amish/Mennonite Community

Discussion:

Item to be discussed at the Temiskaming Hospital's professional staff meeting on January 25, 2017. Item will be brought back to the Physician Recruitment and Retention Committee for further discussion.

9. NEW BUSINESS

9.1 Election of Chair and Vice Chair – As per Committee Terms of Reference

Discussion:

MOTION NO.:	03	DATE:	January 24, 2017
MOVED BY:	Margaret Beatty	SECONDED BY:	Shirley Watchorn
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee hereby nominate Carman Kidd as the Committee Chair of the Committee for 2017 and Darcey Griffith as the Vice Chair for 2017.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

10. CLOSED SESSION

MOTION NO.:	04	DATE:	January 24, 2017
MOVED BY:	Dr. Olokodana	SECONDED BY:	Darcey Griffith
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention agree to convene in Closed Session at 12:25 PM to discuss the following matters: - Physician Service Agreement – (Recommendation required) - Follow up Request – Return of Incentive Funding		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

TEMISKAMING SHORES AND AREA PHYSICIAN RECRUITMENT
AND RETENTION COMMITTEE



MEETING MINUTES

Tuesday, January 24, 2017

Temiskaming Hospital Boardroom – 12:00 PM

CHAIR: CARMAN KIDD

MOTION NO.:	05	DATE:	January 24, 2017
MOVED BY:	Dr. Olokodana	SECONDED BY:	Margaret Beatty
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention agree to rise from Closed Session at 1:10 PM with report.		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

The Committee provided direction to the Chair/Secretary for necessary follow up on the items discussed.

11. SCHEDULE OF MEETINGS

The next meeting of the Physician Recruitment and Retention Committee will be held on February 7, 2017 at 12:00 PM – Temiskaming Hospital Boardroom.

12. ADJOURNMENT

MOTION NO.:	06	DATE:	January 24, 2017
MOVED BY:	Margaret Beatty	SECONDED BY:	Darcey Griffith
Motion:	That the Temiskaming Shores and Area Physician Recruitment and Retention Committee hereby adjourns a 1:15 PM		
Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Chairman's Initials:			

COMMITTEE CHAIR

COMMITTEE SECRETARY



TEMISKAMING SHORES POLICE SERVICES BOARD

FEBRUARY 13, 2017 AT 1:00 P.M.

CITY HALL COUNCIL CHAMBERS – 325 FARR DRIVE

MINUTES

1. CALL TO ORDER

The meeting was called to order by Board Chair Doug Jelly at 1:02 p.m.

2. ROLL CALL

PRESENT: Board Chair Doug Jelly
Board Members Gail Moore, Ruth Shepherdson and Danny Whalen

ALSO

PRESENT: Inspector Brent Cecchini, O.P.P. – Detachment Commander
Superintendent Jim Szarka, O.P.P.
Christopher W. Oslund, Board Secretary

REGRETS: Board Member Brian Thornton

MEMBERS OF THE PUBLIC PRESENT: None

3. ADDENDUM/ANNOUNCEMENTS

Board Member Gail Moore asked that discussion be held on a recent article in the Globe and Mail regarding Unfounded Sexual Assault Cases. The article stated that 1 in 5 Sexual Assault cases in Canada are dismissed as “unfounded”.

The item was discussed under Item 9 a) OPP Report.

4. APPROVAL OF AGENDA

Resolution No. 2017-01

Moved by: Danny Whalen
Seconded by: Ruth Shepherdson

Be it resolved that the Temiskaming Shores Police Services Board approves the agenda as amended.

CARRIED

5. PRESENTATIONS/DELEGATIONS

None

6. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

7. APPROVAL OF MINUTES

Resolution No. 2017-02

Moved by: Gail Moore
Seconded by: Ruth Shepherdson

Be it resolved that the Minutes of the Temiskaming Shores Police Services Board meeting held on September 19, 2016 be approved as printed.

CARRIED

8. COMMUNICATIONS

- a) CERB 911 Reports – August to November 2016 and January 2017

Reference: Received for information.

- b) Justice Michael Tulloch, Independent Reviewer

Re: Independent Police Oversight Review

Reference: Received for information.

- c) M.M. (Marc) Bedard, Superintendent Commander Municipal Policing Bureau – Ontario Provincial Police
Re: 2015-2016 Reconciliation Adjustments
Reference: Received for information.

- d) Eli El-Chantiry, President & Chair - OAPSB
Re: Coordinated Bargaining Update
Reference: Received for information.

- e) AMO Communication
Re: Arbitrated Settlement with OPPA
Reference: Received for information.

- f) Matt Duke, Temiskaming Shores
Re: STATO Trail / Speeding on Lakeshore Road
Reference: Received for information.

- g) The Honourable Marie-France Lalonde, Minister of Community Safety & Correctional Services
Re: Reappointment of Ruth Shepherdson as Provincial Appointee to the Temiskaming Shores Police Services Board
Reference: Received for information.

Resolution No. 2017-03

Moved by: Danny Whalen
Seconded by: Ruth Shepherdson

Be it resolved that the Police Services Board agrees to deal with Communication items 8 a) and 8 g) according to the agenda references.

CARRIED

9. OPP BUSINESS

a) OPP Temiskaming Detachment Report – November/December 2016

Resolution No. 2017-04

Moved by: Gail Moore

Seconded by: Danny Whalen

Be it resolved that the Temiskaming Shores Police Services Board acknowledges receipt of the November / December 2016 OPP Temiskaming Detachment Report.

CARRIED

10. NEW BUSINESS

a) OAPSB Report – Doug Jelly

The Board Chair provided a verbal report on the following OAPSB matters:

- Doug Jelly will be attending an OAPSB Board meeting on February 16, 2017 in Toronto.
- There is a new Minister of Community Safety and Correctional Services – the Honourable Marie France Lalonde.
- The Province is still looking at opening up the Police Services Act for review and potential amendments.

b) 2017 Policing Estimates

The 2017 Policing Estimates were reviewed. The City will be paying \$2,390,704 in policing costs in 2017 based on the estimates or \$451.59 per property. This is up \$7.14 per property from the 2016 estimates.

c) OAPSB Zone 1A Meeting – April 20 & 21, 2017

Resolution No. 2017-05

Moved by: Danny Whalen

Seconded by: Gail Moore

Be it resolved that the Temiskaming Shores Police Services Board approves the attendance of Board Chair Doug Jelly to the Ontario Association of Police Services Boards (OAPSB) Zone 1A meeting to be

held in North Bay, Ontario on April 20 & 21, 2017; and

Further that the expenses for attending the said meeting be paid in accordance with the Board's Expense Policy.

CARRIED

d) **OAPSB Spring Conference – June 21-24, 2017**

Resolution No. 2017-06

Moved by: Gail Moore

Seconded by: Ruth Shepherdson

Be it resolved that the Temiskaming Shores Police Services Board approves the attendance of Board Chair Doug Jelly and Board Secretary Chris Oslund to the Ontario Association of Police Services Boards (OAPSB) Annual General Meeting and Spring Conference to be held in Blue Mountains, Ontario on June 21-24, 2017; and

Further that the expenses for attending the said meeting be paid in accordance with the Board's Expense Policy.

CARRIED

e) **Policing Effectiveness & Modernization Grant 2017/2018**

Inspector Cecchini advised the Board that the Province has provided an option to renew the Community Policing Program (CPP) grant (\$30,000 to help offset the cost of one officer) or apply for the new Policing Effectiveness & Modernization (PEM) Grant. The CPP Program will be phased out in 2018/2019.

Inspector Cecchini advised the Board that he has applied to extend the CPP Grant and we will investigate the new PEM Program next year.

f) **OAPSB Survey Results – Police Services Act Review**

The Board reviewed the Report on the OAPSB Survey regarding Police Governance.

Of the 138 members of OAPSB, 107 participated in the survey representing an 80% response rate.

Respondents ranked the following as the top priorities for the new Police Services Act:

1. Strengthening police board governance (44 per cent)
2. Modernizing police labour relation practices (21 per cent)
3. Facilitating alternate service delivery of some police service responsibilities (13 per cent)
4. Mandating inter-agency cooperation between police and other agencies such as health and social services (9.5 per cent)
5. Improving police oversight by third parties

11. **BY-LAWS**

Resolution No. 2017-07

Moved by: Gail Moore
Seconded by: Ruth Shepherdson

Be it resolved that:

By-law 2017-001 Being a by-law to enter into a funding agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services (Supporting Police Response to Sexual Violence and Harassment Grant)

be hereby given First and Second Reading.

CARRIED

Resolution No. 2017-08

Moved by: Danny Whalen
Seconded by: Gail Moore

Be it resolved that By-law 2017-01 be hereby given Third and Final Reading, be signed by the Board Chair and Secretary and the Corporate Seal affix thereto.

CARRIED

12. **CLOSED SESSION**

None

13. **SCHEDULE OF MEETINGS**

- a) Regular Police Services Board meeting – March 20, 2017 at 1:00 p.m. – Council Chambers, City Hall – 325 Farr Drive

14. **ADJOURNMENT**

Resolution No. 2017-09

Moved by: Gail Moore

Seconded by: Ruth Shepherdson

Be it resolved that the regular meeting of the Temiskaming Shores Police Services Board hereby adjourns at 2:07 p.m.

CARRIED

CHAIR

SECRETARY

Subject: Funding Agreement with OTS **Report No.:** RS-001-2017
Upgrades to Dymond Fireman's Park **Agenda Date:** February 21, 2017

Attachments

Appendix 01: DuraSafe Quotation

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. RS-001-2017; and
2. That Council directs staff to prepare the necessary by-law to enter into a Funding Agreement with Ontario Tire Stewardship (OTS) under the Community Renewal Fund Grant in the amount of \$12,013.16 for upgrades to the Dymond Firefighter's Park for consideration at the February 21, 2017 Regular Council meeting.

Background

On September 6, 2016, Council approved the submission of a funding application to the Ontario Trillium Foundation Ontario 150 Community Capital Program in the amount of \$55,800 for the resurfacing of the playground units and the walking trail at the Dymond Firefighter's Park with the municipal contribution of \$27,900.

On January 17, 2017 Council approved the submission of a funding application to the Ontario Tire Stewardship Community Renewal Fund for funding for upgrades to the Dymond Firefighter's Park including resurfacing of the playground units.

On January 30, 2017 Staff received confirmation from the Ontario Tire Stewardship that funding in the amount of \$12,013.16 had been approved for the re-surfacing of the playground units at the Dymond Firefighter's Park.

On February 7, 2017 Council received notice from the Ontario Trillium Foundation Ontario 150 Community Capital Program that the funding application in the amount of \$27,900 had been denied.

Analysis

The funding application to the Ontario Tire Stewardship Community Renewal Fund listed companies that provide product that supports the criteria of the program. Two companies were requested to provide a quote – dura Safe Rubber Playground Tiles and Uretech. The quotation received from dura Safe was in the amount of \$27,836.08 including the supply/shipping and installation. The quotation is attached as Appendix No. 1 to the report. Uretech did not provide a quotation.

Although we were unsuccessful in our application to the Ontario Trillium Foundation – Ontario 150 Community Capital Program the new funding from Ontario Tire Stewardship will assist us stay within the approved budget.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Revenue:

OTS Community Renewal Fund	\$12,016.13
City of Temiskaming Shores	<u>\$27,900.00</u>
Total:	\$39,916.13

Expenditures:

Supply of dura Safe Premium Tiles	\$20,562.16
Installation	\$ 5,423.92
Shipping/Handling	\$ 1,850.00
Non-Refundable HST	\$ 489.92
Site Preparation	<u>\$ 8,500.00</u>
Total:	\$36,826.00

Site preparation estimated in the amount of \$8,500.00 would be allocated for sand/gravel and equipment rental to prep the area and landscaping. Staffing implications related to this matter are limited to normal administrative functions and duties.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for
Council’s consideration by:

“Original signed by”

“Original signed by”

Tammie Caldwell
Director of Recreation Services

Christopher W. Oslund
City Manager

Quotation

29-Nov-2016

Quote No.: Q90706-7-TP



Contact SSI:
800.263.2363 / Fax 519.882.2697

Project: City of Temiskaming Shores

Phone: 705-647-5709

Fax:

Project Contact:

E-mail: tcaldwell@temiskamingshores.ca

Phone / Fax:

Area No. 1 of 2 - City of Temiskaming Shores (City of Temiskaming Shores Fitness)

Unit	Qty.	Color	Description	Thickness	Drop Height	Weight	List Price	Total Weight	Total List	Unit Cost	Quote Type:	
Each	230	Blue Ice	DuraSAFE "Premium"	5.00"	10' 0"	41.18	\$60.30	9471.40	\$13,869.00	\$54.27	DuraSAFE Installed, Direct Buried	
Each	29		Adhesive - Tile to Tile - Sika			1.65	\$8.35	47.85	\$242.15	\$8.35	Sub Base Type: Compacted Granular	
Each	1		Bostik Greenfusion Adhesive - Tile to Base			59.00	\$155.00	59.00	\$155.00	\$155.00	Area (Sq. Ft.): 881	
Each	1210		Install of Fines			0.00	\$1.60	0.00	\$1,936.00	\$1.60		
Each	19		Polyurethane Foam Sealant (Handi Foam)			1.17	\$5.75	22.23	\$109.25	\$5.75		
Area	1014		Rubber Sheeting			0.45	\$0.23	456.30	\$233.22	\$0.23		
											Sub Total (Material Only):	\$16,544.62

Area No. 2 of 2 - City of Temiskaming Shores (City of Temiskaming Shores Fitness)

Unit	Qty.	Color	Description	Thickness	Drop Height	Weight	List Price	Total Weight	Total List	Unit Cost	Quote Type:	
Each	92	Blue Ice	DuraSAFE "Premium"	5.00"	10' 0"	41.18	\$60.30	3788.56	\$5,547.60	\$54.27	DuraSAFE Installed, Direct Buried	
Each	12		Adhesive - Tile to Tile - Sika			1.65	\$8.35	19.80	\$100.20	\$8.35	Sub Base Type: Compacted Granular	
Each	1		Bostik Greenfusion Adhesive - Tile to Base			59.00	\$155.00	59.00	\$155.00	\$155.00	Area (Sq. Ft.): 330	
Each	12		Polyurethane Foam Sealant (Handi Foam)			1.17	\$5.75	14.04	\$69.00	\$5.75		
Area	380		Rubber Sheeting			0.45	\$0.23	171.00	\$87.40	\$0.23		
											Sub Total (Material Only):	\$5,959.20

Pallets: 8 Weight: 14790
 Dealer: SofSurfaces CDN - Petrolia, ON
 Shipping Options: Need Van

Standard Terms are 50% deposit with order, balance due prior to shipment. Sof Surfaces' standard installation service includes labor (non-prevailing wage) and forklift rental but not waste container or site security, contact SSI if changes are required.

FOR MAILED US PAYMENTS: FOR COURIERED US PAYMENTS: FOR CANADIAN PAYMENTS:
 Sof Surfaces Inc. Sof Surfaces Inc. - Lockbox 19173 Sof Surfaces Inc.
 Dept CH 19173 5505 N. Cumberland Avenue, Suite 307 P.O. Box 239
 Palatine, IL 60055-9173 Chicago, IL 60656-1471 Petrolia, ON N0N 1R0

Undersigned for City of Temiskaming Shores accepts the terms and conditions which apply to this quotation.



X

SIGNED
 Tammie Caldwell

DATE

Quote valid for 60 days.



Total List Price:		\$22,503.82
Discount	10.00%	(\$1,941.66)
Total (After Third Party Discount):		\$20,562.16
Installation:		\$5,423.92
Shipping and Handling Charge:		\$1,850.00
Sub Total:		\$27,836.08
HST (13%):	13.00%	\$3,618.69
Total in CDN Funds:		\$31,454.77
Cost per sq. ft.:		\$25.97



Memo

To: Mayor and Council
From: David B. Treen, Municipal Clerk
Date: February 21, 2017
Subject: Amendment to By-law No. 2014-109 (FedNor) Waterfront Revitalization
Attachments: Industry Canada – Amendment No. 2

Mayor and Council:

Council considered Administrative Report No. CS-037-2015 at the November 3, 2015 Regular Council meeting resulting in Resolution No. 2015-615 directing the Treasurer to apply for an extension to FedNor for funding agreement 851-806190 being By-law No. 2014-109 for various upgrades to the waterfront.

Attached hereto is Amendment No. 2 from Industry Canada (FedNor) granting the above noted extension.

It is recommended that Council direct staff to prepare the necessary by-law to amend By-law No. 2014-109 “Waterfront Revitalization Project” to extend the completion date for consideration at the February 21, 2017 Regular Council meeting.

Prepared by:

Reviewed by:

Reviewed and submitted for
Council’s consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

David B. Treen
Municipal Clerk

Kelly Conlin
Dir. Corporate Services (A)

Christopher W. Oslund
City Manager



Industry Canada

FedNor

19 Lisgar Street
Suite 307
Sudbury, Ontario
P3E 3L4

Industrie Canada

FedNor

19, rue Lisgar
Bureau 307
Sudbury (Ontario)
P3E 3L4

FEB - 8 2017

Project Number: 851-806190

Mr. Carman Kidd
Mayor
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Kidd:

**Re: Waterfront Revitalization
Amendment Number: 2**

As a result of your request dated January 30, 2017, FedNor is prepared to amend our Contribution agreement of June 4, 2014 and subsequent amendment #1 as follows:

Delete: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before July 1, 2014 (the "Commencement Date") and is completed on or before March 31, 2017 (the "Completion Date").

Substitute: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before July 1, 2014 (the "Commencement Date") and is completed on or before September 30, 2017 (the "Completion Date").

Delete: Annex 1 THE PROJECT - STATEMENT OF WORK

Dates:

- a) Commencement Date - July 1, 2014
- b) Completion Date - March 31, 2017

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$999,900
- Supported	\$2,222,000	Other Federal	
- Not Supported		Provincial	\$999,900
Ineligible Costs		Municipal	\$222,200
		Financial Institution	
		Recipient	
		Other	
Total	<u>\$2,222,000</u>		<u>\$2,222,000</u>

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Waterfront stabilization and enhancements	\$748,195		\$748,195
Boardwalk demolition and replacement	\$357,818		\$357,818
Landscaping	\$260,000		\$260,000
Farmers' Market	\$350,000		\$350,000
Spurline building renovations	\$31,665		\$31,665
Water & septic upgrades	\$96,700		\$96,700
Lighting upgrades along boardwalks	\$18,800		\$18,800
Marina Refurbishment and electrical upgrades	\$358,822		\$358,822
TOTAL ELIGIBLE COSTS	<u>\$2,222,000</u>		<u>\$2,222,000</u>
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			<u>\$2,222,000</u>

Substitute: Annex 1 THE PROJECT - STATEMENT OF WORK

Dates:

- a) Commencement Date - July 1, 2014
- b) Completion Date - September 30, 2017

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$999,900
- Supported	\$2,222,000	Other Federal	
- Not Supported		Provincial	\$999,900
Ineligible Costs		Municipal	\$222,200
		Financial Institution	
		Recipient	
		Other	
Total	\$2,222,000		\$2,222,000

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Waterfront stabilization and enhancements	\$805,410		\$805,410
Boardwalk demolition and replacement	\$357,818		\$357,818
Landscaping	\$255,000		\$255,000
Farmers' Market	\$300,000		\$300,000
Spurline building renovations	\$35,150		\$35,150
Water & septic upgrades	\$91,000		\$91,000
Lighting upgrades along boardwalks	\$18,800		\$18,800
Marina Refurbishment and electrical upgrades	\$358,822		\$358,822
TOTAL ELIGIBLE COSTS	\$2,222,000		\$2,222,000
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			\$2,222,000

All other terms and conditions of our Contribution agreement remain unchanged.

This amendment is open for acceptance for a period of 30 days following the date on the first page, after which it will be null and void. This amendment shall be effective the date the duplicate copy of this amendment, unconditionally accepted and duly executed by the Recipient, is received by FedNor.

If further information is required, please contact Denise Deschamps toll-free at 1-877-333-6673 ext. 3276 or 705-471-3276 in our North Bay office.

Yours sincerely,



Aime J. Dimatteo
Director General
FedNor

The Corporation of the City of Temiskaming Shores

Project Number: 851-806190

Amendment Number: 2

The foregoing is hereby accepted this _____ day of _____, _____.

Per: _____
Signature of Recipient

Title

Per: _____
Signature of Recipient

Title

Subject: GNFHT Lease Agreement

Report No.: CS-012-2017

Agenda Date: February 21, 2017

Attachments

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-012-2017;
2. That Council directs staff to increase the rental rates by 1.2% (CPI) retroactive to February 1, 2017 with the Great Northern Family Health Team, Dr. Corneil, Dr. Logan, and Dr. Corbin for the use of office space at the New Liskeard Medical Centre; and
3. That Council directs staff to continue with month-to-month agreements until such time the tenants vacate the space at the New Liskeard Medical Centre or the new owner takes possession.

Background

In 2012, Council approved month-by-month agreements with the Great Northern Family Health Team (GNFHT) and Doctors Corneil, Logan and Corbin for the use of office space in the New Liskeard Medical Centre. At that time, Council was preparing to sell the building and it was anticipated the building would be vacant in the near future. Since then, the agreements with the tenants have remained in place, with a CPI increase applied annually.

The agreement between the purchaser of the New Liskeard Medical Centre and the City has been extended a number of times. Most recently, Council approved the extension of the agreement with the purchaser to June 30, 2017.

Analysis

The GNFHT, along with Doctors Corneil, Logan and Corbin have tentative plans to vacate the New Liskeard Medical Centre in March of 2017. In the event they experience delays, they have requested additional time in the space. Applying the 1.2% increase will assist in the ongoing operating costs of this facility.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

Kelly Conlin
Director of Corporate Services (A)

Christopher W. Oslund
City Manager

Subject: Municipal Election Modernization
- Significant Amendments

Agenda Date: February 21, 2017
Report No.: CS-013-2017

Attachments

Appendix 01 – List of Election Modifications

Recommendations

It is recommended:

1. That Council of the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-013-2017;
2. That Council agrees to maintain the existing election model “first-past-the-post” for the 2018 municipal election; and
3. That Council directs staff to monitor the initial implementation of ranked ballot voting, if any, in other jurisdictions.

Background

In June 2016 the Ontario Government passed the *Municipal Elections Modernization Act, 2016* which imposes significant amendments to the *Municipal Elections Act* modifying the rules which election officials, candidates and electors must follow.

Analysis

The revisions to the *Municipal Elections Act* (MEA) significantly alter the conduct of municipal elections in Ontario, and will impact electors, candidates and election administrators. Some of the most significant changes include:

Changes to the election calendar and timelines - a number of key dates and timelines in the election calendar have been changed affecting everything from the nomination period for candidates to dates for the voters’ list availability and election policies and procedures. The nomination period has been reduced from 37 weeks to 13 weeks. A detailed list of changes has been provided in Appendix 01.

Greater independence and discretion for the City Clerk - changes to the MEA will provide greater administrative discretion and independence to the Clerk. The following matters, some of which previously required Council approval, will now be entirely under the purview of the City Clerk:

- Establishment of advance voting dates, locations and hours;
- establishment of reduced voting hours for voting places and long term care facilities;
- management of the voters’ list.

Election Advertising - Candidates, or those advertising on their behalf, will need to provide specific information to the broadcasters and publishers of the message who is then responsible for retaining the information for a period of two (2) years and available to the public for inspection.

Election Accessibility Plan - Clerk to prepare and make available to the public an Elections Accessibility Plan prior to voting day. Clerk also required to prepare a report within 90 days following the election on the identification, removal and prevention of barriers that affect electors and candidates with disabilities again available to the public.

3rd Party Involvement - MEA now includes a framework for the registration of third party advertisers. A third party advertisement is a message in any medium (billboard, newspaper, radio, etc.) that supports or opposes a candidate or a question on a ballot. Third party advertisers are required to register with the clerk within the municipality where they want to advertise. 3rd party advertisers will have spending limits and there will be contribution limits for those wishing to contribute to a third party advertiser and must be independent of candidates.

Financial Reporting - Clerk now required to review and report on campaign financial statements and identifying any candidates and/or 3rd party advertisers who appear to have exceeded the campaign contribution limits to the Compliance Audit Committee (CAC). The CAC will then determine if any further action will be taken. The Clerk is also required to publicly identify any candidate/3rd party advertiser who has failed to comply with the requirement to file a financial statement, thus prohibited from running or registering in the next election as a result.

Recount Policy - previous elections permitted a recount when ballots resulted in a tie; municipality/local board/MAH passed resolution to order recount; or Superior Court of Justice grants an electors' request for a recount. The MEA now provides the Clerk with the authority to adopt a policy by May 1st of the election year to define circumstances under which a recount would be conducted.

Ranked Ballot Election - MEA provides a framework for ranked balloting for the first time and can be implemented through Council decision and the passing of a by-law, subsequent to public consultation which includes at least one mandatory Open House and one mandatory Public Meeting. The Ontario Government committed to providing municipalities the option of using ranked ballots as an alternative to the current first-past-the-post system. Ranked ballots allow a voter to rank candidates in order of preference (1st choice, 2nd choice, 3rd choice, etc.). Ranked ballots will not be permitted for School Board elections. In the first round, all of the first choice votes are counted. If a candidate receives +50% of the votes, they are elected. If no candidate receives the majority of the votes, the candidate with the lowest number of votes is eliminated and ballots are recounted, using the second choice of the electors of the candidate that was eliminated. This process is continued in subsequent rounds until a majority winner is declared.

Since Ranked Balloting must be considered by each municipality as an alternative, the remainder of this report will attempt to evaluate the option. Currently no jurisdiction, including any municipality in Canada uses a ranked ballot election system. Challenges and complexities associated with this option are numerous as this methodology is in its infancy and includes, but not limited to the following:

- Ballot design;
- Number of rankings permitted;
- Vote counting formulas and algorithms;
- Vote casting and counting technology (tabulators);
- Election staff requirements;
- Financial resources;
- Election timelines; and

➤ Elector and candidate education.

If ranked balloting is introduced it is probable that two separate ballots will be required adding costs for the design and printing of ballots. The city has utilized vote tabulators for the past several elections and it is my understanding that these tabulator suppliers may be struggling to establish programming based on ranked balloting; additionally the set-up, testing of tabulators and use of the technology will be more complex significantly increasing the potential or perceived potential of inaccurate vote counting. Being a new concept, Public Education and Engagement would be a primary function as the system is likely to be very confusing to the experienced and new electors.

Giving consideration to all of the modifications to the Municipal Elections Act such as the reduction of the nomination period from 37 weeks to 13 weeks, requirement for a candidate to obtain 25 endorsement signatures, 3rd party registration for advertisers, financial statements and accessibility requirements it is anticipated that the Clerk's office will have its' hands full complying with these modifications.

It is recommended that Council **not** implement a ranked ballot system for the 2018 municipal election and have staff monitor any municipalities, if any that embark upon this system.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

The City of Temiskaming Shores budgets \$34,000 for the municipal election. If ranked balloting is implemented it is anticipated that costs could rise by 40-60%.

Alternatives

Council could opt to implement a Ranked Ballot system for the 2018 municipal election.

Submission

Prepared by:

Reviewed by:

Reviewed and submitted for
Council's consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

David B. Treen
Municipal Clerk

Kelly Conlin
Director of Corporate Services (A)

Christopher W. Oslund
City Manager

List of Municipal Election Modifications

Item	Old Legislation	New Legislation
Establishment of forms, policies and procedures for voting, vote counting equipment and alternative methods.	June 1	January 1
Authorization of a ballot question	June 1	March 1
Opening of nomination period	January 1	May 1
Closing of nomination period	2 nd Friday in Sept.	4 th Friday in July
Authorization of alternative voting methods	June 1	May 1
Availability of the voters' list	1 st Tuesday in Sept.	September 1
Compilation of interim list of changes to voters' list	10 days after nomination day	Starts Sept 15 & ends Sept 25
Authorization of recount policy	N/A	May 1
Authorization of use of corporate resource policy	N/A	May 1
Report of candidates in default	N/A	May 1

Subject: Municipal Business Licencing
Policy

Agenda Date: February 21, 2017
Report No.: CS-014-2017

Attachments

Appendix 01: Draft Business Licencing Policy (refer to By-law No. 2017-025)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-014-2017;
2. That Council directs staff to prepare the necessary by-law for the adoption of a Business Licensing Policy for the City of Temiskaming Shores for consideration of First and Second reading (Provisional approval) at the February 21, 2017 Regular Council meeting; and
3. That Council directs staff to undertake a public consultation process and submission of the Provisional by-law to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording and set fines prior to Third and Final Reading.

Background

The City currently governs Business Licencing through By-law No. 2011-114 and at the July 2, 2013 Regular Council meeting Administrative Report No. CGP-019-2013 was considered. The report at that time identifies concerns with Transient Traders/Door-to-Door Sales persons, no requirement for a criminal background check, fee structure for a licence, and the lack of ability to enforce non-compliance with the Business Licencing provisions (i.e. ability to issue tickets – required to issue Part III summons and appear in Court). As a result Council adopted Resolution No. 2013-301 suspending the issuance of Hawker and Peddler Licenses to Transient Traders and Door-to-Door salesman pending a comprehensive review of the policy.

On March 14, 2016 the Clerk reviewed in detail a draft policy with the Corporate Services Committee that would replace By-law No. 2011-114 as well as incorporate a penalties section (Section 10) which includes provisions for Short Form Wording (Set Fines). The Committee provided feedback with respect all Categories of Businesses to be licenced with the objective of bringing forth a new Business Licensing Policy for Council's consideration.

Analysis

The document was modified; however the licensing of Door-to-Door salesman with respect to home heating/air conditioning, water filtration systems, water heaters and utility companies (natural gas/hydro) became a concern throughout the province. Many municipalities through resolution petitioned the Provincial Government to either regulate these entities or banned all together. According to the Provincial Government’s website the province is looking at introducing legislation that, if passed, would make it possible to ban unsolicited door-to-door sales of certain appliances and outline that the public will have an opportunity to provide feedback in 2017. Rather than wait to see what the province introduces it is recommended that a new Business Licencing Policy be introduced and make modifications, if necessary upon introduction of the provincial legislation.

At the February 2, 2017 Corporate Services meeting the Clerk reviewed the modified Business Licensing Policy with the Committee. In addition the Committee considered a ratepayer concern regarding the evolving issue of Airbnb with the objective of potentially regulating them under the Business Licencing Policy. The Committee rejected the consideration.

It is recommended that Council considered providing Provisional approval (1st and 2nd reading) of the draft by-law for the adoption of Business Licencing Policy for the City of Temiskaming Shores. It is further recommended that the by-law be circulated for public and stakeholder feedback as well as review by the Attorney General (approval of short form wording) prior to final adoption.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Financial implications are limited to application fees with staffing implications limited to normal administrative functions and duties.

Alternatives

No alternatives were considered in the preparation of this report.

Submission

Prepared by:

Reviewed by:

Reviewed and submitted for Council’s consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

David B. Treen
Municipal Clerk

Kelly Conlin
Dir. of Corporate Services (A)

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2017-023

Being a by-law to amend By-law No. 2014-109 being a by-law to enter into a Funding Agreement with Industry Canada (FedNor) for the Waterfront Revitalization Project in New Liskeard and Haileybury – (Project No. 851-806190)

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council entered into an Funding Agreement with Industry Canada (FedNor) for Waterfront Revitalization through By-law No. 2014-109 on June 17, 2014;

And whereas Council considered Memo No. 007-2017-CS at the February 21, 2017 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2014-109 being a funding agreement with FedNor for Waterfront Revitalization to extend the completion dates for consideration at the February 21, 2017 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Schedule A to By-law No. 2014-109, as amended be hereby further amended by Amending Agreement No. 2, a copy of which is hereto attached as Schedule A and forms part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Industry Canada

FedNor

19 Lisgar Street
Suite 307
Sudbury, Ontario
P3E 3L4

Industrie Canada

FedNor

19, rue Lisgar
Bureau 307
Sudbury (Ontario)
P3E 3L4

FEB - 8 2017

Project Number: 851-806190

Mr. Carman Kidd
Mayor
The Corporation of the City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mr. Kidd:

**Re: Waterfront Revitalization
Amendment Number: 2**

As a result of your request dated January 30, 2017, FedNor is prepared to amend our Contribution agreement of June 4, 2014 and subsequent amendment #1 as follows:

Delete: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before July 1, 2014 (the "Commencement Date") and is completed on or before March 31, 2017 (the "Completion Date").

Substitute: Clause 2.1 The Recipient shall ensure that the Project described in Annex 1 (the "Project") commences on or before July 1, 2014 (the "Commencement Date") and is completed on or before September 30, 2017 (the "Completion Date").

Delete: Annex 1 THE PROJECT - STATEMENT OF WORK

Dates:

- a) Commencement Date - July 1, 2014
- b) Completion Date - March 31, 2017

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$999,900
- Supported	\$2,222,000	Other Federal	
- Not Supported		Provincial	\$999,900
Ineligible Costs		Municipal	\$222,200
		Financial Institution	
		Recipient	
		Other	
Total	<u>\$2,222,000</u>		<u>\$2,222,000</u>

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Waterfront stabilization and enhancements	\$748,195		\$748,195
Boardwalk demolition and replacement	\$357,818		\$357,818
Landscaping	\$260,000		\$260,000
Farmers' Market	\$350,000		\$350,000
Spurline building renovations	\$31,665		\$31,665
Water & septic upgrades	\$96,700		\$96,700
Lighting upgrades along boardwalks	\$18,800		\$18,800
Marina Refurbishment and electrical upgrades	\$358,822		\$358,822
TOTAL ELIGIBLE COSTS	<u>\$2,222,000</u>		<u>\$2,222,000</u>
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			<u>\$2,222,000</u>

Substitute: Annex 1 THE PROJECT - STATEMENT OF WORK

Dates:

- a) Commencement Date - July 1, 2014
- b) Completion Date - September 30, 2017

Project Costs and Financing:

<u>Project Costs:</u>		<u>Financing:</u>	
Eligible Costs		FedNor	\$999,900
- Supported	\$2,222,000	Other Federal	
- Not Supported		Provincial	\$999,900
Ineligible Costs		Municipal	\$222,200
		Financial Institution	
		Recipient	
		Other	
Total	\$2,222,000		\$2,222,000

	<u>Supported</u>	<u>Not Supported</u>	<u>Total</u>
<u>Eligible Costs:</u>			
Waterfront stabilization and enhancements	\$805,410		\$805,410
Boardwalk demolition and replacement	\$357,818		\$357,818
Landscaping	\$255,000		\$255,000
Farmers' Market	\$300,000		\$300,000
Spurline building renovations	\$35,150		\$35,150
Water & septic upgrades	\$91,000		\$91,000
Lighting upgrades along boardwalks	\$18,800		\$18,800
Marina Refurbishment and electrical upgrades	\$358,822		\$358,822
TOTAL ELIGIBLE COSTS	\$2,222,000		\$2,222,000
<u>Ineligible Costs:</u>			
TOTAL INELIGIBLE COSTS			
TOTAL PROJECT COSTS			\$2,222,000

All other terms and conditions of our Contribution agreement remain unchanged.

This amendment is open for acceptance for a period of 30 days following the date on the first page, after which it will be null and void. This amendment shall be effective the date the duplicate copy of this amendment, unconditionally accepted and duly executed by the Recipient, is received by FedNor.

If further information is required, please contact Denise Deschamps toll-free at 1-877-333-6673 ext. 3276 or 705-471-3276 in our North Bay office.

Yours sincerely,



Aime J. Dimatteo
Director General
FedNor

The Corporation of the City of Temiskaming Shores

Project Number: 851-806190

Amendment Number: 2

The foregoing is hereby accepted this _____ day of _____, _____.

Per: _____
Signature of Recipient

Title

Per: _____
Signature of Recipient

Title

The Corporation of the City of Temiskaming Shores

By-law No. 2017-024

Being a by-law to authorize the entering into an Agreement with Ontario Tire Stewardship for Grant Funding under the Community Renewal Fund for upgrades to the Dymond Firefighters Park

Whereas Section 8 of the Municipal Act 2001, c.25, as amended, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

And whereas Section 9(1) of the Municipal Act 2001, c.25, as amended, interprets Section 8 as to enable a municipality to govern their affairs as they consider appropriate;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. RS-001-2017 at the February 21, 2017 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an Agreement with Ontario Tire Stewardship (OTS) under the Community Renewal Fund for grant funding for upgrades to the Dymond Firefighters Park for consideration at the February 21, 2017 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts as follows:

1. That the Mayor and Clerk are hereby authorized to enter into an Agreement with Ontario Tire Stewardship for grant funding to upgrade the Dymond Firefighters Park in the amount of \$12,013.16, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Mayor and Clerk of the City of Temiskaming Shores are hereby authorized to execute amendments to this agreement after the passage of this by-law, where Council has requested and/or approved the said amendment through a Resolution of Council;
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

Read a first, second and third time and finally passed this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

**Ontario Tire Stewardship (OTS)
Community Renewal Fund Grant
FUNDING APPROVAL AGREEMENT**

Dymond Firefighters Park Project

Based on the application submitted by City of Temiskaming Shores (hereinafter referred to as the Applicant), we confirm your project has been approved for funding. OTS shall not be obliged to pay any additional amount whatsoever and will not be obliged to pay for product or installation of project prior to the Applicant receiving this agreement endorsed by OTS.

1. Qualifying Recycled Scrap Tire Products/Material

All material used in the project as described by the Applicant must be manufactured by processors and/or manufacturers located in ONTARIO and made from scrap tires generated within the province of Ontario.

2. Grant & Accessing Funds

Subject to the terms and conditions of this Agreement, OTS agrees to pay to the Applicant a grant in the sum of **\$12,013.16** to be applied solely and entirely to the project.

Upon completion of the project, you must send in a request for OTS to release the funds. If the project meets the satisfaction of OTS and the Applicant, the funds will be forwarded to the Applicant within 30 days. If there are any concerns regarding the finished product, the Applicant will be instructed to contact the manufacturer for corrections.

At the commencement of the project build, the Applicant must contact OTS to arrange for signage. No funds will be released to the Applicant prior to photographic proof that OTS-supplied signage has been erected.

When requesting access to your project funding, the following **must** accompany your request:

- A summary of the project
- Photos of the completed project
- Pictures of the installed signage
- Copies of invoices to support the eligible costs associated with the grant funding amount
- Letter from the installer confirming the surface meets CSA fall height standards
- Letter or affirmation from the supplier/installer verifying that the products used in the project are manufactured using Ontario recycled rubber
- Information on the grand opening, such as date, time, press releases, media attendance, etc., if applicable
- Any testimonials or feedback that you receive about the project

3. Quality of Material, Installation & Warranties

The Applicant must be satisfied with the material delivered for the project. Material must be acceptable for your intended use. Any concerns that you may have should be brought to the attention of the vendor. The Applicant is in no way required to accept or take any sub standard material.

OTS does not provide any warranty or guarantee the supply or performance of the product or any recycled tire material, or that the use of these products or material meet the minimum standards required by the project. It is the responsibility of the Applicant to take all steps to ensure that material requirements and performance are known well in advance of project initiation.

The Applicant is responsible for the procurement of any and all materials that are required to complete the project.

The Applicant is responsible for overall project management including hiring qualified trades for construction and installation and the provision of any required construction insurance, worker's compensation, and all other requirements related to employment of persons or contractors. OTS assumes no responsibility for these activities or the selection of vendors to perform them.

The persons responsible for installing the recycled tire material as well as preparing the base must accept full responsibility to ensure that all material is properly installed. **The Applicant should obtain a written warranty for the product and its installation.**

4. Liabilities & Indemnities

The Applicant acknowledges that OTS does not have any liability to this project, to the installation of the material, to the quality of the material or to any matters arising from the use of this material.

The Applicant shall indemnify and hold harmless OTS from any and all expenses, claims, demands, or actions, including environmental claims, relating to or arising out of the negligence of the Applicant or its employees or agents, the use, misuse, storage and transportation of recycled tire material or any products manufactured from recycled tire material.

The Applicant further acknowledges it is responsible, and OTS shall not be held responsible, for any claims or matters arising out of the project including the utilization of the recycled tire material, and shall be liable for any damages, or otherwise, that may arise out of or relate to such use.

5. Signage

OTS will provide signage at the Project's completion, at OTS' expense. Signage installation will be at the Applicant's expense. OTS requires that signage be installed in a visible location that clearly recognizes OTS as a supporter of the project. OTS requires a picture of the installed signage be submitted with the request for funds upon project completion. The Applicant also agrees that the project site and the signage will be well maintained for a period of not less than ONE year.

6. CSA Fall Height Standards

When using recycled rubber products in children's play spaces and equipment, OTS requires that the products be installed to the standards developed and published by the **Canadian Standards Associations**. A letter from the installer must be submitted with the applicant's request for funding upon project completion.

7. Closing:

The Project must be completed by **12/31/2017**. You are asked to notify OTS if for some reason the project is cancelled and/or postponed. It is the Applicant's responsibility to submit a request for the release of funds upon project completion.

Funding offered under this agreement expires if not accepted prior to the end of close of business on **02/15/2017**.

The obligation of OTS to provide any grant funds or other funding for the project **expires without notice 12/31/2017**.

We agree to the above Terms and Conditions of this funding approval.

Applicant: City of Temiskaming Shores

Per: _____
(Signature)

Date: _____

(Print Name)

(Title)

I have the authority to bind

Ontario Tire Stewardship (OTS)

Per: _____
ANDREW HORSMAN

Date: _____

(Print Name)

(Title)

The Corporation of the City of Temiskaming Shores

By-law No. 2017-025

**Being a by-law to adopt a Business Licensing Policy
to regulate Businesses in the City of Temiskaming Shores**

Whereas under Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas the *Municipal Act S.O., 2001, Section 10 (2)* authorizes a single tier municipality to pass by-laws respecting business licensing;

And whereas under Section 150 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that "business" means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

And whereas pursuant to the provisions of the *Municipal Act, S.O. 2001, c.25*, as amended, Section 151 (1) states that without limiting sections 9, 10 and 11, a municipality may provide for a system of licences with respect to a business and may,

- a) prohibit the carrying on of or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;

- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the license;
- f) license, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it; and
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality.

And whereas Section 151 (2) of the *Municipal Act, S.O., 2001, c.25*, as amended, provides that if a municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a license subject to the following:

1. Before suspending the license, the municipality shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
2. The suspension shall not exceed 14 days.

And whereas Section 151 (3) of the *Municipal Act, S.O., 2001, c.25*, as amended, provides that despite subsection (2) and without limiting sections 9, 10 and 11, for the purpose of clause (1) (b), the municipality may, on such conditions as it considers appropriate, without a hearing, suspend a license authorizing a business to operate on a highway or other property of the municipality or its local boards for a period not exceeding 28 days for the following reasons:

1. The holding of a special event.
2. The construction, maintenance or repair of the property.
3. The installation, maintenance or repair of a public utility or service.
4. Pedestrian, vehicular or public safety or public health.

And whereas Section 425(1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

And whereas Section 429(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences, subject to section 429 (4) under a by-law of the municipality passed under the Act;

And whereas Council adopted By-law No. 2011-114 on August 2, 2011 to regulate businesses within the boundaries of the City of Temiskaming Shores;

And whereas Council considered Administrative Report CS-014-2017 at the February 21, 2017 Regular Council meeting and directed staff to prepare a new by-law to adopt a Business Licensing Policy to regulate Businesses in the City of Temiskaming Shores;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Council for the City of Temiskaming Shores adopts the Business Licensing Policy identified as Schedule "A", hereto attached and forming part of this by-law.
2. That By-law No. 2011-114 is hereby repealed.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-law shall come into force and effect on the date of its final passing.

Read a first and second time this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

Read third time and finally passed this ____ day of _____, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law No. 2017-025

Business Licensing, Regulating and Governing of
Businesses in the City of Temiskaming Shores Policy

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Business Licensing Policy

Section 1 Definitions

For the purposes of this by-law:

- 1.1 **Act** refers to the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, except where specific reference is made to another Act of the Legislature of the Province of Ontario or the Parliament of Canada;
- 1.2 **Antique** shall mean any good, object, material, merchandise or item of any kind which is of a higher value because of its age;
- 1.3 **Antique / Collectible Show** shall mean the offering for sale, on a temporary basis at one location, goods, wares or merchandise that have not been recently produced or manufactured.
- 1.4 **Applicant** shall mean a Person who is required to be licensed pursuant to this By-law or who has made application for a licence to the Issuer of Licences and shall include a Licensee.
- 1.5 **Appropriate Authority having jurisdiction** shall mean:
 - a) with regard to health matters, the Medical Officer of Health, or his or her designate for the Timiskaming District Health Unit;
 - b) with regard to building matters, the Chief Building Official for the City, or his or her designate;
 - c) with regard to fire safety matters, the Chief Fire Official for the City, or his or her designate;
 - d) with regard to police matters, the Detachment Commander for the Ontario Provincial Police or his or her designate.
- 1.6 **Arts** shall mean those kinds of articles which are the creation of the Applicant from raw materials such as oil paintings, water-colour paintings, wood and other sculptures.
- 1.7 **Business** shall mean any business wholly or partly carried on within the City even if the business is being carried on from a location outside the City and includes,
 - a) trades and occupations;
 - b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
 - c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader;

- d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.
- but does not include;
- a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
 - b) the sale of goods by wholesale; or
 - c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
- 1.8 **Business Day** shall mean a day to which City Hall is normally open for business other than a Saturday, Sunday or any Statutory Holiday;
- 1.9 **Business Licence Fees** shall mean a non-refundable monetary charge imposed by the City to issue a licence as set out in Appendix 01 hereto;
- 1.10 **By-law** shall mean this By-law and any amendments thereto passed by Council;
- 1.11 **By-law Enforcement Officer** shall mean the By-law Enforcement Officer for The Corporation of the City of Temiskaming Shores whose duties include the enforcement of this by-law;
- 1.12 **Cash security deposit** shall mean cash or certified cheque or other means acceptable to the Treasurer;
- 1.13 **Chief Building Official** shall mean the person or his or her designate who may, from time to time, be appointed by Council to the position of Chief Building Official (CBO) in conformity with the provisions of the Ontario Building Code Act, R.S.O. 1992, c. 23, and amendments thereto;
- 1.14 **City** shall mean The Corporation of the City of Temiskaming Shores;
- 1.15 **Clerk** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the Municipal Clerk;
- 1.16 **Corporation** shall mean The Corporation of the City of Temiskaming Shores;
- 1.17 **Council** shall mean the Council for The Corporation of the City of Temiskaming Shores;
- 1.18 **Craft** shall mean those kinds of articles which are the creation of the Applicant from raw materials wherein a limited amount of equipment is used and the article is utilitarian in nature such as woven material and carved objects;
- 1.19 **Craft Show** shall mean the temporary exhibition and offering for sale of Arts and Crafts;

- 1.20 **Detachment Commander – Ontario Provincial Police** shall mean the person or his or her designate who may, from time to time, be appointed as the Detachment Commander for the local office of the Ontario Provincial Police;
- 1.21 **Door-to-Door Sales/Service Person** shall mean a person who goes from place to place selling or offering for sale a service of any kind;
- 1.22 **Fire Chief** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as Fire Chief for the City and is ultimately responsible to Council as defined in the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4;
- 1.23 **Fire Prevention Officer** shall mean the person or his or her designate who is appointed as a Fire Prevention Officer under the provisions of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4;
- 1.24 **Food** shall mean a food or drink for human consumption and includes refreshments and confections, but excludes liquor;
- 1.25 **Hawker and Peddler** shall mean any Person:
- a) who goes from door to door with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any good, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;
 - b) who sells from a permanent structure on a temporary basis, goods, wares, or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow; or
 - c) that is engaged in retail sales but does not have a commercial store front and includes their employees but does not include:
 - i) Service Clubs;
 - ii) Not for Profit Clubs;
 - iii) Charitable Organizations or
 - iv) Such other institutions, organizations or clubs as the Council by Resolution may approve.
- 1.26 **Highway / Roadway** shall mean the traveled portion of a roadway and the untraveled portion of the roadway under the jurisdiction of the municipality and includes the boulevard and the sidewalk.
- 1.27 **Issuer of Licences** shall mean the Municipal Clerk or his or her designate;

- 1.28 **Letter of Credit** shall mean an irrevocable letter of credit that shall be drawn on a chartered Canadian Bank and deemed to be automatically extended without amendment for one (1) year from the present or any future expiration date thereof, unless thirty (30) days prior to any such date the bank shall notify the City in writing by registered mail that the bank elects not to consider this letter of credit renewed for any such additional period;
- 1.29 **Licence** shall mean a City of Temiskaming Shores Business Licence issue pursuant to this By-law;
- 1.30 **Licensee** shall mean a Person who has been issued a Licence pursuant to this By-law either in the current calendar year or in a previous calendar year and shall include an Applicant;
- 1.31 **Masculine** shall include the feminine gender and the neuter;
- 1.32 **Medical Officer of Health** shall mean the Medical Officer of Health or his or her designate for the Timiskaming Health Unit;
- 1.33 **Month** shall mean a calendar month;
- 1.34 **Municipal Enforcement Officer** shall mean a person or his or her designate who may, from time to time be appointed by the Council whose duties include the enforcement of this By-law;
- 1.35 **Non-Profit Charitable Organization** shall mean an organization, whether incorporated or not, which:
- a) has objects and purposes that are exclusively or wholly charitable;
 - b) is recognized by Revenue Canada as being "charitable"; and
 - c) is in compliance with the reporting requirements under the *Charities Accounting Act* or is completing a Public Information Return under the *Income Tax Act*.
- 1.36 **Non-Profit Non-Charitable Organization** shall mean an organization whether incorporated or not, which has objects and purposes that are both charitable and non-charitable and that raises money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts, health and welfare or for athletic clubs and associations;
- 1.37 **Non-Resident** shall mean a person who has not resided continuously in the City for at least three (3) months immediately preceding the time of commencing a business in the City;
- 1.38 **Operate** shall mean to directly or indirectly manage, work, control, maintain, put or keep in a functional state any Business;

- 1.39 **Outdoor Patio** shall mean an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters;
- 1.40 **Owner - Premises** with respect to premises licensed under this by-law shall mean the registered owner of the land on which the premises are situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;
- 1.41 **Owner - Business** with respect to a business licensed under this by-law shall mean the person, company or partnership that carries on the business and who's name appears on the license issued by the municipality for such business pursuant to this by-law;
- 1.42 **Pawnbroker** shall mean a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon, as defined in the Pawnbrokers Act, R.S.O. 1990, c. P. 6, as amended;
- 1.43 **Pawnbrokers Act** shall mean the Pawnbrokers Act, R.S.O. 1990, c. P.6 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor;
- 1.44 **Pawn Shop** shall mean a business or premise where the business of Pawnbroker is carried out;
- 1.45 **Person** shall include any individual, corporation, partnership, company, association, agent or trustee or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law and shall include any group of persons comprising a society or other organization;
- 1.46 **Place of Business** shall mean any place, Premises or Location, or part thereof, in or form which a Business is carried on, and includes a shop, office or a vehicle for the purpose of carrying on the Business;
- 1.47 **Planner** shall mean a person who may be appointed from time to time by Council to the position of Planner or his or her designated for the purposes of enacting zoning regulations for the City;
- 1.48 **Premises** shall mean land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of a Business;
- 1.49 **Precious Metals** shall mean a valuable metal, which includes but is not limited to gold, silver and platinum;

- 1.50 **Property Taxes** shall mean the amount of taxes levied on real property under the Ontario Municipal Act, 2001 S.O. 2001, c.25, and the Education Act and any amounts owed under the Drainage Act, the Tile Drainage Act and the Shoreline Property Assistance Act with respect to real property and includes any amounts deemed to be taxes by or under any other Act and any amounts given priority lien status by or under the Act;
- 1.51 **Provincial Offences Act** shall mean the Provincial Offences Act, R.S.O. 1990, c. P-33 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor;
- 1.52 **Purchase** shall mean to obtain Precious Metals by paying money or its equivalent and shall include the terms of purchase, exchange and acquire by any means and "purchasing" and "purchased" has a like meaning;
- 1.53 **Purchase Event** shall mean an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event;
- 1.54 **Refreshment Vehicle** shall mean any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks;
- 1.55 **Resident** shall mean a Person who has resided continuously in the City for a period of three (3) or more months immediately preceding the time of commencing a Business in the City;
- 1.56 **Sidewalk** shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians;
- 1.57 **Sign** shall mean any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags and painting of exterior building walls. For the purpose of removal of signs, this definition may also include all sign structures as well as any inflatable advertising devices;
- 1.58 **Singular** includes the plural and the plural includes the singular;
- 1.59 **Special Event** shall mean any public event endorsed by Council such as festivals, winter carnivals, and trade shows;
- 1.60 **Special Event Organizer** shall mean the Person who organizes any type of Craft Show, Trade Show or Antique/Collectible Show (collectively referred to as the "Show"), whether for profit or not;

- 1.61 **Trade Show** shall mean a Business or a Person which coordinates a show or similar exhibition of three (3) or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items, or services of a similar nature and where the vendors or Businesses will be organized at a specific location for a period not to exceed fourteen (14) executive days;
- 1.62 **Vehicle** shall include automobile, motorcycle, motor vehicle, trailer, mobile home, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power and shall include a motorized snow vehicle or all-terrain vehicle;
- 1.63 **Wholesale** means the business of selling things in large amounts to other businesses rather than to individual customers;

Section 2 General Provisions – Business Licensing

2.1 Purpose for Business Licensing Policy

The City of Temiskaming Shores recognizes that the Commercial establishments within the City play a vital part in the economy and that the City receives taxation through property assessments.

The City also recognizes the economic benefit of other types of commercial entities that are not established on a permanent basis to which there is no formal tax structure.

The purpose of this policy is to apply a fee to offset staff time to process Business Licenses as well as payment in lieu of taxation; additionally the provisions contained herein are meant to assist with consumer protection.

2.2 Licensing Powers

The City has the power to provide for a system of licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a license;
- b) refuse to grant a license or to revoke or suspend a license;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a license;

- e) impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license;
- f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality.

2.3 Requirement to submit Business Application

Every Person carrying on, conducting, operating, maintaining, keeping or engaging in any Business specifically identified in **Appendix 01** hereto shall be required to obtain a Licence from the Issuer of Licences.

2.4 Owner not to permit operation without Licence

The Owner of a premise shall not permit a person to operate a business on the premises without a valid Licence, where such Licence is required by this By-law.

2.5 Business shall not include

For the purposes of this By-law a Business shall not include:

- a) a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail;
- b) the selling of goods by wholesale, or
- c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

2.6 Administration of By-Law

Unless otherwise indicated, the administration of this by-law is assigned to the Municipal Clerk who may delegate the performance of his/her functions under this by-law from time to time as occasion requires.

2.7 Charitable Organizations

Any non-profit charitable or non-profit non-charitable organizations selling items for the purpose of raising funds for such organizations are not required to obtain a Licence.

2.8 *Insurance*

All insurances required herein shall be provided at the time of application in a form acceptable to the Issuer of Licences and in the amount as specified pursuant to the applicable Sections of this By-law.

2.9 *Enforcement*

The enforcement of this by-law is assigned to the By-Law Enforcement Officer and to persons under the supervision of the By-law Enforcement Officer for the City.

2.10 *Display of Licence - Premises*

Every Person licensed pursuant to this By-law shall post in a prominent and conspicuous place the current Licence on the premises or that part thereof to which the Licence pertains. The Licensee shall ensure that the Licence is positioned in such location that it may be readily seen and read by persons entering the Premises.

2.11 *Display of Licence – Door to Door*

Where a Licence is issued to a Person who goes from place to place or to a particular place with food, goods, wares or merchandise for sale, the Licensee shall keep the Licence with them at all times while carrying out their Business and shall exhibit it to any Municipal Enforcement Officer, Issuer of Licences, Police Officer or other authority having jurisdiction who so requests.

2.12 *Contravention of Other Laws*

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the City for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the City.

2.13 *Change of Operating Name*

Where the ownership of a business is not changed or affected by the operating name has changed, the Licensee shall within thirty (30) business days of such change notify the Issuer of Licences and upon being satisfied that there has been no other change in the circumstances of the Licenced Business, the Issuer of Licences may issue a replacement of the original Licence. The Licensee shall return and surrender their Licence in order to affect such a change at no cost. The expiry date of the Licence shall be the same as the one being replaced.

2.14 *Change of Ownership*

Every Licensee shall, upon change of ownership of the Licenced Business return and surrender their current Licence to the Issuer of Licences. The new owner shall make application for a new Licence as set out in this By-law.

2.15 Change of Premises

Where a current Licenced Business changes Premises, such new Premises shall not be deemed to be Licenced. The Licensee shall notify the Issuer of Licences within seven (7) Business Days of the change of location and surrender to the Issuer of Licences the licence issued with respect to their previous Premises. The issuer of Licences shall upon payment of a fee in the amount of Twenty-Five dollars (\$25.00) and being satisfied that the new location meets all the requirements as set out in this By-law issue a replacement to the original Licence. The expiry date of the Licences shall be the same as the one being replaced.

2.16 Voluntary Surrender of Licence

The City Clerk may revoke a licence which is voluntarily surrendered by the holder for revocation.

2.17 Transfer of Licence Prohibited

Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

2.18 Information Open to Inspection

Any application, comment, recommendation, information, document or thing in the possession of the City Clerk pursuant to the provisions of this by-law shall be made available by the City Clerk for an inspection:

- a) by any person employed in the administration or the enforcement of this by-law; and
- b) by any other person upon the consent, satisfactory to the City Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing.

Subject always to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

2.19 Inspections by By-Law Enforcement Officer

Subject to Section 2.21 of this by-law, the By-Law Enforcement Officer or any person designated by the Council to enforce this by-law may, at all reasonable times upon producing proper identification, enter and inspect any premises or any part of any premises licensed under the provisions of this by-law.

2.20 Obstruction of Inspections

No person shall obstruct, hinder or in any way interfere with any person designated to enforce this by-law.

2.21 Search Warrant for Inspections of Dwellings

Except under the authority of a search warrant issued under *Provincial Offences Act*, the By-Law Enforcement Officer or any person designated by the Council to enforce this by-law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.22 Keeping of Records

No person shall fail to keep any and all of the records required to be kept under the provisions of any sections of this by-law.

2.23 Notice to Applicant of Specified Deficiencies

Where any determination is made that any premises or person named in the application shall not receive any approval required by this by-law, the reason for such determination shall be specified, and the City Clerk shall notify the applicant of all such reasons.

2.24 No Licence to be Issued

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the City.

2.25 Term of License

A license issued under the provisions of this by-law shall be valid only for the period of time for which it was issued. All licenses shall expire on the date specified in the licence.

2.26 Licence Fees

The Business Licence Fees to be paid for a Licence and the renewal for a Licence shall be as set out in **Appendix 01**.

2.27 Licences in Lieu of Taxes

Licence fees may include an amount in lieu of municipal taxes.

2.28 Licence Deemed Refused

Any business licence application that has not received approvals from such municipal or provincial departments or agencies as the City Clerk deems necessary within thirty (30) days from the date of the filing of the application shall be deemed to be refused. The Clerk shall notify the applicant accordingly.

2.29 Change of Address

Every licensee shall notify the City Clerk within six (6) Business Days of any change in his business or home address.

2.30 Exemption of Licence for Special Events

Notwithstanding any other provisions of this by-law, any vendor selling goods or services at a special event, endorsed by Council and approved by the event coordinators, shall be exempt from the requirement to obtain a licence under the provisions of this by-law.

2.31 Maintenance of Standards

No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements which were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

2.32 Applications for a Business Assessment or a Home Based Business

Applications, for a business assessment or a home based business not licensed under the provisions of this by-law, shall be made to the City Clerk on forms to be provided by him/her.

2.33 Observance to Provisions

Every Person who acquires a Licence that is issued under this By-law is responsible for the due performance and observance of all the provisions of this By-law by their employees, agents, invitees and all other persons in or upon the Premises that is Licensed under the provisions of this By-law.

Section 3 Application for New Licence

3.1 Application Requirements

Every person required to obtain a Licence pursuant to this By-law:

- a) shall apply in writing on the appropriate application form as provided by the Issuer of Licences;
- b) shall deposit, at the time of application, with the Issuer of Licences, all required non-refundable Business Licence Fees as set out in Appendix 01 to this By-law or as deemed necessary by the Issuer of Licences;
- c) provide any required approvals, inspections or documentation required by the provisions of this By-law or as deemed necessary by the Issuer of Licences.

3.2 *Supporting Documentation*

The Applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out on the application form and as deemed necessary by the Issuer of Licences.

3.3 *Incomplete Application*

Incomplete applications shall be considered not to have been received and may be returned to the Applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining or renewing such Licence, the Applicant may be required to submit a new application.

3.4 *No issuance of Licence*

The Issuer of Licences shall not issue a Licence until:

- a) all required approvals and inspections as required by the application have been obtained by the Applicant;
- b) Business Licence Fees have been paid in full;
- c) all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence;
- d) any outstanding fines imposed under the *Provincial Offences Act* for the contravention of a provision of any City of Temiskaming Shores By-law arising out of the operation of a Business, whether such fines are owed by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-law; and
- e) all of the required documentation has been provided to the Issuer of Licences.

3.5 *Separate Licence for each Premises*

There shall be a separate application and if granted, Licence for each of the premises to be used by the Applicant.

3.6 Separate Licence for each Category of Business

There shall be a separate application and if granted, Licence for each Category of Business to be used by the Applicant.

3.7 Compliance with all applicable Law

The Applicant shall comply with all requirements as set out in this by-law as well as all applicable Federal, provincial, Municipal Statutes, Regulations, by-laws and Codes and any other provisions that may govern the Business, Place or Premises used in the carrying on of the Business and/or the Persons carrying on the Business or engaged in it and to which the application pertains.

3.8 Additional Information may be Required

The Issuer of Licences, upon receipt of the application for a Licence may make, cause to be made, or request, any additional documents, investigations, approvals or inspections to be made in respect of such application for a Licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense.

3.9 Review of Supporting Documentation

Upon receipt of a completed application, together with all required documentation for Licence and the appropriate Business Licence Fees have been paid, the Issuer of Licences may prior to the issuance of any such Licence:

- a) Make any inquires to any municipal official or employee, who has carried out inspections relative to the business under application;
- b) Receive reports from such municipal officials and employees as may be deemed necessary, and
- c) Inquire into all relevant matters in order to ascertain if the Applicant is entitled to a Licence under the provisions of this by-law.

3.10 Issuance of Licence

Upon being satisfied that the Applicant is entitled to obtain a Licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a Licence to the Applicant.

3.11 Expiry of Licence

For the purpose of every new Licence issued, the date of expiry shall be the date as set out on the Licence.

Section 4 Application for Renewal of Licence

4.1 Application for Renewal

Every Person required to renew a Licence previously granted under this by-law, shall submit to the Issuer of Licences, an application form for renewal of the Licence as provided by the Issuer of Licences.

4.2 Information up to Date

Every Applicant shall ensure that the information on the application is up to date.

4.3 Change in Circumstances

Where there has been a change of circumstances the Issuer of Licences shall not issue a Licence until:

- a) all required approvals and inspections have been obtained by the Applicant;
- b) the required documentation has been provided;
- c) all Business Licence Fees have been paid in full;
- d) all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence, and
- e) any outstanding fines imposed under the *Provincial Offences Act* for the contravention of a provision of any City of Temiskaming Shores by-law arising out of the operation of a Business, whether such fines are owned by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-law.

4.4 Review of Supporting Documentation

Where the Issuer of Licences receives an application for renewal of a Licence previously granted under this by-law and the appropriate fees have been paid, he or she shall, prior to the issuance of any such Licence:

- a) Make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed Licence under the provisions of this by-law;
- b) Inquire into any and all relevant changes in circumstances since the previous Licence was issued to the applicant;
- c) Make any inquiries to any municipal official or employee, who has carried out inspections or investigations relative to the business under applicant, and
- d) Receive reports from such municipal officials and employees as may be deemed necessary.

4.5 *Issuance of Licence*

When the Issuer of Licences is satisfied that the Applicant is entitled to obtain a Licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a Licence to the said Applicant.

Section 5 Form of Licence

5.1 *Licence Particulars*

Every Licence shall show therein:

- a) the operating name of the Business or Person to whom the Licence is issued;
- b) the operating address of the Premises or location for which the Licence is issued;
- c) the category of Licence granted;
- d) the date of issue of the licence;
- e) the date of expiration of the licence if applicable, and
- f) shall be signed by the Issuer of Licences.

5.2 *Administration Fees – Duplicate Licence / Late Renewals*

An administration fee of Twenty-Five Dollars (\$25.00) will apply to the following:

a) Duplicate Licence

In the event that the Licence issued under this By-law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of the administration fee, shall issue a duplicate of the original Licence, upon which shall be stamped or marked the word "**Duplicate**" or "**Copy**". The expiry date of the "Duplicate" or "Copy" shall be the same as the one being replaced;

b) Late Renewals

In the event that a Licence is not renewed on or before the existing expiry date, notwithstanding any charge(s) that may be laid under this By-law, the Applicant shall also be required to pay a \$25.00 Administration Fee in addition to the applicable Business Licence Fee.

Section 6 Nuisance Abatement

6.1 Conduct of Business

Every person required to be licensed under this By-law, in addition to the any other provisions or requirements expressed elsewhere in the By-law, shall comply with the following requirements:

- a) at all times maintain and keep safe and clean and in good condition and repair any Place of Business for which the Licence is issued including any Vehicle used for or by the Licensed Business;
- b) shall not breach or violate or cause, suffer, or permit any breach or violation of any By-law of the city or of any statute, Order-In-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the Business or Premises for, or in relation to which such Licence was issued;
- c) shall not cause, suffer or commit any nuisance to arise in, on, or in connection with the Place of Business, Vehicle or Premises, for which the Licence was issued;
- d) shall not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the Place of Business, Vehicle or Premises for which the licence was issued, that is unnecessary, unreasonable or contrary to any municipal By-law prohibiting the same, and if any such shouting, noise or other disturbance occurs, the Licensee shall immediately take steps to cause the same to be abated;
- e) shall not cause, suffer or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premises for which the Licence was issued; and
- f) shall not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any Vehicle or Premises for which the Licence was issued.

6.2 Adherence to By-law responsibility of License Holder

Every person who acquires a License that is used under this By-law is responsible for the due performance and observance of all the provisions of this By-law by their employees, agents, invitees and all other persons in or upon the Premises that is Licensed under the provisions of this By-law.

Section 7 Inspection

7.1 Authority to Inspect

A Municipal Enforcement Officer, Issuer of Licences, police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the Premises, facilities, equipment, Vehicles, and other property used or kept for hire in connection with the carrying on of a Business that is Licensed or that is required to be Licensed pursuant to this By-law.

7.2 Hindering an Inspection

No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual who is exercising a power or performing a duty under this by-law, including carrying out an inspection.

7.3 Provision of Information

The owner of a premises shall, upon request by a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual, provide forthwith information relating to any person conducting Business on the premises who is required to obtain a Licence pursuant to this By-law, including the corporate name, business name, address, phone number, and dates of operation at that premises.

7.4 False Information

No person shall knowingly provide false information in any application under this By-law or in any document, correspondence or other form of communication required to be furnished under this By-law.

Section 8 Refusal / Suspension / Revocation of a Licence

8.1 Licence Refusal

The Issuer of Licences may refuse to grant or issue a licence to any Applicant who:

- a) has failed to comply with the requirements of this By-law or other applicable By-laws of the City or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the Business or Premises, facilities, equipment, Vehicles or other property used or kept for hire in connection with the Licensed activity;
- b) has any outstanding Property Taxes owing to the City;

- c) has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law; or
- d) at the discretion of the Issuer of Licences may refuse to grant or issue a Licence to any Applicant where the Issuer of Licences believes it is not in the public interest to do so.

8.2 *Licence Suspension*

The Issuer of a Licence may suspend or revoke a Licence issued to any Licensee who:

- a) has failed to comply with the requirements of this By-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency or board of commission thereof, in, upon or in connection with the applied for Licensed activity of the Business or Premise, facilities, equipment, Vehicles and other property used or kept for hire in connection with the Licensed activity;
- b) has outstanding Property Taxes owing to the City;
- c) has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law, or
- d) at the discretion of the Issuer of Licences may refuse to grant or issue a Licence to any Applicant where the Issuer of Licences believes it is not in the public interest to do so.

8.3 *Suspension Terms and Conditions*

Any suspension of a Licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

No person shall operate any Business or Premises contrary to any Licence suspension or terms and conditions thereto or where such Licence has been revoked.

Section 9 Notice and Appeal

9.1 *Notice of Appeal Rights*

Where the Issuer of Licences refuses to issue, suspends, or revokes a Licence the said Issuer of Licences shall notify the Applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said Licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality within twenty (20) Business days of receiving the notice.

9.2 Receipt of an Appeal

Upon receipt of an appeal from the Applicant, the Clerk and Council shall follow the procedures set out in this by-law.

9.3 Hearing of an Appeal

A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, by-law or decision.

9.4 Hearing Committee - Composition

The Hearing Committee shall be comprised of the Mayor and two Council members.

9.5 Statutory Powers Procedures Act

The Hearing Committee shall be bound by the *Statutory Powers Procedures Act*, R.S.O. 1990, c. 22, as amended. Except as otherwise herein provided this By-law applies mutatis mutandis to the Hearing Committee.

9.6 Report to Council from Hearing Committee

Upon conclusion of a hearing conducted by the hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefor on the merits on the application in respect of which the hearing has been conducted.

9.7 Decision of Council

After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.

Section 10 Penalties and Validity of By-law

10.1 Contravention of this By-law

Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, is guilty of an offence and upon conviction is liable to a fine of not more than

\$100,000 as provided for in the Municipal Act, 2001, S.O 2001, Chapter 25, as amended.

10.2 *Continuance of Offence*

Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

10.3 *Set Fines*

Any *person* who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, commits an offence and except where specifically provided in Appendix 02, shall be liable to a fine of not less than \$100.00, but not exceeding \$5,000.00.

10.4 *Validity of By-law*

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

Business Licensing Fees

Business Class	App	Licence Fee
Hawker and Peddlers		
<u>Class A – Door-to-Door Sales/Service Person</u>		\$500/month/person Licence expires after 1 month
<u>Class B – Hawker and Peddler –Temporary</u>	03	\$500/event Licence expires after 14 days
<u>Class C – Hawker and Peddler - Business</u>		\$3,000/year Licence expires after 12 months
Pawnbroker	04	\$300/year
Precious Metal Purchasers	05	\$150/event (non-resident) \$500/year (resident)
Refreshment Vehicles		
<u>Class A – Example: Chip Truck/Chip Trailer</u>		\$200/year/location or \$75/month/location
<u>Class B – Example: Catering Truck</u>	06	\$200/year/unit or \$75/month/unit
<u>Class C – Example: Hot Dog/Hamburger Cart</u>		\$100/year/unit or
<u>Class D – Example: Ice Cream Cart</u>		\$40/month/unit
Trade Shows	07	\$10/day/vendor or \$50/event/day

Part 1 Provincial Offences Act
Set Fines

Item	Column 1 Short form wording	Column 2 Offence creating provision or Defining offence	Column 3 Set fine
1	Fail to submit Business Application	Sch. A, Section 2.3	\$ 200
2	Operate without Licence – Owner	Sch. A, Section 2.4	\$ 200
3	Operate without valid insurance	Sch. A, Section 2.8	\$ 200
4	Failure to Display Licence – Door-to-Door	Sch. A. Section 2.11	\$ 200
5	Failure to keep records	Sch. A. Section 2.22	\$ 200
6	Engage Door-to-Door before 9 am	App. 03, Sch. A. Article 3	\$ 100
7	Engage Door-to-Door after 7 pm	App. 03, Sch. A. Article 3	\$ 100
8	Dispensing food to a person standing on a roadway	App. 06, Sch. A. Article 9	\$ 100
9	Having a Class A, C or D Licence and offering food within 400 ft. (120 m) of an existing restaurant	App. 06, Sch. A. Article 10	\$ 100
10	Having a Class B Licence and offering food within 100 ft. (30 m) of an existing restaurant	App. 06, Sch. A. Article 11	\$ 100

Note: The general penalty provisions for the offences above is Section 10.3 of By-law No. 2017-000, a certified copy of which has been filed.

Hawker and Peddler

Applicable to

Hawker and Peddler shall mean any Person who:

1. Goes from door to door selling or offering for sale a service of any kind or goes from place to place with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow (i.e. Door-to-Door Sales)
2. Sells from a fixed location on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made for which orders are taken with delivery to follow.
3. is a current Business that pays commercial taxes that permits other business to utilize their space (interior/exterior) to sell on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made for which orders are taken with delivery to follow.

Definitions

Class A: shall mean a Hawker and Peddler Licence issued to a person who goes from place to place (Door-to-Door Sales / Service Person) selling or offering for sale a service of any kind.

Class B: shall mean a Hawker and Peddler Licence issued to a Business or person who sells from a place, premises or location on a one-time or temporary basis (Sales Event).

Class C: shall mean an annual Hawker and Peddler Licence issued to the owner of the premises, in lieu of requiring individual persons to obtain Hawker and Peddler Licences to operate a Sales Event on that premises.

Exemptions

The requirement to obtain a Hawker and Peddler Licence does not apply to:

1. Service Clubs;
2. Not for Profit Organizations;
3. Charitable Organizations;
4. The sale of goods by wholesale;
5. Persons who sell goods that are grown or produced on their own agricultural operation within the City, or family members or employees who have written authority to sell the goods on their behalf.
6. Persons who sell Christmas trees on a seasonal basis.
7. Persons who conduct Business on a premises for which the Owner holds a valid Class C Licence.

Licence Fee

Class A: \$500/month/person

Licence shall expire after 1 month

Class B: \$500/event

Licence shall expiry after 14 Calendar Days

Class C: \$3,000/year

Licence shall expire after 12 months

Application Circulated to

Internal Departments
Timiskaming Health Unit
Ontario Provincial Police

Licence Circulated to

Ontario Provincial Police
Timiskaming Health Unit

Special Conditions

1. Every Door-to-Door Sales/Service Person shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
2. Every Door-to-Door Sales/Service Person shall produce to the Issuer of Licences at the time of application, a letter from their employer authorizing them to conduct business on behalf of the employer. This letter shall include the name of the business, current business address of the business together with the name of a contact person for complaint purposes.
3. No Person shall engage in, or carry on his business by passing Door-to-Door within the City before 9:00 am any day or after 7:00 pm any day.
4. Every Door-to-Door Sales/Service Person who is eighteen (18) years of age or over shall provide a current Criminal Record check which shall be obtained by them at their own expense from the Ontario Provincial Police or the local Police Service where they reside.
5. Each Licence for a Door-to-Door Sales/Service person shall be issued for a 1 month period.
6. Every Door-to-Door Sales/Service Person will produce to any homeowner a copy of the Licence that they have been provided by the City at the request of the homeowner.
7. All signs promoting any event shall be in accordance with the City of Temiskaming Shores By-law No. 2007-019, and any amendments thereto, being a by-law to regulate signs in the City of Temiskaming Shores.

Pawnbroker

Applicable to

Every person who carries on the Business of a Pawnbroker.

Definitions

Pawnbroker means a Person who carries on the Business of taking by way of pawn or pledge any article for the repayment of money lent thereon, as defined in the *Pawnbrokers Act*, R.S.O. 1990, c.P. 6, as amended.

Exemptions

None

Licence Fee

\$300/year

Application Circulated to

Internal Departments
Ontario Provincial Police

Licence Circulated to

Ontario Provincial Police

Special Conditions

1. Every Pawnbroker shall give to the City security to the satisfaction of the City Clerk in the sum of \$2,000.00 for the due observance by the Pawnbroker under the *Pawnbrokers Act*, R.S.O. 1990, c.P.6, as amended.
2. The operation of the Business shall conform to the provisions of the *Pawnbrokers Act* and all applicable Temiskaming Shores Police Services Board by-laws that may be in force.
3. Every Pawnbroker shall provide a current Criminal Record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the Ontario Provincial Police or the local Police Service where they reside.
4. For the purposes of this By-law the initial Criminal Record Check must be dated within the last sixty (60) days of the initial Application for a Pawnbroker's Licence. All subsequent renewals for a Pawnbroker's Licence must include a Criminal Record Check that is current within the last two (2) years.

Precious Metal Purchasers

Applicable to

Any Person who carries on the business of purchasing precious metals, including but not limited to gold, silver or platinum; but excludes a person who makes, repairs, or sells jewelry and watches.

Definitions

Precious Metals means a valuable metal, which included but is not limited to gold, silver and platinum.

Purchase includes purchase, exchange and acquire by any means and "purchasing" has a like meaning.

Purchase Event means an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event. A Purchase Event shall not be longer than three (3) consecutive days.

Exemptions

A person purchasing gold from a person engaged in the business of selling gold such as a jeweler or a gold distributor.

Licence Fee

\$150/event
Licence expires after 14 calendar days
\$500/year

Application Circulated to

Internal Departments
Ontario Provincial Police

Licence Circulated to

Internal Departments
Ontario Provincial Police

Special Conditions

1. No Person shall purchase, offer to purchase or advertise to purchase Precious Metals by any means, unless such person is the holder of a Licence issued under this by-law for such purpose.
2. Any Person holding a Purchase Event shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
3. No Person shall obtain any Precious Metals from any Person who is known to be or appears to be:
 - a) under the age of eighteen (18) years, or
 - b) under the influence of alcohol or drugs.

4. No Person shall hold, sponsor, advertise or promote a Precious Metals Purchase Event unless such Person holds a Licence issued under this By-law for such purpose and in accordance with the terms of the Licence and this by-law.
5. The Applicant for a Licence pursuant to this By-law shall, both before and after a Licence is issued, produce such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application.
6. The Issuer of Licences may refuse to issue a Licence or having issued a Licence under this part, may revoke same if:
 - a) any of the information set out in the application or statutory declaration of the Applicant or owner is false;
 - b) the Purchase Event is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public;
 - c) The purchase Event is held in a location or conducted in any way in a manner contrary to the provisions of this By-law or contrary to any condition imposed in the licence;
 - d) the Applicant refuses to produce any records, books, documents, or other information requested by the Issuer of Licences in accordance with this by-law; or
 - e) the Applicant refuses to permit the Issuer of Licences to inspect any premises or inspect or test any measuring or weighing or other devices used in the purchase of the precious metals.
7. Where an Applicant for a Licence wishes to hold a Purchase Event at more than one site, a separate Licence shall be required for each site. A Business Licence Fee shall be payable for each such additional Licence.
8. The Licence for the Purchas Event shall be displayed in a clearly visible location on the Premises where the Purchase Event is held.
9. Applicants for a Licence shall ensure all advertising material distributed, displayed or published to promote a Purchase Event, including any radio or television broadcast, or internet promotion, contains a statement that the Purchase Event is held under the authority of this By-law and shall state the number and expiry date of the licence issued for such Purchase Event under this by-law, and that the Seller of the Precious metals is over the age of eighteen (18) years with no exceptions.
10. For the purposes of this By-law a Criminal Record Check must be dated within the last sixty (60) days of the Application for a Precious Metal Purchaser Licence.

Refreshment Vehicles

Applicable to

Any Person who operates a Refreshment Vehicle as defined herein.

Definitions

Refreshment Vehicle means any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks. Refreshment Vehicles are divided into the following classes:

- Class A:** a **motorized vehicle** or **trailer** requiring a motorized vehicle in order to be moved; other than a motor assisted bicycle or motorcycle, from which food that is **prepared and cooked on-site** is offered for sale (example - a chip truck/chip trailer).
- Class B:** a **motorized vehicle** or **trailer** requiring a motorized vehicle in order to be moved; other than a motor assisted bicycle or motorcycle, from which food that is **prepared and cooked off-site** is offered for sale (example – catering truck).
- Class C:** a **non-motorized vehicle** propelled by muscular power, motor assisted bicycle or motorcycle, or which can be moved from location to location by a motorized vehicle from which food that is **prepared and cooked on-site** is offered for sale (example – hot dog/hamburger cart).
- Class D:** a **non-motorized vehicle** propelled by muscular power, motor assisted bicycle, trailer, or motorcycle, or which can be moved from location to location by a motorized vehicle from which **prepackaged and prepared foods are sold on site**, or frozen confectionary and beverages are offered for sale (example – ice cream cart).

Exemptions

Seasonal restaurants.

Licence Fee

Class A: \$200/year/location
or

Class A: \$75/month/location

Class B: \$200/year/unit
or

Class B: \$75/month/unit

Class C or D: \$100/year/unit
or

Class C or D: \$40/month/unit

Application Circulated to / Requirements

1. Internal City departments (Building/Planning/Fire)
2. Timiskaming Health Unit
3. Insurance Certificate (minimum \$2,000,000)
4. Licenced Gas Fitter Inspection (if applicable)

Note: All Classes of Refreshment Vehicles must obtain and provide proof of the necessary inspections **annually** prior to renewing Refreshment Vehicle Licence.

Licence Circulated to

Internal Departments
Timiskaming Health Unit
Ontario Provincial Police

Special Conditions

1. Every Licensee shall:
 - a) ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self-closing lid, and such container shall be kept in a clean and sanitary condition;
 - b) ensure that the metal refuse container be emptied at least once a daily;
 - c) ensure such containers shall be used for the disposal of all refuse;
 - d) ensure that every refuse container is located in such a position so as to be easily accessible by persons making purchases while the Refreshment Vehicle is stopped;
 - e) ensure that the Refreshment Vehicle and all parts and equipment for use in the dispensing of refreshments is maintained in a clean and sanitary condition and at all times in good repair;
 - f) ensure that hard ice cream and related products are maintained in a hard condition in the Refreshment vehicle at all times, as approved by the Timiskaming Health Unit;
 - g) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream, as approved by the Timiskaming Health Unit;
 - h) ensure that all dispensing equipment is of a sanitary design and cleaned on a daily basis;
 - i) ensure that adequate refrigeration, as approved by the Timiskaming Health Unit is provided for perishable Food that shall be kept so refrigerated;
 - j) ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food sold from the Refreshment Vehicle;
 - k) ensure that beverages, which shall include but shall not be limited to, milk, juices and soft drinks, are only sold in individual disposable containers;
 - l) ensure that Refreshment Vehicles from which hot, prepared foods are sold are so equipped with as to maintain such foods so heated at a temperature as approved by the Timiskaming Health Unit;
 - m) ensure that no LPG (liquefied petroleum gas) LNG (liquid natural gas) or any combustible fueled appliance is operated within ten (10) feet of any structure, door, window, or opening that shall include an alcove or alleyway;
 - n) ensure that the Refreshment Vehicle is free from holes, crevices or cracks and all surfaces are readily washable and are kept clean and in good condition;
 - o) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser; and
 - p) ensure that all condiments are in sealed single serve packages or a sealed container.

2. Every Person selling or handling refreshments and Food shall be clean and neat in appearance and shall maintain clean hands at all times. If no sink is available for hand washing then every person selling or handling refreshments and Food shall be supplied with gloves or hand sanitizer.
3. No Licensee or person employed with any Licensee under this section shall be suffering from any form of contagious disease while actively engaged in his or her work.
4. Gloves must be worn by any Licensee or Employee handling Food or refreshments who has an open cut or wound on their hands.
5. Every Licensee shall take out a separate Licence for each Refreshment Vehicle owned or operated by them and they Licence shall be affixed so as to be clearly visible.
6. Every Licensee shall at his or her own expense, whenever required to do so by the Issuer of Licences, bring such Refreshment Vehicle to any person designated by the Issuer of Licences for inspection.
7. All Refreshment Vehicle owners shall carry a minimum of Two Million Dollars (\$2,000,000) liability insurance and shall furnish proof of this coverage satisfactory to the City prior to being Licensed. Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum of thirty (30) days written notice of any change, expiration, or cancellation of such policy. Where the Refreshment Vehicle has been granted permission to operate on City property, the policy shall also contain an endorsement identifying "The Corporation of the City of Temiskaming Shores" as an additional insured.
8. Every Licensee shall ensure that each operator or employee is made familiar with the contents of this Section and shall not permit any operator under their control, management, supervision or direction to breach any of the provisions of this Section and any Regulations from the Timiskaming Health Unit or any other Authority having jurisdiction.
9. No Licensee or employee of a Refreshment Vehicle shall dispense Food to any person while such person is standing on a roadway.
10. No Licensee or employee of a Class A, C or D Refreshment Vehicle shall operate within 400 ft. (120 m) of an existing restaurant ^(a, b).
11. No Licensee or employee of a Class B Refreshment Vehicle shall operate within 100 ft. (30 m) of an existing restaurant ^(a, b).
 - ^(a) Restaurant is defined as an establishment to which its primary function is to provide food and/or refreshments for sale for consumption by the public, but does not include a restaurant to which food is a secondary function (i.e. hotel/motel).
 - ^(b) A restaurant as defined in (a) shall include a municipal concession that has a current tenant. In the event a vacant concession is leased and there is a Refreshment Vehicle License has been issued closer than permitted due to the vacancy, the Refreshment Vehicle Licensee shall continue to be valid until the Licence expires.

Trade Shows

Applicable to

Craft Shows, Trade Shows and Antique/Collectible Shows.

Definitions

Trade Show means the exhibiting or offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items by crafts people organized at a specific location for a period not to exceed fourteen (14) consecutive days.

Trade Show Organizer means the Person who organizes any type of Trade Show with multiple vendors.

Exemptions

Any Person who resides permanently within the City of Temiskaming Shores is exempt from purchasing a licence for a Trade Show. Proof of permanent residency to the satisfaction of the City Clerk will be required.

Licence Fee

\$10/day/vendor

or

\$50/event/day

Application Circulated to

Not applicable

Special Conditions

1. For Trade Show Events, it is the sole responsibility of the Trade Show Organizer to:
 - a) make an application to the Licensing Officer at least two (2) weeks before the Show;
 - b) ensure that all required Licences, approvals, notifications, permits and certificates are in place for all vendors at the Show; and
 - c) provide to the Licensing Officer a list which includes the names, addresses, telephone numbers of all vendors and the products being sold at the Show and shall collect the fees associated with the licence and provide the same to the Licensing Officer at least two (2) days in advance of the Show.
2. All signs promoting any Trade Show shall be in accordance with the City of Temiskaming Shores By-law No. 2007-019 and any amendments thereto, being a by-law to regulate Signs.

Home Based Business

Applicable to

Every resident that operates a business as a secondary use within their residence or on their property.

Definitions

Home Based Business means a privately operated legal business located within a residential dwelling or accessory building, which is operated by the owner or occupant thereof, which is compatible with the character of a residential setting or surrounding neighbourhood, which is clearly secondary to the principal residential use.

Examples

Professional & Consulting Services
Instructional Services
Private Day Care
Repair Businesses
Technology

Personal Service
Home Craft Business
Distribution Sales
Offices for Contractors & Trades

Licence Fee

None

Note: Depending on the nature of the Home Based Business an additional charge under the applicable Water and Sewage Rates by-law may be applicable. Staff will notify the Municipal Property Assessment Corporation (MPAC) of the commercial use and they may or may not choose to conduct an assessment.

Application Circulated to

Internal Departments

Special Conditions

1. Every Home Based Business applicant shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address.
2. Every Home Based Business applicant, that is not the principle owner of the dwelling, shall produce to the Issuer of Licences at the time of application, a letter from their Landlord authorizing them to operate the business at the subject location.
3. Every Home Based Business applicant shall produce to the Issuer of Licences at the time of application, detailed information in regards to the business, including but not limited to number of employees, commercial vehicles, signage (complete details), hours and days of operation, interior floor plan indicating dimensions and locations of all rooms associated with the proposed home based business (including storage areas).

Note: outside storage or displays of materials, containers, or finished products is prohibited.

4. Every Home Based Business applicant shall produce to the Issuer of Licences at the time of application, a Property Site Plan showing lot lines, location and dimensions of all structures, available parking spaces, entrances and proposed sign location (if applicable).

5. Every Home Based Business applicant shall provide a current Police Vulnerable Sector Check for all owners, operators and employees if the business provides services to individuals who are eighteen (18) years of age or under, which shall be obtained by them at their own expense from the Ontario Provincial Police.

The Corporation of the City of Temiskaming Shores
By-law No. 2017-015
Being a by-law to adopt a Procurement Policy for the
City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10(1) of the Municipal Act, 2001, S.O. 2001, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Section 270(1) 3 of the Municipal Act, 2001, S.O. 2001, as amended, provided that a municipality shall adopt and maintain policies with respect to the procurement of goods and services;

And whereas Council considered Administrative Report CS-003-2017 at the January 17, 2017 Regular Council meeting and directed staff to prepare the necessary by-law for the adoption of a new Procurement Policy and repeal By-law No. 2009-012, as amended for consideration at the February 7, 2017 Regular Council meeting;

And whereas this by-law establishes the authority and sets out the methods by which goods and services will be purchased for the purposes of the City of Temiskaming Shores subject to certain exceptions set out herein;

Now therefore the Council of the Corporation of the City of Temiskaming Shores hereby enacts as follows:

1. The Council adopts Procurement Policies for the City identified as Schedule "A", attached hereto and forming part of this by-law;
2. That By-law No. 2009-012, as amended is hereby repealed upon adoption of this by-law;
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-Law shall come into force and take effect on the date of its final passing.

Read a first and second time this 7th day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

Read third time and finally passed this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law No. 2017-015

The Corporation of the City of Temiskaming Shores

Procurement Policy

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1.0 Mission

To obtain the right goods and/or services when needed while achieving best value through a transparent, fair and competitive process with a high focus on Customer Service.

2.0 Objective

The objective of this policy is to establish and maintain a high level of confidence in the procurement process by ensuring that the City of Temiskaming Shores' procurement of goods and services necessary to provide the programs and/or services of the municipality is carried out in an open, fair, consistent, efficient and competitive manner that strikes a balance between public accountability, competition, quality and innovation. Therefore, the City of Temiskaming Shores is committed to:

- 2.1** Basing all procurement decisions for goods and/or services on total procurement costs from suppliers who meet the City's requirement for quality, delivery and warranty;
- 2.2** Ensuring that the City's requirements for goods and services are met through an open and fair process that provides the highest possible degree of competition and value to the City;
- 2.3** Encouraging innovation in procurement whether it be through partnerships, purchasing co-operatives, joint contracts or any other mechanism that best meets the interest of the municipality while maintaining the integrity of this policy;
- 2.4** Ensuring that accessibility criteria and features are incorporated when procuring or acquiring goods, services or facilities, except where it is not practicable to do so, in accordance with the Integrated Accessibility Standard Regulation (2012) and its successors;
- 2.5** Ensuring that procurement decisions are free of any conflict of interest between suppliers and members of Council, officials or employees and members of their immediate families;
- 2.6** Ensuring that, all things being equal, the City will seek to procure Canadian goods and services from local, regional, provincial or national sources; and
- 2.7** To receive goods and services in a timely and expeditious manner as required for daily operations and capital improvements.

3.0 General Provisions

No procurement of goods and/or services shall be authorized unless it is in compliance with this Policy. Goods and/or services that are obtained without following the provisions of this policy may not be accepted and any invoices received may not be

processed for payment.

Wherever possible, it should be the intent of the department to procure goods and/or services of like nature as a combined effort in order to benefit from economies of scale.

This policy will be reviewed and revised on a periodic basis. It is anticipated that reviews will be conducted every five (5) years or more frequently as required.

4.0 Definitions

In this by-law,

"Award" means authorization to proceed with the purchase of goods and/or services from a chosen supplier.

"Best Value" means evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in the tender documents.

"Bid" means an offer or submission from a supplier in response to a Bid Solicitation which is subject to acceptance or rejection by the City.

"Bid Deposit" means the form of security required by the terms and conditions of Bid Solicitations to guarantee that the successful supplier enters into a contract with the City, as required by Section 10.5.6 of this By-law.

"Budget" means the budget or portion of the budget approved by Council.

"Change Work Order" means work that is added to or deleted from the original scope of work of a contract, which alters the original contract amount and/or completion date.

"City" means The Corporation of the City of Temiskaming Shores.

"City Manager" means the official appointed as the administrative manager of the City of Temiskaming Shores or his/her designate.

"Clerk" means the Municipal Clerk of the City or his/her designate.

"Compliant Bid" means a bid that meets the terms and conditions of the bid solicitation and this by-law.

"Conflict of Interest" means a situation where a personal, business or other interest of an elected or appointed official, officer or employee of the City is or can be reasonably be perceived to be in conflict with the interest of the City and includes but is not limited to:

- a) The giving or receiving of a direct or indirect personal gain or benefit or a direct

or indirect advantage or privilege by any person or business that offers goods and/or services to the City;

- b) A direct or indirect interest in any business that provides goods and/or services to the City;
- c) A conflict of interest as defined in the Municipal Conflict of Interest Act; or
- d) A conflict of interest as defined in the City's Code of Ethics/Conflict of Interest policy as may be amended.

"Construction" means a construction, reconstruction, demolition, repair or renovation of a building, structure or other engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, the supply of products and materials and the supply of equipment and machinery incidental to the construction and the installation and repair of fixtures of a building, structure or other engineering or architectural work.

"Contract" means a binding agreement between two or more parties that creates an obligation to provide goods or perform services.

"Cooperative Procurement" means the participation of two or more municipalities, levels of governments or public agencies in a joint bid solicitation.

"Council" means the Council of The Corporation of the City Temiskaming Shores.

"Department" means an operational department with the City of Temiskaming Shores.

"Department Head" means an employee who has been designated by the City as one who directs or oversees a department and the employees within that department or his/her designate or any successor position thereto.

"Emergency" means a situation where the procurement of goods and services requires immediate action to prevent or correct dangerous or potentially dangerous safety conditions, further damage, to restore minimum service or ensure the safety of the public.

"Fair Market Value" means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm's length who are fully informed and not under any compulsion to transact.

"Goods" means, in relation to procurement, moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property), including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract.

"Lowest Compliant Bid" means the compliant bid that would provide the City with the desired goods and/or services at the lowest cost.

"Manager/Supervisor" means an employee of the City holding the position of manager/supervisor.

"Negotiation" means a purchasing method whereby the City may negotiate directly with one or more suppliers with the intent to award a contract or extend an existing contract.

"Point of Sale" means the procurement of goods and/or services directly from a services supplier, retailer, wholesaler or by ordering through a catalogue or product guide.

"Procurement" means to acquire goods and/or services by purchase, rental, lease or trade.

"Purchase Order" means a written confirmation of the purchase of goods and/or services at a specific cost.

"Quotation" means a binding statement of price, terms of sale and description of goods and/or services offered by a supplier.

"Request for Proposal (RFP)" means a competitive procurement process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution.

"Request for Quotation (RFQ)" means a request for prices on specific goods and/or services from vendors where the comprehensive technical specifications can be developed.

"Request for Tender (RFT)" means a competitive procurement process for obtaining competitive bids based on precisely defined requirements for which a clear or single solution exists.

"Services" means intangible products that do not have a physical presence and includes Professional Services. No transfer of possession or ownership takes place when services are sold and they 1) cannot be stored or transported; 2) are instantly perishable; and 3) come into existence at the time they are bought and consumed.

"Single Source" means the non-competitive procurement process to acquire goods and/or services from a specific supplier even though there may be more than one supplier capable of delivery of the same goods and/or services.

"Supplier" means any individual or organization offering goods and/or services including but not limited to contractors, consultants, vendors or service organizations.

"Tender" means a written detailed offer from a supplier to supply goods and/or services to the City.

"Treasurer" means the Treasurer for the City or his/her designate.

5.0 Responsibilities

5.1 Council

- Approve and adopt this policy.
- Actively support the Procurement Policy.
- Approve amendments as required.

5.2 City Manager

- Approve amendments to this policy which are minor in nature and which do not result in a change to the intent of the policy.
- Actively support the Procurement Policy.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.3 Department Heads

Be responsible for and ensure that all expenditures for their departments are in compliance with the purchasing and budget policies.

- Designate employees within their departments the authority to procure.
- Actively support the Procurement Policy.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.4 Treasurer

- Recommend necessary amendments to this policy for the consideration of the City Manager and Council.
- Provide interpretations and recommendations to the City Manager and/or Council in regard to the interpretation and implementation of this policy.
- Monitor adherence to the regulations of this policy.
- Actively support the Procurement Policy.
- Develop and implement procedures to enhance the efficiency of this policy.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.5 Other Designated Staff

- Procure goods and/or services in an efficient and cost-effective manner.
- Make all procurements on a competitive basis, without favouritism, in the

best interest of the municipality consistent with quality, quantity, service and delivery except where a non-competitive commodity is required.

- Ensure the greatest value for the City by exercising professional procurement practices, free from influence and interference, and encourage where practical, standardization and open and competitive bidding.
- Promote the procurement methods and tools outlined in this policy to allow staff to effectively and efficiently carry out their responsibilities and acquire goods on time.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

6.0 Approval Authority

Any person with delegated approval authority pursuant to this policy shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit and documentation requirements of the City.

All applicable taxes, duties and shipping shall be included in determining the procurement limit of authorized delegates and the type of procurement process to be followed.

The following body and persons shall have the respective approval authority as set out below. All dollar values are based on transaction amounts and must be within the pre-approved budget limits.

6.1 Council

Council must approve by by-law or resolution the following:

- RFP or RFT greater than \$100,000
- RFQ greater than \$50,000
- Sole source or single source greater than \$50,000
- Change Work Orders or Contract Extensions greater than \$50,000

6.2 City Manager

City Manager may approve the following:

- RFP and RFT up to \$100,000
- RFQ up to \$50,000
- Invoices or purchase orders up to \$100,000
- Sole source or single source up to \$50,000

- Change Work Order or Contract Extension up to 10% of the total contract amount for contracts previously approved by Council
- Appointment of Consulting Services not exceeding \$50,000

6.3 Department Heads

Department Heads may approve the following:

- RFQ, RFP, RFT up to \$25,000
- Invoices or purchase orders up to \$25,000
- Change Work Orders or Contract Extensions up to 5% of the total contract amount for contracts previously approved by Council
- Appointment of Consulting Services not exceeding \$25,000

6.4 Treasurer

The Treasurer is the Controller/Compliance Officer for the purpose of this policy and has:

- Authority to approve invoices or purchase orders up to \$25,000
- Authority to approve all routine/repetitive invoices for goods and/or services as approved within annual budget estimates (ie. utility bills, DTSSAB, policing, etc.)
- Authority to approve all invoices for goods and/or services as approved by Council agreement (by-law and/or resolution)

6.5 Municipal Clerk

The Municipal Clerk may approve the following:

- RFQ up to \$10,000
- Invoice or purchase orders up to \$10,000

6.6 Manager/Supervisors

Managers/Supervisors may approve the following:

- RFQ up to \$10,000
- Invoice or purchase orders up to \$10,000

6.7 Public Works Clerk

The Public Works Clerk may approve the following:

- RFQ up to \$5,000

- Invoice or purchase orders up to \$5,000

6.8 Other Designated Staff

Approval limits for other designated staff will be established by the City Manager as part of the City's procurement procedures.

7.0 Statement of Ethics

All employees who are authorized to procure goods and/or services on behalf of the City are to adhere to the following:

- 7.1** Open and honest dealings with everyone who is involved in the procurement process. This includes all businesses with which the City contracts or from which it procures goods and/or services.
- 7.2** Fair and impartial award recommendations for all contracts and tenders. This means that no preferential treatment is extended to any supplier, including local companies. Not only is it against the law, it is not good business practice since it limits fair and open competition for all potential suppliers and is therefore a detriment to obtaining the best possible value for each tax dollar.
- 7.3** An irreproachable standard of personal integrity on the part of all those delegated as procurement representatives for the City. Absolutely no gifts or favours are accepted by the procurement representatives of this City in return for business or the consideration of business. Also, the procurement representatives of this City do not publicly endorse one company in order to give that company an advantage over others.
- 7.4** An employee who fails to act in accordance with the provisions of this policy will be subject to appropriate disciplinary action consistent with the City's Disciplinary Policy.

8.0 Conflict of Interest

No appointed officer or employee of the City shall have any pecuniary or controlling interest either direct or indirect in any competitive bid or contract for the supply of goods and/or services to the City, unless such pecuniary interest is disclosed by the contractor, bidder or person submitting a quotation, as the case may be, or unless such pecuniary interest would be exempt under the Municipal Conflict of Interest Act.

In this section, "controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over equity shares of the corporation carrying more than ten percent of the voting rights attached to all equity shares of the corporation.

For the purpose of this section, a person has an indirect pecuniary interest in any competitive bid or agreement entered into by a corporation, if:

- The person or his or her nominee is a shareholder in or a direct or senior officer of a corporation that does not offer in securities to the public.
- Has a controlling interest in or is a director or senior office of a corporation that offers securities to the public.

For the purposes of this section, an appointed officer or employee of the City has an indirect pecuniary interest if the person is a partner of a person or is in the employment of a person or body that has entered into a tender, proposal, quotation or contract with the City.

For the purposes of this section, the pecuniary interest in a tender, proposal, quotation or contract of a parent or spouse or any child of an elected official, appointed officer or employee shall, if known to the person, be deemed to be also a pecuniary interest of the elected official, appointed officer or employee as the case may be.

9.0 Prohibitions

9.1 Division of Contracts

No employee of the City shall divide a procurement or a contract to avoid the requirements of the tender, proposal, quotation or corporate business card procedures. Nor shall procurements be split in order to circumvent prescribed spending authority dollar limits.

9.2 Interference in the Procurement Process

Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any potential supplier to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the City. This also includes a contract with any other municipality, local board or public body involved in the procurement of goods and/or services either jointly or in co-operation with the City.

Elected officials shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Elected officials should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Elected officials who receive inquiries from suppliers related to any specific procurement shall immediately direct those inquiries to the Department Head in charge of the procurement.

9.3 Independent Contractor Status

No contract for goods and/or services shall be awarded where the outcome of said contract would result in the establishment of an employee-employer relationship.

10.0 Procurements Methods

The designated procurement staff shall determine the procurement process to be used to procure goods and/or services and they will ensure an open, fair and transparent process. A competitive process will invite qualified providers to compete by making a fair offer to the City. The competitive process includes price inquiries, quotations, tenders, proposals and expressions of interest.

The procurement methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

All methods of procurement, except for the exemptions in Item 12, shall be conducted through or reviewed by the Department Head.

10.1 Corporate Business Card

Corporate Business Cards shall be used in the following circumstances:

- Point of Sale procurements (POS)
- Online procurements
- Telephone/email procurements
- In any circumstances where a Corporate Business Card is accepted.

For procurements by staff within their applicable approval limits where:

- The goods and/or services are readily available at retail outlets or from service providers
- Are required on an item by item basis

Approved employees will be issued Corporate Business Card to use for procurements, up to approval limits, of goods and/or services in support of sound business practices. The provision of a Corporate Business Card is based on the need to procure goods and/or services for the City and the card may be revoked based on change of assignment or location. The provisions of a Corporate Business Card is not an entitlement nor reflective of title or position.

Benefits of the Corporate Business Card program accrue at the Finance level by reducing the number of cheques processed and at the supplier level by reducing their invoicing to the City and the time for payment.

No employee shall use the Corporate Business Card to procure goods and/or services unless appointed and authorized by the delegate. Any use of a Corporate Business Card shall be in accordance with the Procurement Policy and all other City by-laws and policies. Department Heads are ultimately responsible for ensuring that procurements within their department are made in accordance with the applicable by-laws and policies.

A Corporate Business Card will be issued once the employee has read, signed and submitted the Cardholder Agreement form to the Treasurer, which sets out in writing the employee's responsibilities and restrictions regarding the use of the card.

All Corporate Business Cards issued will have a predetermined "single transaction limit" and a "monthly credit limit".

All Corporate Business Cards will be blocked from obtaining cash advances.

Suppliers will not be rejected for refusing to accept the Corporate Business Card.

The City assumes liability for all authorized charges on the Corporate Business Cards, not the individual cardholder.

Cardholders are required to provide detailed and itemized receipts appropriately received and coded for processing for each transaction.

The Corporate Business Card shall not be used:

- For any procurement of goods and/or services that are prohibited under the Procurement Policy or any other City by-law or policies
- For personal use
- When the total procurement price exceeds the single purchase limit on the card*

* **Note:** if a transaction is in excess of the single purchase limit on the applicable purchasing card, the purchaser may apply to the Finance department for use of the City's main corporate purchasing card as per the Corporate Purchasing Card procedures.

Individual transactions are not to be subject to splitting, which is the practice of committing multiple Corporate Business Card transactions to circumvent delegated authority levels and thus bypassing the City's competitive bidding process, nor are the cards to be used on a repetitive basis to circumvent prescribed approval authority limits. With the appropriate approvals, cardholder limits may be increased either temporarily or permanently based on need by the City Manager.

Permanent full-time employment status is required to obtain a Corporate Business Card.

Misuse of the Corporate Business Card and/or failure to meet the Cardholder's responsibilities may result in cancellation of the employee's authority to use a Corporate Business Card and/or further disciplinary action as per the City's Disciplinary Policy.

Procurements under a \$2,000 dollar value do not require an RFQ, RFP, RFT or purchase order; however, obtaining competitive quotes is considered good business

practice and should be obtained.

10.2 Request for Quotation (FRQ)

Request for Quotation (RFQ) may be used when:

- The estimated price is not greater than \$50,000
- The requirements can be fully defined
- The best value can be achieved by an award selection made on the basis of the lowest quotation that meets specifications

i) Informal Quotations (under \$2,000)

The City shall obtain competitive pricing for procurement in an expeditious and cost effective manner through phone, vendor advertisements or catalogues and other similar communication methods.

Procurements under a \$2,000 dollar value do not require an RFQ, RFP, RFT or purchase order; however, obtaining competitive quotes is considered good business practice and should be obtained.

ii) Informal Quotations (\$2,000 to \$15,000)

The City shall obtain written competitive pricing for procurement in an expeditious and cost effective manner through fax, email or mail from at least two (2) potential vendors.

Informal quotations are used when procuring goods and/or services for general operating expenditures.

iii) Formal Quotations (\$15,001 to \$50,000)

Formal quotations shall be used for higher value procurements and where a more detailed outline of the proposed goods and/or services is required to obtain the best value.

Designated staff will prepare the solicitation document and send it to at least three (3) potential vendors and evaluate the responses to the solicitation.

See Section 11.5 General Provisions for more details on the process required to be followed.

10.3 Request for Tenders (RFT)

Request for Tender (RFT) may be used in the circumstances set out in Section 10.2 but shall be used when:

- The estimated price is \$50,000 or greater
- The requirements can be fully defined to permit the evaluation of tenders against clearly stated criteria
- Best value can be achieved by an award selection made on the basis of the lowest tender that meets specifications

10.4 Request for Proposal (RFP)

Request for Proposal (RFP) may be used when:

- One or more of the criteria for issuing a call for Tender or Quotation cannot be met
- The requirements are best described in a general performance specification
- Innovative solutions for a procurement are sought

10.5 General Provisions

City of Temiskaming Shores personnel must not release any information made available as an employee that is not available to the public on request. Information made available to a potential supplier must be made available to all potential suppliers. During the competitive processes, personnel shall not release any information which may provide one supplier with an advantage over another.

Any and all information provided, with the exception of documents relating to a Public Tender Opening, by a potential supplier during these processes shall remain confidential pending analysis and award.

Department Heads or other designated staff shall be responsible to:

- i) Prepare solicitation document submissions which must be addressed to the attention of the Municipal Clerk and include the Quotation, Tender or Proposal number and designated closing date and time.
- ii) Where applicable, solicitation document instructions are to include as part of the terms and conditions the requirement that the bidder must furnish evidence of compliance with the requirements of the Workplace Safety and Insurance Board and Harmonized Sales Tax.
- iii) Where applicable, solicitation documents must clearly indicate insurance requirements to be provided by the successful bidder and must furnish the municipality with a Certificate of Insurance which provides for an additional insured clause naming the municipality under the general comprehensive liability insurance. For contractors with automobile liability insurance only, proof of insurance will be required.
- iv) Where applicable, all documents shall have provision for a document fee as approved in the Municipal Fees By-law.

- v) Where applicable, Bid Deposits for a specified amount shall be in the form of a bid bond, certified cheque, money order or letter of credit.
- vi) The municipality does not pay interest on bid deposits.
- vii) Bid deposits must be original documentation, signed and sealed as appropriate.
- viii) Competition ads and solicitation documents shall include a clause that reads *the lowest or any tender may not necessarily be accepted*.
- ix) A competitive process will be advertised in local media and on the City website when the goods and/or services is valued over \$50,000 or when the value is under \$50,000 and it is necessary or practical to do so for fair notice of the competition and may be mailed to qualified service providers/suppliers.
- x) A copy of the solicitation document must be provided to the Municipal Clerk.
- xi) All submissions must be received by the Municipal Clerk and upon receipt the time and date shall be indicated on the envelopes.
- xii) Any changes or additional information shall be provided in writing to all parties who have supplied bid documents. This will ensure that no parties shall have an unfair advantage during the bid process.
- xiii) Disclosure of information received relevant to the issue of solicitation requests or award of contracts as a result of any solicitation shall be made to the Municipal Clerk in accordance with the provisions of the Municipal Freedom of Information and Protection to Privacy Act, as amended.
- xiv) The Municipal Clerk is responsible to maintain current insurance certificates and WSIB certificates or any other documentation as called for in the solicitation documents.
- xv) Original documents must remain with and will be retained by the Municipal Clerk.

10.6 Submission of Bids

Unless otherwise indicated in the competitive bid documents, bids shall be accepted in paper form at City Hall prior to the time and date specified by the competitive bid.

The closing time shall be clearly stated in the competitive bid documents.

In the event of a requirement to change the closing date and/or time of a bid submission, all parties who have been provided with the bid documents shall be advised in writing of the change.

Bids received at City Hall later than the specified closing time shall be returned unopened to the bidder. The official time is the time/date stamp.

A bidder who has already submitted a bid may submit a further bid at any time up to

the official closing time and date specified by the competitive bid documents. The last bid received shall supersede and invalidate all bids previously submitted by the same bidder.

A bid may be withdrawn at any time up to the official closing time by letter on original letterhead bearing the same signature as in the bid submission.

10.7 Bid Opening

The opening of bids shall commence shortly after the bid closing time, unless the Clerk or designate postpones the start to some later time, but the opening shall continue once started until the last bid is opened.

In the event of unforeseen circumstances and the need for postponement of the competition opening, the City shall make every endeavor to notify all proponents at the earliest possible opportunity when circumstances become known.

The Clerk shall first before reading the submitted name, consult with the "Ineligible to Bid" list. Should the proponents name appear on such list, the Clerk shall declare the proponent to be ineligible to bid and the submission returned to the proponent unopened.

The Clerk shall read aloud the proponents name and final bid price, along with the statement "all offered prices are offers only and subject to scrutiny". All proponents whether successful or not will be notified of results, in writing at a later date.

10.8 Evaluation of Bids

i) No Acceptable or Equal Bids

Where bids are received that exceed budget, are not responsive to the requirement or do not represent fair market value, a revised competitive request shall be issued in an effort to obtain an acceptable bid unless the section below applies.

The City Manager and Department Head jointly may waive the need for a revised competitive request and enter into negotiations with the lowest responsive bidder or a highest responsive bidder for a revenue-generating bid selection emanating from a competitive bid, under the following circumstances:

- The total cost of the lowest responsive bid is in excess of the funds appropriated by Council for the project or the highest responsive bid revenue is less than that made in appropriate accounts in Council approved divisional estimates; and
- The City Manager and Department Head agree that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the competitive bid.

The method of negotiation shall be those accepted as standard negotiating procedures that employ ethical public procurement practices in consultation with the Department Head.

The City reserves the right in its absolute and sole discretion to cease negotiations and reject any offer.

In the unlikely event that two (2) or more compliant equal bids are submitted during a competitive bid process, the bid with the earliest official date/time stamp as indicated on the bid envelope will be considered the first bid received.

ii) Only One (1) Bid Received

In the event only one (1) bid is received in response to a competitive bid, the Department Head may return the unopened bid to the bidder when, in the opinion of the City Manager and Department Head, using criteria based on the number of bids which might reasonably be expected on a given type of bid, additional bids could be secured. In returning the unopened bid, the Department Head shall inform the bidder that the City may be re-issuing the competitive bid at a later date.

Or, in the event that only one (1) bid is received in response to a request for competitive bid, the bid may be opened and evaluated in accordance with the City's usual procedures when, in the opinion of the City Manager and Department Head, the bid should be considered by the City. If, after evaluation the bid is found not to be acceptable, the procedures as indicated in the above paragraph may be followed with some modifications.

In the event that the bid received is found acceptable, it will be awarded.

- Fair and impartial award recommendations for all contracts and tenders. This means that no preferential treatment is extended to any supplier, including local companies. Not only is it against the law, it is not good business practice since it limits fair and open competition for all potential suppliers and is therefore a detriment to obtaining the best possible value for each tax dollar.

iii) Supplier Barring Protocol

In order to ensure that the City of Temiskaming Shores (the "City") is receiving quality goods and services and value for public money and in the interests of increasing the efficiency of the procurement process, the City may disqualify suppliers from eligibility to compete for or be awarded City contracts for prescribed time periods for the following reasons:

- a) The supplier brought frivolous or vexatious litigation proceedings against the City.

- b) The supplier failed to honour a proposal submitted in response to a City procurement opportunity.
- c) The supplier failed to disclose conflicts of interest in connection with City procurement opportunities.
- d) The supplier was convicted of bid-rigging, price-fixing or collusion or other statutory offenses.
- e) The supplier engaged in unethical business practices.
- f) The supplier had significant performance issues on a prior contract with the City.

The analysis and factors to be considered by the City in making a decision to disqualify a supplier are set out in greater detail in Appendix D to this policy. Generally, a decision to bar a supplier from submitting proposals or from being eligible from contract award must be exercised cautiously. The decision must be applied fairly, supported by evidence, exercised in accordance with the factors set out in this policy and appropriately approved. While a decision to place a supplier on the disqualification list is discretionary, such a decision must be exercised consistently and fairly.

10.9 Award

i) Contractual Agreement

The award of a contract may be made in writing to the successful proponent by way of an Agreement (By-law), Resolution or Purchase Order.

A Purchase Order or Resolution of Council is to be used when the resulting contract is straightforward and will contain the City's standard terms and conditions, eg. Procurement of materials, goods and services.

An Agreement (By-law) is to be used when the resulting contract is complex and will contain terms and conditions other than the City's standard terms and conditions eg. Construction Projects.

It shall be the responsibility of the City Manager and Department Head to determine if it is in the best interest of the City to establish an agreement with suppliers.

Where an agreement is required, as a result of the award of a contract by delegated approval authority, the Mayor and Municipal Clerk shall execute the agreement in the name of the City upon Council approval.

A purchase order is not required to be issued if an agreement (by-law) or resolution is passed, however may be issued if requested by the supplier.

Where a formal agreement (by-law) is not required, the authorized personnel shall issue an authorized Purchase Order incorporating the terms and conditions relevant to the award of the contract.

ii) Contract Amendments or Change Work Orders

- a) No amendment to a contract shall be made unless the amendment is in the best interest of the City.
- b) No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirements or scope of work.
- c) Amendments to contracts are subject to the identification and availability of sufficient funds within Council approved budgets including authorized amendments.
- d) The City Manager may authorize amendments up to a maximum of 10% of the contract value provided that the total amended value of the contract is within the approved budget limit.
- e) Department Heads may authorize amendments up to a maximum of 5% of the contract value provided that the total amended value of the contract is within the approved budget limit.
- f) Where expenditures for the proposed amendment combined with the price of the original contract exceeds the Council approved budget for the project, a memo or report shall be submitted to Council recommending the amendment and the proposed source of financing.
- g) Council must approve all change work orders over the City Manager's approval % limit and the Department Head's approval % limit.
- h) All contract extensions or change work orders within the approval limit of the City Manager or Department Head shall be reported to Council at the conclusion of the project.
- i) All contract extensions and change work orders must be communicated to the Treasurer for presentation as part of the financial reporting.

iii) Execution and Custody of Documents

The Mayor and Municipal Clerk are authorized to execute formal agreements in the name of the City for which the award was made by delegated authority.

The City Manager, Department Head and/or other authorized personnel shall have the authority to execute Purchase Orders issued in accordance with this Policy.

The Municipal Clerk shall be responsible for the safeguarding of all original procurement and contract documents/records for the contracting of goods, services or construction for which the award is made by delegated authority.

iv) Performance Evaluation

At the outset of a project the Department Head shall institute a performance evaluation process in contracts where the City Manager and/or Department Head determine that a performance evaluation would be appropriate.

The performance evaluation shall rate the supplier, contractor or consultant on standard criteria adopted from time to time (ie. failure to meet contract specifications, terms and conditions, health and safety violations, etc.). A copy of the award letter and performance evaluations shall be provided to the supplier, contractor or consultant in advance of the contract and shall remain constant for the duration of the contract. Performance issues must be noted in writing with a copy to the supplier, Department Head and a copy to the project file.

On completion of the project the Department Head will review the evaluation. All supporting documents pertaining to any substandard performance and comments must be attached to the evaluation document. The Department Head will forward a copy of the completed evaluation to the supplier, contractor or consultant for their records. The supplier, contractor or consultant may request a meeting with the Department Head to discuss the evaluation.

10.10 Non-Competitive Procurements

i) Emergency Procurements

Where an Emergency exists requiring the immediate procurements of goods, services or construction, a Department Head may procure the required goods, services or construction by the most expedient and economical means, notwithstanding any other provision of this By-law. As soon as practicable thereafter, the Department Head shall comply with this By-law.

For all emergency procurements made by a manager/supervisor, the manager/supervisor shall as soon after the procurement as reasonably possible, notify the Department Head with a written report detailing the circumstances of the emergency along with the signed purchase requisition.

In all circumstances where the emergency procurement exceeds \$25,000, the Department Head shall prepare a report to the City Manager.

ii) Single/Sole Source

In circumstances where there may be more than one source of supply in the open market, but only one of these is recommended by the Department Head in consultation with the City Manager for consideration on the grounds that it is more cost effective or beneficial to the City and where the expenditure will exceed \$10,000, approval must be obtained by Council prior to the negotiations with the single source. The Department Head or designate shall be responsible for submitting a report detailing the rationale supporting the use of the single

source and to obtain approval from Council for the tendering procedure to be waived and for authorization to negotiate with the sole source supplier.

In every circumstance where there is a single source supplier selected, a report must be kept on file that includes the reason why a single source supplier was selected. This report should be signed by staff involved in the process, including the Department Head responsible. A copy of this report is to be forwarded to the City Manager.

10.11 Blanket Purchase Order

A Blanket Purchase Order is established when the number of purchase orders issued for the same type of product becomes significant, eg. Office Supplies.

The following conditions will apply to a Blanket Purchase Order:

- For a specified period of time, not exceeding one (1) calendar year;
- Must be with the current budget year;
- Must be for specific, identified items; and
- A formal quotation process is required to the issuance of a blanket purchase order.

More than one supplier may be selected where it is in the best interest of the City and the Bid Solicitation allows for more than one.

The expected quantity of the specified goods, services or construction to be procured over the time period of the agreement will be as accurate an estimate as practical and be based, to the greatest extent possible, on previous usage adjusted for any known factors.

10.12 Co-operative Procurement

The City may where it is in the best interest of the taxpayers, be a member of a co-operative purchasing group made up of several public agencies. This group pools its expertise and resources in order to practice good value analysis and to purchase goods and/or services in volume to save tax dollars. The individual policies of the government agencies or public authorities participating in the co-operative competitive bid are to be the accepted by-law for that particular competitive bid.

The decision to participate in a co-operative procurement agreement will be made by the Department Head for Council consideration and approval.

11.0 Complaint Resolution

The City of Temiskaming Shores encourages the most open, competitive bid process for the procurement of goods and/or services procured utilizing available procurement methods with the objective of equitable treatment of all vendors.

To maintain the integrity of the process, suppliers who believe that they have been treated unfairly shall submit an objection to the City Manager providing sufficient detail regarding the complaint.

The City Manager shall arrange a debriefing with the supplier to explain the evaluation process that led to the selection of the successful supplier.

The City Manager shall investigate the complaint and make a recommendation to the Department Head initiating the procurement, or Council, as appropriate.

To ensure that the complaint process is seen to be fair and impartial, elected officials shall not advocate on behalf of suppliers who have submitted an objection.

12.0 Exceptions

Wherever possible staff will seek to obtain the best possible value for goods and/or services; however, the procurement methods described in this policy may not apply to the procurement of the following goods and/or services:

12.1 Training and Education

- Registration and tuition fees for conferences, conventions, courses and seminars
- Magazines, books and periodicals
- Memberships

12.2 Refundable Council/Employee Expenses

- As per Municipal Business, Travel and Expense Policy
- As per Collective Agreement

12.3 Employer General Expenses

- Payroll deduction remittances
- Insurance Premiums (Health, Liability)
- Postal Services
- Courier Services
- Licences (communication, vehicle, amusement devices, etc.)

- Debenture payments
- Damage claims
- Petty cash replenishments
- Tax remittances
- Other government agencies (federal, provincial, municipal)

12.4 Utilities

- Hydro
- Natural Gas
- Telephone
- Cell Phone
- Hot Water Tank Rentals
- Internet

12.5 Advertising

- Radio
- Television
- Newspaper
- Magazine

12.6 Professional Services

- Medical services
- Expert witnesses
- Municipal solicitor
- Municipal auditor
- Collection agency
- Appraisers
- Banking services

Bid Irregularities

	Irregularity	Response
1	Late Bids	Automatic Rejection Returned unopened to the bidder (if known)
2	Unsealed Envelopes	Automatic Rejection
3	Insufficient Financial Security	
	a) No bid deposit, uncertified cheque or financial security not an original (photocopy or facsimile of a financial security)	Automatic Rejection
	b) Amount of Financial Security is insufficient:	Automatic Rejection
	i) Amount of security is expressed as a percentage of total sum	Automatic Rejection; unless in the opinion of the Department Head or City Manager, the insufficiency in the financial security is trivial or insignificant
	ii) Amount of security is expressed as a dollar figure	Automatic Rejection
	c) Name or signature of supplier or bonding company are missing or incomplete	Automatic Rejection
	d) Failure to provide letter of agreement to bond (if required)	Automatic Rejection
4	Bid Document – Execution	
	a) Bids completed in erasable medium	Automatic Rejection
	b) Signature of Representative	
	i) Signature of representative authorized to bind the supplier missing or incomplete on bid document	Automatic Rejection
	ii) Electronic signature of representative authorized to bind the supplier shown on Form of Submission	Two (2) working days* to obtain original signature
	c) Form of Proposal or Quotation missing or incomplete	Two (2) working days* to correction to the satisfaction of the Department Head, otherwise automatic rejection
	d) Form of Tender missing or incomplete	Automatic Rejection
	e) Signature of witness, if required, missing or incomplete	Two (2) working days* to correct, otherwise automatic rejection
	f) Date of Bid missing or incomplete	Two (2) working days* to correct, otherwise automatic rejection, or if stated in the Bid Solicitation, automatic rejection
5	Incomplete, illegible or obscure Bid or Bids which contain information not called for, erasures, overwriting or strike outs (not initialed)	Two (2) working days* to correct to the satisfaction of the Department Head, otherwise automatic rejection

6	Document, in which all necessary Addenda have not been acknowledged	Two (2) working days* to confirm Bid to the satisfaction of the Department Head or if stated in the Bid Solicitation, automatic rejection
7	Failure to attend mandatory site visit (if required)	Automatic Rejection
8	Bid received on documents other than those provided in the Bid Solicitation	Automatic Rejection unless allowed for in the bid Solicitation
9	Failure to insert the bidder’s business name in the space provided in the Bid Solicitation Form	Automatic Rejection unless in the opinion of the Department Head, the incomplete nature is trivial or insignificant
10	Mathematical Errors	Two (2) working days* to initial the correction as made by the Corporation. Unless otherwise stated in the Bid, the unit price shall prevail and the total Bid price shall be adjusted accordingly. The Corporation reserves the right to waive initialing and accept the Bid as corrected
11	Qualified Bids (Bids qualified or restricted by an attached statement)	Automatic Rejection
12	Bids containing minor obvious clerical errors	Two (2) working days* to confirm Bid to the satisfaction of the Department Head
13	Any other irregularities	The Department Head or designate shall have the authority to waive other irregularities or grant two (2) working days to initial such other irregularities considered to be minor.
* Where “working days” is specified, this is from the hour the Bidder is notified by municipal staff of the irregularity.		

Levels of Approval Authority

Approval Authority	Dollar Value (including taxes, duty or shipping)	Tool/Procurement Process	Policy Section
Council	Greater than \$50,000	Single or Sole Source	6.1
	Greater than \$100,000	RFQ, RFP or RFT	
	Greater than 10% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
City Manager	Up to \$50,000	Single or Sole Source	6.2
	Up to \$100,000	RFQ, RFP or RFT	
	Up to 10% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
Department Head	Up to \$25,000	Invoices/Purchase Orders	6.3
	Up to \$25,000	RFQ, RFP, RFT	
	Up to 5% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
Treasurer	Up to \$25,000	Invoices	6.4
Manager/ Supervisor	Up to \$10,000	Invoices/Purchase Orders	6.5
	Up to \$10,000	RFQ	
An employee authorized by the City Manager	As approved by City Manager	Invoices/Purchase Orders	6.6

Procurement Thresholds and Methods

Procurement Thresholds	Procurement Methods	Process
\$0 - \$2,000	Open procurement	<ul style="list-style-type: none"> ➤ No quotations required ➤ Utilize corporate purchasing card whenever possible
\$2,000 - \$15,000	Informal Quotation	<ul style="list-style-type: none"> ➤ Two (2) or more competitive written quotations by fax, email or mail ➤ Purchase order required
\$15,001 - \$50,000	Formal Request for Quotation or Proposal or Tender	<ul style="list-style-type: none"> ➤ Formal process of bid solicitation ➤ Section 11.5 General Provision for details
\$50,000 or greater	Formal Request for Tender or Proposal	<ul style="list-style-type: none"> ➤ Formal process of bid solicitation ➤ Section 11.5 General Provision for details

Note: Obtaining competitive quotes is considered good business practice and should be obtained during all procurement methods.

Supplier Barring Protocol

1.0 Reasons for Disqualification

The City may disqualify a supplier for one of the following five categories of reasons:

1.1 Litigation

If a supplier engages in litigation against the City, the City may consider whether or not such litigation should disqualify that supplier from participating in future procurement opportunities with the City. Note that litigation brought by the City against a supplier is addressed in Section 1.5.

A supplier who engages in litigation against the City should only be disqualified in connection with the litigation proceedings if there are valid commercial or business reasons for doing so. Disqualification should not be exercised as retaliation against a supplier for bringing a legitimate lawsuit against the City. In evaluating whether a litigious supplier should be disqualified, the City should consider the following qualitative factors in its analysis:

- Is there a connection between the type of work being procured and the current procurement opportunity?
- Is there a history of litigious conduct with the supplier and has that history resulted in increased costs to the City?
- What was the outcome of the litigation? For example, was it frivolous/vexatious or were damages awarded in favour of the supplier?
- Does the supplier's litigation with the City call into question the supplier's ability to provide the work or services that are the subject of the current procurement opportunity?

1.2 Failure to Honour a Proposal

If a supplier submits a proposal or submission in response to a City procurement opportunity and that supplier subsequently refuses to honour its submission or the pricing included in that submission, the City may consider disqualifying that supplier from participating in future procurement opportunities with the City. However, a supplier should not be disqualified if its failure to honour a proposal or submission was a legitimate withdrawal of that submission. Accordingly, the reason why a proponent did not honour its submission must be analyzed and considered in making a decision to disqualify that supplier. Factors that the City may consider in such analysis include, but should not be limited to, the following:

- If the City and the highest-ranked supplier in a procurement opportunity attempt to negotiate an agreement and for valid business reasons are unable to come to an agreement, that supplier should not be disqualified.
- If a proponent fails to honour its submitted pricing because of a change in

market conditions, the City should consider whether pricing fluctuations are common in the industry. If price increases are common, the City should consider whether the proponent should have factored this into their submitted pricing. For example, could the market conditions have been reasonably predicted within the industry?

- If a proponent does not honour its submission because it is too busy on other contracts at the time of award and the procurement opportunity was awarded according to the published timetable, the City should consider disqualifying that proponent because proponents should only submit proposals if they are capable of delivering the services.
- Other reasons for a proponent's failure to honour a submission or pricing should be reviewed contextually and fairly.

1.3 Failure to Disclose a Conflict of Interest in Connection with a City Procurement Opportunity

If a proponent fails to disclose a conflict of interest during a City procurement opportunity or during the performance of a contract with the City and the City subsequently discovers that such a conflict of interest exists, the City may disqualify that supplier from participating in future procurement opportunities after conducting an analysis based on the following factors:

- The nature of the conflict of interest, including whether it is a perceived or an actual conflict of interest and the materiality of the advantage that such a conflict may have given the supplier.
- Whether the supplier knowingly failed to disclose such a conflict of interest.
- The impact such a failure to disclose the conflict of interest had or may have on the City, including its reputation and the impact on its obligation to conduct a fair competitive procurement process.

1.4 Participation in Bidding Practices that are Sanctioned by Statute, including the Criminal Code or the Competition Act

If the City has reason to suspect that a proponent or proponents are engaged in bid-rigging, price-fixing, bribery or collusion or other behaviours or practices sanctioned by federal or provincial statutes in connection with a City procurement opportunity, the City should contact the appropriate authorities and provide such assistance as is required to support a subsequent investigation and, if applicable, prosecution. If a supplier is convicted of bid-rigging, price-fixing or collusion or other behaviours or practices sanctioned by federal and provincial statutes in connection with a City procurement or in connection with other public sector procurements, the City may disqualify that proponent for a minimum period of one year.

1.5 Unethical Bidding Practices

A proponent may engage in unethical bidding practices that do not amount to a

criminal or statutory offense, but such practices may still warrant disqualification from bidding on the City procurement opportunities. Examples of such unethical bidding practices include inappropriate offers of gifts to City employees from potential suppliers, misrepresentations in proposals and inappropriate in-process lobbying of or communications with City employees by proponents during a procurement process. The City must conduct a full review of the unethical practice in question and perform a contextual analysis to determine whether or not the proponent or supplier in question should be disqualified, including consideration as to the impact the unethical bidding practice had on the City's ability to run a fair procurement process.

1.6 Poor Performance

If a supplier performs poorly on an existing contract with the City, the City may consider disqualifying that supplier in the following circumstances:

- The contract was terminated for performance issues prior to expiry.
- There were un-rectified performance issues on a contract that resulted in extra costs to the City.
- The goods were defective and were not replaced or repaired or required multiple repairs.
- The City felt it was necessary to engage in litigation against the supplier in connection with issues related to the contract.
- The supplier received a performance rating of less than 50% on a contract with the City.
- The supplier received an average performance rating of less than 80% on three contracts with the City.

In order to disqualify a supplier for one of the contract performance-related issues set out above, the contract in question must have been effectively managed by the appropriate City staff. Effective management includes giving written notification to the supplier of performance issues and documenting the escalation of such performance issues. Further, the department must have conducted a performance evaluation at the end of the contract in accordance with the form and content prescribed by Finance. Such performance evaluations will rate factors such as adherence to the terms of the contract, quality of goods or services and responsiveness to City requests. Each supplier must be given a performance rating out of 100 points. Performance ratings of less than 80 points must be supported by appropriate communications and correspondence to the supplier outlining performance issues.

2.0 Disqualification Process

2.1 A proposal to disqualify a supplier must be supported by a written business case that contains all details connected with the analysis using the factors set out in Section 1.0 above.

- 2.2** The business case should also include the proposed length of the disqualification. A supplier may be disqualified for a period of up to five (5) years. The length of the disqualification period should be fair and proportional to the reasons for the disqualification and the full five-year suspension should only be applied in the most serious of disqualifications. A disqualification can either be a blanket disqualification or a disqualification to provide specific goods or services and the business case should clearly set out the scope of the disqualification.
- 2.3** All decisions to disqualify a supplier must be approved by the City manager, unless the City Manager was involved with the specific contract at issue, in which case the business case should be approved by the Treasurer. The decision-maker must consider the written business case, together with all documentation associated with the business case and the specific facts leading up to the proposed disqualification. The decision-maker should consider seeking external advice when appropriate. In addition, the decision-maker should consider seeking written representations from the supplier in question and factoring such written representations into the decision-making process where the documentation supporting the business case is unclear or where it is important to consider the suppliers' perspective on the particular matter.
- 2.4** If the disqualification business case has been approved, the Municipal Clerk should write to the supplier in question informing that supplier that it is disqualified from submitting proposals or responses in respect of the City procurement opportunities for the prescribed time period. The notification letter should contain:
- Full details as to the reasons for the disqualification, including copies of any documents or correspondence to support such a disqualification.
 - The length of the disqualification period and the scope, if applicable.
 - The supplier's right to re-apply for eligibility within the prescribed time period and the process for requesting such a re-application.

3.0 Review of Disqualification

A disqualified supplier may apply to be re-eligible to submit proposals or submissions to the City procurement opportunities upon the completion of half of the original disqualification period. For example, if the original disqualification period was two (2) years, the supplier may apply for review of the disqualification after one year. In order to apply to be re-eligible, the supplier must submit a written case for re-instatement, including supporting documentation if necessary, that provides reasons why the original reason for the disqualification would no longer prove a risk for the City.

Applications for review of eligibility are to be reviewed by the City Manager. If the City Manager is convinced that the reasons for the original disqualification will no longer present risk for the City should it do business again with the supplier in question, then

the City Manager may re-instate the supplier.

4.0 Disqualification List

The City Clerk's department shall maintain a list of all disqualified suppliers. The list should contain the full name of the supplier, the reasons for the suspension, the file number where the business case for the disqualification is filed, the length of the disqualification period and the date of the expiry of the disqualification period. Review of the disqualification list against a list of proponents or respondents should be conducted for each procurement to ensure that disqualified suppliers are not allowed to continue in the process.

The Corporation of the City of Temiskaming Shores

By-law No. 2017-026

**Being a by-law to confirm certain proceedings of Council of
The Corporation of the City of Temiskaming Shores for its
Regular meeting held on February 21, 2017**

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas it is the desire of the Council of The Corporation of the City of Temiskaming Shores to confirm proceedings and By-laws;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the actions of the Council at its Regular meeting held on **February 21, 2017** with respect to each recommendation, by-law and resolution and other action passed and taken or direction given by Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor, or in his absence the presiding officer of Council, and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor, or in his absence the presiding officer, and the Clerk are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

Read a first, second and third time and finally passed this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen